



San Bernardino Community College District
 POLICIES & PROCEDURES ADVISORY
 COMMITTEE (PPAC)
 May 09, 2022
 3:00 pm-4:00 pm Pacific Time

MEETING AGENDA

Policies & Procedures Advisory Committee (PPAC)

Monday, May 9, 2022, 3:00 p.m.

Via Zoom: <https://cccconfer.zoom.us/j/91470895848>

Or Dial-In: 669-900-6833 | Meeting ID: 914 7089 5848

I. Welcome & Introductions

Jose Torres, Co-Chair

II. Approval of Minutes

- A. Confirmation of Quorum
- B. Approval Minutes from April 11, 2022

III. Current Topics

- A. Review of Constituent Feedback and Approve P&P's Designated 10+1
- B. Approval of Level 1 Review of Chapter Lead Recommendations (Level 1 : To Constituents for Info | To Chancellor's Council | To BOT for 1st Read)
 - BP 1200 District Mission Statement (No AP)
 - BP 2200 Board Duties & Responsibilities (No AP)
 - BP|AP 3250 Institutional Planning
 - AP 2712 Conflict of Interest Code (No BP)
- C. Final Approval of BP|AP 7210 and AP 7210A Using Expedited Processing (To Constituents for Info | To Chancellor's Council | To BOT for 1st Read)
 - BP|AP 7210 Academic Employees, Non-Management (Hiring of Full-Time Faculty)
 - BP 7210A Part Time Faculty Recruitment and Faculty Interns

IV. Preparing for 2022-23

- A. Membership Roster
- B. Committee Self-Evaluation Results
- C. Schedule of Review

1. Legal Update 38
2. Legal Update 39
3. Legal Update 40

V. Updates

P&Ps Scheduled for May 12, 2022 BOT (No PPAC Action Required)

- P&P 6320 Investments (final approval)
- P&P 5030 Fees (first read)

VI. Next Meeting Date & Adjournment

The next meeting is scheduled for Monday, August 11, 2022, at 3 p.m.

Committee Charge: PPAC is an advisory committee to the Chancellor's Council charged with updating, creating, developing, and systematically reviewing APs and BPs. PPAC will ensure a continuous evaluation of APs and BPs, will create taskforces and invite subject matter experts, including students, when appropriate for input in the process. The committee forwards recommendations for changes to APs/BPs to the Chancellor's Council.



Policies & Procedures Advisory Committee
Meeting Minutes – April 11, 2022, 3:00 p.m.

Via Zoom: <https://cccconfer.zoom.us/j/91470895848>
Or Dial-In: 669-900-6833 | Meeting ID: 914 7089 5848

I. Welcome & Introductions – Jose Torres & Kristina Hannon, Co-Chairs

Kristina and Jose called the meeting to order at 3:11 p.m.

II. Approval of Minutes

A. Confirmation of Quorum

Quorum was confirmed.

B. Approval of Minutes from March 14, 2022

Keith Wurtz made a motion to approve the March 14 minutes which Ray Carlos seconded. There was no discussion and the motion unanimously passed.

III. Current Topics

A. Review of Constituent Feedback and Vote for Approval to Forward to Chancellor’s Council and BOT First Read

- BP 5030 Fees (no changes; FYI only)
- AP 5030 Fees

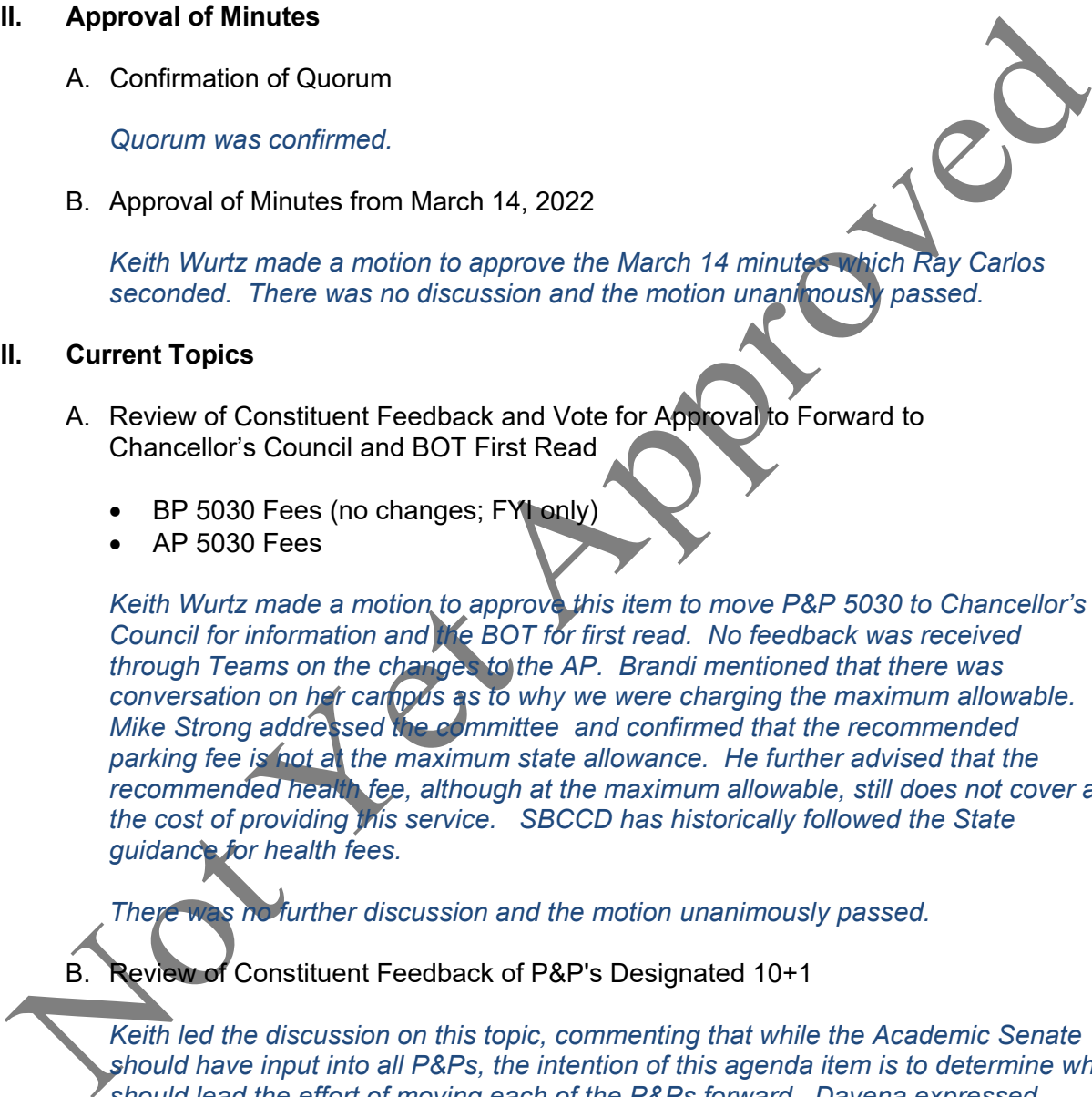
Keith Wurtz made a motion to approve this item to move P&P 5030 to Chancellor’s Council for information and the BOT for first read. No feedback was received through Teams on the changes to the AP. Brandi mentioned that there was conversation on her campus as to why we were charging the maximum allowable. Mike Strong addressed the committee and confirmed that the recommended parking fee is not at the maximum state allowance. He further advised that the recommended health fee, although at the maximum allowable, still does not cover all the cost of providing this service. SBCCD has historically followed the State guidance for health fees.

There was no further discussion and the motion unanimously passed.

B. Review of Constituent Feedback of P&P's Designated 10+1

Keith led the discussion on this topic, commenting that while the Academic Senate should have input into all P&Ps, the intention of this agenda item is to determine who should lead the effort of moving each of the P&Ps forward. Davena expressed concern that the review of P&Ps be broad and consistent.

Brandi clarified that conferring with Academic Senate President is not the same thing as going through the Academic Senate. To meet the criteria for a 10+1 Academic Senate review, P&Ps have a two-meeting process.



The committee members discussed development of tools to document and standardize positions responsible for reviewing/recommending changes. It was suggested that it might be efficient for some of the P&Ps to go through Academic Senate first.

PPAC admin support will forward to the committee for review:

- *Initial P&P designations developed by Keith.*
- *A recommendation cover form with a place to summarize suggested changes and track who has done what, as well as meeting dates for item review.*

C. **New Form to Request PPAC Review of P&Ps (for information only)**

This form will be revised per discussion and submitted to the PPAC members at their next meeting. Ray has questions on several P&Ps and will test the new request for review form.

IV. Updates

A. **P&P 7210 Academic Employees (currently under Chapter Lead Review)**

Kristina reported that Human Resources is awaiting feedback from Academic Senate. They are hoping to get the P&P done in time for the Fall semester, but the priority will be to get it done right.

There was no discussion on the following items.

B. **P&Ps Scheduled for April 14, 2022 BOT (for information only)**

- P&P 6320 Investments (first read)
- P&P 2410 Board Policies & Administrative Procedures (final approval)

V. Future Topics (to be addressed upon establishment of P&P 2410 Board Policies & Administrative Procedures)

- Annual Schedule
- Legal Update 38
- Legal Update 39

VI. Next Meeting Date & Adjournment

The next meeting is scheduled for Monday, May 9, 2022, at 3 p.m. The meeting adjourned at 3:38 p.m.

QUORUM: Definition of Quorum is established by Chancellor's Council. Committees cannot vote or make decisions unless they have met quorum, but in order to encourage participation, committee members can provide a designee or a proxy if they are not able to attend.

yes 1) 50% + one of appointed voting members (not 50% of members plus vacancies).

yes 2) Two persons from each site (CHC, SBVC, DSO)

yes 3) Three of four constituent groups represented (faculty, classified, student, management)

	Representation	Member Name or Vacant	Present or Absent?
1	Executive Vice Chancellor, Co-Chair	Jose Torres	<i>Present</i>
2	Vice Chancellor of HR & Police Services, Co-Chair	Kristina Hannon	<i>Present</i>
3	Management, CHC (<i>appointed by college president</i>)	Keith Wurtz	<i>Present</i>
4	Management, SBVC (<i>appointed by college president</i>)	Ray Carlos	<i>Present</i>
5	Faculty, CHC (<i>appointed by Academic Senate President</i>)	Brandi Bailes	<i>Present</i>
6	Faculty, SBVC (<i>appointed by Academic Senate President</i>)	Davena Burns-Peters	<i>Present</i>
7	Classified, CHC (<i>appointed by Classified Senate President</i>)	Vacant	<i>n/a</i>
8	Classified, SBVC (<i>appointed by Classified Senate President</i>)	Nathan Yearyeen	<i>Present</i>
9	Classified, DSO (<i>appointed by Classified Senate Presidents</i>)	Vacant	<i>n/a</i>
10	ASG President or designee, CHC	Tiana McBride	<i>Absent</i>
11	ASG President or designee, SBVC	Paul Del Rosario	<i>Present</i>
12	Confidential Group (<i>appointed by Administrative Officer</i>)	Cyndie St. Jean	<i>Present</i>
13	EEO Committee Representative (<i>appointed by EEO Committee</i>)	Vacant	<i>n/a</i>
14	CSEA (<i>appointed by CSEA</i>)	Ernest Guillen	<i>Present</i>
15	CTA (<i>appointed by CTA</i>)	Meridyth McLaren	<i>Absent</i>
16	POA (<i>appointed by POA</i>)	Vacant	<i>n/a</i>
17	Black Faculty & Staff	Stephanie Lewis	<i>Absent</i>
18	Asian Pacific Islander Association	Rejoice Chavira	<i>Present</i>
19	Latino Faculty & Staff	Maria Del Carmen Rodriguez	<i>Present</i>

No

BP/AP	Number	Title	Policy Area	Chapter Lead (Point Person)	Other Collaborators	Designated 10+1	Notes
		Click to Link to SBCCD P&Ps	Click to Link to SBCCD P&Ps			Click to Link to 10+1	Click to Link to SBCCD P&Ps
BP	1100	The San Bernardino Community College District	Chapter 1 The District	BOT Chancellor			
BP	1200	District Mission Statement	Chapter 1 The District	BOT Chancellor			
BP	2010	Board Membership	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2015	Student Trustees	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2100	Board Elections	Chapter 2 Board of Trustees	BOT Chancellor			
AP	2100	Board Elections	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2105	Election of Student Trustees	Chapter 2 Board of Trustees	BOT Chancellor			
AP	2105	Election of Student Trustees	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2110	Vacancies on the Board	Chapter 2 Board of Trustees	BOT Chancellor			
AP	2110	Vacancies on the Board	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2130	Term Limits	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2200	Board Duties and Responsibilities	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2210	Officers	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2220	Committees of the Board	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2305	Annual Organizational Meeting	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2310	Regular Meetings of the Board	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2315	Closed Sessions	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2320	Special and Emergency Meetings	Chapter 2 Board of Trustees	BOT Chancellor			
AP	2320	Special and Emergency Meetings	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2330	Quorum and Voting	Chapter 2 Board of Trustees	BOT Chancellor			
AP	2330	Quorum and Voting	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2340	Agendas	Chapter 2 Board of Trustees	BOT Chancellor			
AP	2340	Agendas	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2345	Public Participation at Board Meetings	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2350	Speakers	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2355	Decorum	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2360	Minutes	Chapter 2 Board of Trustees	BOT Chancellor			
AP	2360	Minutes	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2365	Recording	Chapter 2 Board of Trustees	BOT Chancellor			
AP	2365	Recording	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2410	Board Policies and Administrative Procedures	Chapter 2 Board of Trustees	BOT Chancellor		10+1	
AP	2410	Board Policies and Administrative Procedures	Chapter 2 Board of Trustees	BOT Chancellor		10+1	
BP	2430	Delegation of Authority to the Chancellor	Chapter 2 Board of Trustees	BOT Chancellor			
AP	2430	Delegation of Authority to the Chancellor	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2431	Chancellor Selection	Chapter 2 Board of Trustees	BOT Chancellor			
AP	2431	Chancellor Selection	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2432	Chancellor Succession	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2435	Evaluation of the Chancellor	Chapter 2 Board of Trustees	BOT Chancellor			
AP	2435	Evaluation of the Chancellor	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2510	Participation In Local Decision-Making	Chapter 2 Board of Trustees	BOT Chancellor		10+1	
AP	2510	Participation In Local Decision-Making	Chapter 2 Board of Trustees	BOT Chancellor		10+1	
BP	2610	Presentation of Initial Collective Bargaining Proposals	Chapter 2 Board of Trustees	BOT Chancellor			
AP	2610	Presentation of Initial Collective Bargaining Proposals	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2710	Conflict of Interest	Chapter 2 Board of Trustees	BOT Chancellor			
AP	2710	Conflict of Interest	Chapter 2 Board of Trustees	BOT Chancellor			
AP	2712	Conflict of Interest Code	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2714	Distribution of Tickets or Passes	Chapter 2 Board of Trustees	BOT Chancellor			
AP	2714	Distribution of Tickets or Passes	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2715	Code of Ethics/Standards of Practice	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2716	Political Activity	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2717	Personal Use of Public Resources	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2720	Communications Among Board Members	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2725	Board Member Compensation	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2730	Board Member Health Benefits	Chapter 2 Board of Trustees	BOT Chancellor			
AP	2730	Board Member Health Benefits	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2735	Board Member Travel	Chapter 2 Board of Trustees	BOT Chancellor			
AP	2735	Board Member Travel	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2740	Board Education	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2745	Board Self-Evaluation	Chapter 2 Board of Trustees	BOT Chancellor			
BP	2750	Board Member Absence from the State	Chapter 2 Board of Trustees	BOT Chancellor			
BP	3050	Institutional Code of Ethics	Chapter 3 General Institution	Chancellor Chancellor Cabinet			
AP	3050	Institutional Code of Ethics	Chapter 3 General Institution	Chancellor Chancellor Cabinet			
BP	3100	Organizational Structure	Chapter 3 General Institution	Chancellor Chancellor Cabinet			
AP	3100	Organizational Structure	Chapter 3 General Institution	Chancellor Chancellor Cabinet			
BP	3200	Accreditation	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Institutional Effectiveness		
AP	3200	Accreditation	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Institutional Effectiveness		
BP	3225	Institutional Effectiveness	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Institutional Effectiveness		
AP	3225	Institutional Effectiveness	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Institutional Effectiveness		
BP	3226	Awards	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Chancellor		
BP	3250	Institutional Planning	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Institutional Effectiveness		
AP	3250	Institutional Planning	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Institutional Effectiveness		
BP	3280	Grants	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Institutional Effectiveness		
AP	3280	Grants	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Institutional Effectiveness		
BP	3300	Public Records	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Human Resources		
AP	3300	Public Records	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Human Resources		
BP	3310	Records Retention and Destruction	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Human Resources		
AP	3310	Records Retention and Destruction	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Human Resources		
BP	3410	Nondiscrimination	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Human Resources		
AP	3410	Nondiscrimination	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Human Resources		
AP	3415	Immigration Enforcement Activities	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Human Resources		
BP	3420	Equal Employment Opportunity	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Human Resources		
AP	3420	Equal Employment Opportunity	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Human Resources		
BP	3430	Prohibition of Harassment	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Human Resources		
AP	3430	Prohibition of Harassment	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Human Resources		
BP	3433	Prohibition of Sexual Harassment under Title IX	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Human Resources		
AP	3433	Prohibition of Sexual Harassment Under Title IX	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Human Resources		
AP	3434	Responding to Harassment Based on Sex Under Title IX	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Human Resources		
AP	3435	Discrimination and Harassment Resolution Procedures	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Human Resources		
BP	3440	Service Animals	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Human Resources		
AP	3440	Service Animals	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Human Resources		
BP	3500	Campus Safety	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Admin Services		
AP	3500	Campus Safety	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Admin Services		
BP	3501	Campus Security and Access	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Admin Services		
AP	3501	Campus Security and Access	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Admin Services		
BP	3505	Emergency Response Procedures	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Admin Services		
AP	3505	Emergency Response Procedures	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Admin Services		
BP	3510	Workplace Violence	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Admin Services		
AP	3510	Workplace Violence	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Admin Services		
BP	3515	Reporting of Crimes	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Human Resources		
AP	3515	Reporting of Crimes	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Human Resources		
BP	3516	Registered Sex Offender Information	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Human Resources		
BP	3518	Child Abuse Reporting	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Police		
AP	3518	Child Abuse Reporting	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Police		
BP	3520	Local Law Enforcement	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Police		
AP	3520	Local Law Enforcement	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Police		
BP	3530	Weapons on Campus	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Police		
AP	3530	Weapons on Campus	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Police		
BP	3540	Sexual and Other Assaults on Campus	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Police		
AP	3540	Sexual and Other Assaults on Campus	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Police		
BP	3550	Drug Free Environment and Drug Prevention Program	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Police		
AP	3550	Drug Free Environment and Drug Prevention Program	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Police		
BP	3560	Alcoholic Beverages	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Police		
AP	3560	Alcoholic Beverages	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Police		
BP	3570	Smoking on Campus	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Police		
AP	3570	Smoking on Campus	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Police		

Policies Procedures
Showing Existing 10+1 Designation

P.2|4
4/27/2022

BP/AP	Number	Title	Policy Area	Chapter Lead (Point Person)	Other Collaborators	Designated 10+1	Notes
		Click to Link to SBCCD P&Ps	Click to Link to SBCCD P&Ps			Click to Link to 10+1	Click to Link to SBCCD P&Ps
BP	3580	Sustainability	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Administrative Services		
AP	3580	Sustainability	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Administrative Services		
BP	3590	Energy Conservation	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Administrative Services		
AP	3590	Energy Conservation	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Administrative Services		
BP	3600	Auxiliary Organizations	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Administrative Services		
AP	3600	Auxiliary Organizations	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Administrative Services		
BP	3710	Securing of Copyright	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Administrative Services	10+1	
AP	3710	Securing of Copyright	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Administrative Services	10+1	
BP	3715	Intellectual Property	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Administrative Services	10+1	
AP	3715	Intellectual Property	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Administrative Services	10+1	
BP	3720	Computer and Network Use	Chapter 3 General Institution	Chancellor Chancellor Cabinet	TESS		
AP	3720	Computer and Network Use	Chapter 3 General Institution	Chancellor Chancellor Cabinet	TESS		
BP	3725	Information and Communications Technology Accessibility & Acceptable Use	Chapter 3 General Institution	Chancellor Chancellor Cabinet	TESS		
AP	3725	Information and Communications Technology Accessibility & Acceptable Use	Chapter 3 General Institution	Chancellor Chancellor Cabinet	TESS		
AP	3750	Use of Copyrighted Material	Chapter 3 General Institution	Chancellor Chancellor Cabinet	TESS		
BP	3810	Claims Against the District	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Chancellor		
AP	3810	Claims Against the District	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Chancellor		
BP	3820	Gifts and Donations	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Board		
AP	3820	Gifts and Donations	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Board		
BP	3900	Speech: Time, Place, and Manner	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Human Resources	10+1	
AP	3900	Speech: Time, Place, Manner	Chapter 3 General Institution	Chancellor Chancellor Cabinet	Human Resources	10+1	
BP	3915	Printing	Chapter 3 General Institution	Chancellor Chancellor Cabinet	TESS		
AP	3915	Printing	Chapter 3 General Institution	Chancellor Chancellor Cabinet	TESS		
BP	3920	Electronic Mail	Chapter 3 General Institution	Chancellor Chancellor Cabinet	TESS		
AP	3920	Electronic Mail	Chapter 3 General Institution	Chancellor Chancellor Cabinet	TESS		
BP	4000	Instructional Programs	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4010	Academic Calendar	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4010	Academic Calendar	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4020	Program, Curriculum, and Course Development	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4020	Program, Curriculum, and Course Development	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4021	Program Discontinuance	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4022	Course Approval	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4025	Philosophy and Criteria for Associate Degree and General Education	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4025	Philosophy and Criteria for Associate Degree and General Education	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4026	Philosophy and Criteria for International Education	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4026	Philosophy and Criteria for International Education	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4030	Academic Freedom	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4030	Academic Freedom	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4040	Library Services	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4040	Library Services	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4050	Articulation	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4050	Articulation	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4060	Delineation of Functions Agreements	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4060	Delineation of Functions Agreements	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4070	Course Auditing and Auditing Fees	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4070	Course Auditing and Auditing Fees	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4100	Graduation Requirements for Degrees and Certificates	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4100	Graduation Requirements for Degrees and Certificates	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4101	Independent Study	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4101	Independent Study	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4102	Career and Technical Education Programs	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4102	Career and Technical Education Programs	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4103	Work Experience	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4103	Work Experience	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4104	Contract Education	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4105	Distance Education	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4105	Distance Education	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4106	Nursing Programs	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4110	Honorary Degrees	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4110	Honorary Degrees	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4220	Standards of Scholarship - Delegation	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4220	Standards of Scholarship - Delegation	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4222	Remedial Coursework	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4225	Course Repetition	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4225	Course Repetition	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4226	Multiple and Overlapping Enrollments	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4226	Multiple and Overlapping Enrollments	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4227	Repeatable Courses	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4228	Course Repetition - Significant Lapse of Time	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4229	Course Repetition - Variable Units	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4230	Grading and Academic Record Symbols	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4230	Grading and Academic Record Symbols	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4231	Grade Changes	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4231	Grade Changes	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4232	Pass/No Pass	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4232	Pass/No Pass	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4235	Credit for Prior Learning	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4235	Credit for Prior Learning	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4240	Academic Renewal	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4240	Academic Renewal	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4250	Probation, Dismissal, and Readmission	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4250	Probation, Dismissal, and Readmission	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4255	Dismissal and Readmission	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4260	Prerequisites and Co-requisites	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4260	Prerequisites and Co-requisites	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4300	Field Trips and Excursions	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4300	Field Trips and Excursions	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4320	Off-Campus Speakers	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4320	Off-Campus Speakers	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4400	Community Services Programs	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4400	Community Services Programs	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4500	Student News Media	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4500	Student News Media	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4610	Instructional Service Agreements	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	4800	Human Remains	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
AP	4800	Human Remains	Chapter 4 Academic Affairs	Chancellor Designee Academic Senate Presidents		10+1	
BP	5010	Admissions	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5010	Admissions	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5011	Admission and Concurrent Enrollment of	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5012	International Students High School and Other Young Students	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5013	Students in the Military	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5015	Residence Determination	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5015	Residence Determination	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5017	Responding to Inquiries of Immigration Status, Citizenship Status, and National Origin	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5020	Nonresident Tuition	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5020	Nonresident Tuition	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5030	Fees	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5030	Fees	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5031	Instructional Materials Fees	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5031	Instructional Materials Fees	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5035	Withholding of Student Records	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5035	Withholding of Student Records	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5040	Student Records, Directory Information, and Privacy	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5040	Student Records, Directory Information, and Privacy	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5045	Student Records - Challenging Content & Access Log	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	

Policies Procedures
Showing Existing 10+1 Designation

P.3|4
4/27/2022

BP/AP	Number	Title	Policy Area	Chapter Lead (Point Person)	Other Collaborators	Designated 10+1	Notes
		Click to Link to SBCCD P&Ps	Click to Link to SBCCD P&Ps			Click to Link to 10+1	Click to Link to SBCCD P&Ps
BP	5050	Student Success and Support Program	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5050	Student Success and Support Program	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5052	Open Enrollment	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5052	Open Enrollment	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5055	Enrollment Priorities	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5055	Enrollment Priorities	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5070	Attendance Accounting	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5070	Attendance Accounting	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5075	Course Adds, Drops, and Withdrawals	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5075	Course Adds, Drops and Withdrawals	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5110	Counseling	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5110	Counseling	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5120	Transfer Center	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5120	Transfer Center	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5130	Financial Aid	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5130	Financial Aid	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5140	Disabled Student Programs and Services	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5140	Disabled Student Programs and Services	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5150	Extended Opportunity Programs and Services	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5150	Extended Opportunity Programs and Services	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5200	Student Health Services	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5200	Student Health Services	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5203	Lactation Accommodation	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5205	Student Accident Insurance	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5210	Communicable Disease, Students	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5210	Communicable Disease, Students	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5220	Shower Facilities for Homeless Students	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5220	Shower Facilities for Homeless Students	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5300	Student Equity	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5300	Student Equity	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5400	Associated Students Organization	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5400	Associated Students	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5410	Associated Students Elections	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5410	Associated Students Elections	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5420	Associated Students Finance	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5420	Associated Students Finance	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5500	Standards of Student Conduct	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5500	Standards of Student Conduct	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5510	Off-Campus Student Organizations	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5510	Off-Campus Student Organizations	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5520	Student Discipline Procedures	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5530	Student Rights and Grievances	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5530	Student Rights and Grievances	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5570	Student Credit Card Solicitations	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5570	Student Credit Card Solicitation	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5610	Voter Registration	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5700	Intercollegiate Athletics	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5700	Intercollegiate Athletics	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	5800	Prevention of Identity Theft in Student Financial Transactions	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
AP	5800	Prevention of Identity Theft in Student Financial Transactions	Chapter 5 Student Services	Chancellor Designee Academic Senate Presidents		10+1	
BP	6100	Delegation of Authority, Business and Fiscal Affairs	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6100	Delegation of Authority, Business and Fiscal Affairs	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
BP	6150	Designation of Authorized Signatures	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6150	Designation of Authorized Signatures	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
BP	6200	Budget Preparation	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6200	Budget Preparation	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
BP	6250	Budget Management	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6250	Budget Management	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
BP	6300	Fiscal Management	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6300	Fiscal Management	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6305	Reserves	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
BP	6307	Debt Issuance and Management	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6310	Accounting	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6315	Warrants	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
BP	6320	Investments	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6320	Investments	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6322	Employee Indemnity Bonds	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
BP	6325	Payroll	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6325	Payroll	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
BP	6330	Purchasing	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6330	Purchasing	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
BP	6340	Bids and Contracts	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6340	Bids and Contracts	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6345	Bids and Contracts - UPCCAA	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6350	Contracts - Construction	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6365	Contracts - Accessibility of Information Technology	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6370	Contracts - Personal Services	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
BP	6400	Financial Audits	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6400	Financial Audits	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
BP	6450	Wireless or Cellular Telephone Use	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6450	Wireless and Cellular Telephone Use	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
BP	6500	Property Management	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6500	Property Management	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
BP	6520	Security for District Property	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6520	Security for District Property	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
BP	6530	District Vehicles	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6530	District Vehicles	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
BP	6535	Use of District Equipment	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6535	Use of District Equipment	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
BP	6540	Insurance	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6540	Insurance	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
BP	6550	Disposal of Property	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6550	Disposal of Property	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
BP	6600	Capital Construction	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
AP	6600	Capital Construction	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
BP	6610	Local, Minority, Women, and Veteran Owners Enterprise Program	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin			
BP	6620	Naming of Buildings and Other Properties	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin	Foundations		
AP	6620	Naming of Buildings and Other Properties	Chapter 6 Business & Fiscal Services	Executive Vice Chancellor VP Admin	Foundations		
BP	6700	Civic Center and Other Facilities Use	Chapter 6 Business & Fiscal Services	Administrative Services			
AP	6700	Civic Center and Other Facilities Use	Chapter 6 Business & Fiscal Services	Administrative Services			
BP	6740	Citizens' Bond Oversight Committee	Chapter 6 Business & Fiscal Services	Administrative Services			
AP	6740	Citizens' Bond Oversight Committee	Chapter 6 Business & Fiscal Services	Administrative Services			
BP	6750	Parking	Chapter 6 Business & Fiscal Services	Administrative Services			
AP	6750	Parking	Chapter 6 Business & Fiscal Services	Administrative Services			
BP	6751	Parking Citation Payment Plan	Chapter 6 Business & Fiscal Services	Administrative Services			
AP	6751	Parking Citation Payment Plan	Chapter 6 Business & Fiscal Services	Administrative Services			
BP	6800	Occupational Safety	Chapter 6 Business & Fiscal Services	Administrative Services			
AP	6800	Occupational Safety	Chapter 6 Business & Fiscal Services	Administrative Services			
AP	6850	Hazardous Materials	Chapter 6 Business & Fiscal Services	Administrative Services			
BP	6900	Bookstores	Chapter 6 Business & Fiscal Services	Administrative Services			
AP	6900	Bookstores	Chapter 6 Business & Fiscal Services	Administrative Services			
BP	6925	Refreshments or Meals Served at Meetings and District Events	Chapter 6 Business & Fiscal Services	Administrative Services			
AP	6925	Refreshments or Meals Served at Meetings and District Events	Chapter 6 Business & Fiscal Services	Administrative Services			
BP	6930	Vending Machines	Chapter 6 Business & Fiscal Services	Administrative Services			
AP	6930	Vending Machines	Chapter 6 Business & Fiscal Services	Administrative Services			

BP/AP	Number	Title	Policy Area	Chapter Lead (Point Person)	Other Collaborators	Designated 10+1	Notes
		Click to Link to SBCCD P&Ps	Click to Link to SBCCD P&Ps			Click to Link to 10+1	Click to Link to SBCCD P&Ps
AP	6950	Drug and Alcohol Testing (U.S. Department of Transportation)	Chapter 6 Business & Fiscal Services	Administrative Services			
BP	7100	Commitment to Diversity	Chapter 7 Human Resources	Human Resources			
AP	7100	Commitment to Diversity	Chapter 7 Human Resources	Human Resources			
BP	7110	Delegation of Authority, Human Resources	Chapter 7 Human Resources	Human Resources			
AP	7110	Delegation of Authority, Human Resources	Chapter 7 Human Resources	Human Resources			
BP	7120	Recruitment and Hiring	Chapter 7 Human Resources	Human Resources			
AP	7120	Recruitment & Hiring	Chapter 7 Human Resources	Human Resources			
BP	7125	Verification of Eligibility for Employment	Chapter 7 Human Resources	Human Resources			
AP	7125	Verification of Eligibility for Employment	Chapter 7 Human Resources	Human Resources			
AP	7126	Applicant Background Investigations and Reference Checks	Chapter 7 Human Resources	Human Resources			
BP	7130	Compensation	Chapter 7 Human Resources	Human Resources			
BP	7140	Collective Bargaining	Chapter 7 Human Resources	Human Resources			
AP	7140	Collective Bargaining	Chapter 7 Human Resources	Human Resources			
AP	7145	Personnel Files	Chapter 7 Human Resources	Human Resources			
BP	7150	Evaluation	Chapter 7 Human Resources	Human Resources			
AP	7150	Evaluation	Chapter 7 Human Resources	Human Resources			
BP	7160	Professional Development	Chapter 7 Human Resources	Human Resources			
AP	7160	Professional Development	Chapter 7 Human Resources	Human Resources			
BP	7210	Academic Employees	Chapter 7 Human Resources	Human Resources			
AP	7210	Academic Employees	Chapter 7 Human Resources	Human Resources		10+1	
AP	7210	Academic Employees (Academic Rank)	Chapter 7 Human Resources	Human Resources		10+1	
AP	7211	Faculty Service Areas, Minimum Qualifications, and Equivalencies	Chapter 7 Human Resources	Human Resources		10+1	
AP	7212	Temporary Faculty	Chapter 7 Human Resources	Human Resources		10+1	
AP	7213	Part Time Faculty: Benefits	Chapter 7 Human Resources	Human Resources		10+1	
AP	7214	Part Time Faculty: Office Hours	Chapter 7 Human Resources	Human Resources		10+1	
AP	7215	Academic Employees: Probationary Contract Faculty	Chapter 7 Human Resources	Human Resources		10+1	
AP	7216	Academic Employees: Grievance Procedure for Contract Decisions	Chapter 7 Human Resources	Human Resources		10+1	
BP	7230	Classified Employees	Chapter 7 Human Resources	Human Resources			
AP	7232	Classification Review	Chapter 7 Human Resources	Human Resources			
AP	7233	Claims for Work Out of Classification	Chapter 7 Human Resources	Human Resources			
AP	7234	Overtime	Chapter 7 Human Resources	Human Resources			
BP	7236	Substitute and Short Term Employees	Chapter 7 Human Resources	Human Resources			
AP	7236	Substitute and Short Term Employees	Chapter 7 Human Resources	Human Resources			
BP	7240	Confidential Employees	Chapter 7 Human Resources	Human Resources			
AP	7240	Confidential Employees	Chapter 7 Human Resources	Human Resources			
BP	7250	Educational Administrators	Chapter 7 Human Resources	Human Resources			
AP	7250	Educational Administrators	Chapter 7 Human Resources	Human Resources			
BP	7260	Classified Supervisors, Managers and Administrators	Chapter 7 Human Resources	Human Resources			
AP	7260	Classified Supervisors, Managers and Administrators	Chapter 7 Human Resources	Human Resources			
BP	7270	Student Employees	Chapter 7 Human Resources	Human Resources			
AP	7270	Student Employees	Chapter 7 Human Resources	Human Resources			
BP	7310	Nepotism	Chapter 7 Human Resources	Human Resources			
AP	7310	Nepotism	Chapter 7 Human Resources	Human Resources			
BP	7330	Communicable Disease	Chapter 7 Human Resources	Human Resources			
AP	7330	Communicable Disease	Chapter 7 Human Resources	Human Resources			
BP	7335	Health Examinations	Chapter 7 Human Resources	Human Resources			
AP	7335	Health Examinations	Chapter 7 Human Resources	Human Resources			
AP	7336	Certification of Freedom from Tuberculosis	Chapter 7 Human Resources	Human Resources			
AP	7337	Fingerprinting	Chapter 7 Human Resources	Human Resources			
BP	7340	Leaves	Chapter 7 Human Resources	Human Resources			
AP	7340	Leaves	Chapter 7 Human Resources	Human Resources			
AP	7341	Sabbaticals	Chapter 7 Human Resources	Human Resources			
AP	7343	Industrial Accident and Illness Leave	Chapter 7 Human Resources	Human Resources			
AP	7344	Notifying the District of Illness	Chapter 7 Human Resources	Human Resources			
BP	7345	Catastrophic Leave Program	Chapter 7 Human Resources	Human Resources			
AP	7345	Catastrophic Leave	Chapter 7 Human Resources	Human Resources			
AP	7346	Employees Called to Military Duty	Chapter 7 Human Resources	Human Resources			
AP	7348	Accommodations	Chapter 7 Human Resources	Human Resources			
BP	7350	Resignations	Chapter 7 Human Resources	Human Resources			
BP	7360	Discipline & Dismissal - Academic Employees	Chapter 7 Human Resources	Human Resources			
AP	7360	Discipline and Dismissal - Academic Employees	Chapter 7 Human Resources	Human Resources			
BP	7365	Discipline & Dismissal - Classified Employees	Chapter 7 Human Resources	Human Resources			
AP	7365	Discipline and Dismissal - Classified Employees	Chapter 7 Human Resources	Human Resources			
BP	7370	Political Activity	Chapter 7 Human Resources	Human Resources			
AP	7370	Political Activity	Chapter 7 Human Resources	Human Resources			
AP	7371	Personal Use of Public Resources	Chapter 7 Human Resources	Human Resources			
BP	7380	Retiree Health Benefits - Academic Employees	Chapter 7 Human Resources	Human Resources			
AP	7380	Retiree Health Benefits: Academic Employees	Chapter 7 Human Resources	Human Resources			
AP	7381	Health and Welfare Benefits	Chapter 7 Human Resources	Human Resources			
BP	7385	Salary Deductions	Chapter 7 Human Resources	Human Resources			
AP	7385	Salary Deductions	Chapter 7 Human Resources	Human Resources			
BP	7400	Travel	Chapter 7 Human Resources	Human Resources			
AP	7400	Travel	Chapter 7 Human Resources	Human Resources			
BP	7420	Authorized Drivers	Chapter 7 Human Resources	Human Resources			
AP	7420	Authorized Drivers	Chapter 7 Human Resources	Human Resources			
BP	7450	Mileage Reimbursement	Chapter 7 Human Resources	Human Resources			
AP	7450	Mileage Reimbursement	Chapter 7 Human Resources	Human Resources			
BP	7500	Volunteers	Chapter 7 Human Resources	Human Resources			
AP	7500	Volunteers	Chapter 7 Human Resources	Human Resources			
BP	7510	Domestic Partners	Chapter 7 Human Resources	Human Resources			
BP	7600	District Police Department	Chapter 7 Human Resources	Human Resources			
AP	7600	District Police Department	Chapter 7 Human Resources	Human Resources			
BP	7700	Whistleblower Protection	Chapter 7 Human Resources	Human Resources			
AP	7700	Whistleblower Protection	Chapter 7 Human Resources	Human Resources			



Chapter Lead Recommendation to PPAC

<https://sbccd.edu/about-sbccd/board-of-trustees/policies-and-procedures/>

Policy & Procedure (P&Ps are reviewed in pairs, even if one contains revision and the other is presented for info only.)				10+1?		
#	BP1200 (No AP)	Title	District Mission Statement	Yes	X	No

Type of Review			
Annual Review Schedule	Legal Update (see attached)	X	Other Requests

Chapter Lead			
Name:	Jose Torres	Date:	4/26/2022
Position:	Chancellor Designee		
Site Department:	DSO FAM		
Other Collaborators:	Chancellor		

Outcome of Review (Mark all that apply.)					
BP	AP		BP	AP	
		Reviewed, No Changes Suggested			Reviewed, Significant Change of Content
		Reviewed, Minor Clerical or Formatting Edits			Suggest Deletion of Existing P&P
		Reviewed, Legal Reference Changes			Suggested Addition of New P&P
X		Reviewed, Simple Change of Content			Other

Summary of Revisions (Attach redlined version of changes.)			
To reflect BOT adoption of new SBCCD Mission.			
X	Yes	No	Will the suggested revisions affect other P&Ps? BP 1200, BP 2200, BP/AP 3250
X	Yes	No	Do suggested revisions comply with all regulatory requirements?

Request for Expedited Processing (The P&P review process take up to four or more months.)			
Yes	X	No	Request Expedited Processing?
Date Requested and Justification:			

BP 1200 DISTRICT MISSION STATEMENT | Proposed (redlined)
 Level 1 Recommendation

To reflect Board action of March 11, 2022 adopting Mission, Vision, Values and Goals.



Origination	N/A
Last Approved	N/A
Last Revised	N/A
Next Review	N/A

Owner	BOT Board of Trustees
Policy Area	Chapter 1 The District
References	Legally Required

BP 1200 District Mission Statement

(Replaces SBCCD-BP 1100)

~~The mission of the San Bernardino Community College District is to transform lives through the education of our students for the benefit of our diverse communities. This is achieved through the District's two colleges and public broadcast system by providing high quality, effective and accountable instructional and training programs and services to the students and communities we serve.~~

SBCCD positively impacts the lives and careers of our students, the well-being of their families, and the prosperity of our community through excellence in educational and training opportunities.

The mission is evaluated and revised on a regular basis.

Reference:

ACCJC Accreditation Standard I.A

Approval Signatures

Step Description	Approver	Date
------------------	----------	------

History

Draft saved by Goodrich, Kelly on 3/14/2022, 4:15PM EDT

Draft discarded by Goodrich, Kelly on 3/14/2022, 4:15PM EDT

Draft saved by Goodrich, Kelly on 3/14/2022, 4:16PM EDT

Comment by Goodrich, Kelly on 3/14/2022, 4:18PM EDT

Removed previous draft based on Legal Update 38. This will be addressed at a later time.
Incorporated updated mission to reflect Board action of March 11, 2022 adopting Mission, Vision, Values and Goals.



Chapter Lead Recommendation to PPAC

<https://sbccd.edu/about-sbccd/board-of-trustees/policies-and-procedures/>

Policy & Procedure <i>(P&Ps are reviewed in pairs, even if one contains revision and the other is presented for info only.)</i>				10+1?		
#	BP2200 (No AP)	Title	Board Duties & Responsibilities	Yes	X	No

Type of Review			
Annual Review Schedule	Legal Update (see attached)	X	Other Requests

Chapter Lead			
Name:	Jose Torres	Date:	4/26/2022
Position:	Chancellor Designee		
Site Department:	DSO FAM		
Other Collaborators:	Chancellor , HR Director of DEI		

Outcome of Review <i>(Mark all that apply.)</i>					
BP	AP		BP	AP	
		Reviewed, No Changes Suggested			Reviewed, Significant Change of Content
		Reviewed, Minor Clerical or Formatting Edits			Suggest Deletion of Existing P&P
		Reviewed, Legal Reference Changes			Suggested Addition of New P&P
X		Reviewed, Simple Change of Content			Other

Summary of Revisions <i>(Attach redlined version of changes.)</i>			
To reflect BOT adoption of new SBCCD Mission and incorporate CCLC DEIA language approved by HR Director of DEI.			
X	Yes	No	Will the suggested revisions affect other P&Ps? BP 1200, BP 2200, BP/AP 3250
X	Yes	No	Do suggested revisions comply with all regulatory requirements?

Request for Expedited Processing <i>(The P&P review process take up to four or more months.)</i>			
Yes	X	No	Request Expedited Processing?
Date Requested and Justification:			

BP 2200 BOARD DUTIES & RESPONSIBILITIES | Proposed (Redlined)

Level 1 Recommendation

- 1) Minor clerical edits to eliminate reference to Institutional Values (replaced by SBCCD Goals on 3/10/2022); Institutional Planning & Institutional Effectiveness covered in P&P 3225 and 3250.
- 2) Additional revision of CCLC Legal Update 38 suggestions adding optional language to highlight diversity, equity, and inclusion issues.



Origination	N/A
Last Approved	N/A
Last Revised	N/A
Next Review	N/A

Owner	BOT Board of Trustees
Policy Area	Chapter 2 Board of Trustees
References	Good Practice/Optional

BP 2200 Board Duties and Responsibilities

(Replaces SBCCD-BP-2000 and BP-2270)

The Board of Trustees governs on behalf of the citizens of the District in accordance with the authority granted and duties defined in Education Code Section 70902.

The Board is committed to fulfilling its responsibilities to:

- Act as a unit
- Represent the common good
- Set policy direction
- Employ, support, and evaluate the chief executive officer
- Define policy standards for college operations
- Monitor institutional performance
- Create a positive climate
- Support and advocate the interests of the institution
- Lead as a thoughtful, educated team

In addition, ~~the~~ each Board member accepts the following responsibilities to:

- Work as a member of the board unit
- Make being a trustee a priority
- Understand their role and the colleges' roles
- Know the community and represent its best interests
- Be visionary and thoughtful
- Support the colleges' pursuit of their missions
- Act with integrity and respect

- Use influence effectively
- Avoid conflicts of interest
- Assure the Board operates in an open, accessible, welcoming spirit, and maintains an anti-racist culture
- Establish policies that ensure the District operates in anti-racist manner

~~To that end, the Board has established Institutional Values that are reviewed, revised and adopted by the Board each year.~~

~~The Board directs the Chancellor to ensure that each entity of the District develops and meets goals to ensure that the Institutional Values are met.~~

In addition, the Board of Trustees is committed to fulfilling its roles and responsibilities in the following ways:

- Act as a Unit – The board as a whole is a corporate body. It governs as a unit, with one voice. Each trustee contributes his or her talents, skills, and backgrounds to the board but has no power or authority to act on his or her own to further individual agendas or direct college employees or operations. Individual trustees do not make commitments for the board to constituents, nor do they criticize or work against board decisions once they are made.
- Boards of trustees exist to represent the general public for whom they hold the colleges in trust. They are responsible for balancing and integrating the wide variety of interests and needs into policies that benefit the common good and the future of their region. Trustees should learn as much as they can about the communities they serve. Representing the public means considering multiple viewpoints and discussing the issues in public.
- Set the Policy Direction – Policy is defined as a set of broad statements that define the institutional mission and vision as well as acceptable practices to achieve them. Governing boards provide guidance to the Chancellor and administration of the colleges through their policies. Visionary boards are aware of broad values and diverse needs—they gain this knowledge through the work they do to learn about and communicate with many different groups.
- Employ, Evaluate and Support the Chancellor – One of the essential factors for successful governance is a good relationship between the board and the Chancellor. He or she is the primary agent of the board and is the single most influential person in creating an outstanding institution. Selecting, evaluating, and supporting the Chancellor are among the board’s most important responsibilities. This paradoxical relationship works best when there are clear, mutually agreed on expectations and role descriptions. The partnership thrives on open communication, confidence, and trust.
- Define Policy Standards for College Operations – Successful boards of trustees establish policies that set standards for quality, ethics, and prudence in college operations, including the following:
 - Educational Programs and Services – The colleges’ educational programs and services are guided by the policy direction set by the board. The board adopts policies that set standards for student achievement and how students should be treated. At its discretion, Program Review or other evaluations processes may be addressed in board policy.
 - Personnel and Human Resources – The board will establish policies that ensure the District and Colleges attract and retain high quality personnel and that hiring, evaluation, and dismissal procedures are legal, equitable, and clear. Policies and budgets should create an

expectation for professional development and growth. The board will define standards for salaries and benefits, and collective bargaining processes.

- Fiscal Health and Stability- The board is responsible for ensuring that the public's money is spent wisely and well. It will set policy standards for the use of public funds. Policy will address budgets, expenditures and protection of assets. The board will adopt a budget based on its support of progress toward the educational goals of the colleges.
- Create a Positive Climate – The board sets the tone for the entire District. Through their behavior and policies, they establish a climate in which learning is valued, and professional growth is enhanced. The importance of student success and adding value to the community are of utmost importance. The board creates a positive climate by focusing on the future, acting with integrity, supporting risk taking, and challenging the Chancellor and college staff to strive for excellence.
- Monitor Institutional Performance – The board is responsible for holding the Chancellor and the Colleges accountable for serving current and future community learning needs. The board, through the Chancellor, will monitor adherence to board policy standards for programs, personnel, and fiscal and asset management. All monitoring processes culminate in the evaluation of the Chancellor as the institutional leader.
- Support and be Advocates for the Colleges – Trustees promote the college in the community and seek support for it from local, state, and national policymakers.
- Lead as a Thoughtful, Educated Team- Each trustee will function as a part of the team, by being well informed, and committed to working with each other. Trustees will speak openly for their points of view during decision making processes and then will support the position of the board.

References:

ACCJC Accreditation Standard IV (formerly IV.B.1.d);
Education Code Section 70902

Attachments

[BP 2200 Board Duties and Responsibilities - Comments](#)

[BP 2200 Board Duties and Responsibilities - Legal Citations](#)

Approval Signatures

Step Description

Approver

Date

History

Comment by Goodrich, Kelly on 5/14/2021, 2:02PM EDT

CCLC Legal Update 38 suggestions adding optional language to highlight diversity, equity, and inclusion issues. These changes need review by policy owner.

Comment by Goodrich, Kelly on 4/4/2022, 11:59AM EDT

Revised to reflect adoption of SBCCD Mission Vision, Values and Goals on March 10, 2022.

Draft saved by Goodrich, Kelly on 4/29/2022, 12:26PM EDT



Chapter Lead Recommendation to PPAC

<https://sbccd.edu/about-sbccd/board-of-trustees/policies-and-procedures/>

Policy & Procedure <i>(P&Ps are reviewed in pairs, even if one contains revision and the other is presented for info only.)</i>				10+1?		
#	BP AP 3250	Title	Institutional Planning	<input checked="" type="checkbox"/>	Yes	No

Type of Review					
<input type="checkbox"/>	Annual Review Schedule	<input type="checkbox"/>	Legal Update (see attached)	<input checked="" type="checkbox"/>	Other Requests

Chapter Lead			
Name:	Jose Torres	Date:	4/26/2022
Position:	Chancellor Designee		
Site Department:	DSO FAM		
Other Collaborators:	Chancellor		

Outcome of Review <i>(Mark all that apply.)</i>					
BP	AP		BP	AP	
<input type="checkbox"/>	<input type="checkbox"/>	Reviewed, No Changes Suggested	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Reviewed, Change of Content
<input type="checkbox"/>	<input type="checkbox"/>	Reviewed, Minor Clerical or Formatting Edits	<input type="checkbox"/>	<input type="checkbox"/>	Suggest Deletion of Existing P&P
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Reviewed, Legal Reference Changes	<input type="checkbox"/>	<input type="checkbox"/>	Suggested Addition of New P&P
<input type="checkbox"/>	<input type="checkbox"/>	Reviewed, Simple Change of Content	<input type="checkbox"/>	<input type="checkbox"/>	Other

Summary of Revisions <i>(Attach redlined version of changes.)</i>			
To reflect BOT adoption of new SBCCD Mission.			
<input checked="" type="checkbox"/>	Yes	No	Will the suggested revisions affect other P&Ps? BP 1200, BP 2200, BP AP 3250
<input checked="" type="checkbox"/>	Yes	No	Do suggested revisions comply with all regulatory requirements?

Request for Expedited Processing <i>(The P&P review process take up to four or more months.)</i>			
<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
Request Expedited Processing?			
Date Requested and Justification:			

BP 3250 INSTITUTIONAL PLANNING | Proposed (redlined)

Level 1 Recommendation

Suggested changes part of review of AP 3250 changes in line with 3/10/2022 Board adoption of Mission, Vision, and Values to reflect current SBCCD practices. Removal of plan list can be addressed at a later time.



Origination	N/A
Last Approved	N/A
Last Revised	N/A
Next Review	N/A

Owner	Chancellor's Cabinet
Policy Area	Chapter 3 General Institution
References	Legally Required

BP 3250 Institutional Planning

(Replaces current SBCCD BP 3250)

The Chancellor shall ensure that the District has and implements a broad-based comprehensive, systematic and integrated system of planning that involves appropriate segments of the college community and is supported by institutional effectiveness research.

The planning system shall include all plans required by law and or policy, including, but not limited to:

~~Recommend removal of the list of plans here (check with the League).~~

- Long Range Educational or Academic Master Plan, which shall be updated periodically as deemed necessary by the Board of Trustees
- Facilities Plan
- Safety Plan
- Equal Employment Opportunity Plan
- Student equity Plan
- Student Success and Support Program Plan
- Transfer Center Plan
- Cooperative Work Experience Plan
- Extended Opportunity Programs and Services (EOPS) Plan
- District Technology Strategic Plan

The Chancellor shall submit those plans to the Board for which Title 5 requires Board approval.

The Chancellor shall inform the Board about the status of planning and the various plans.

The Chancellor shall ensure the Board has an opportunity to assist in developing the general institutional mission and goals for the comprehensive plans.

References:

ACCJC Accreditation Standards I.B.9, III.B.4, III.C.2, III.D.2, IV.B.3, and IV.D.5 (formerly I.B);
Title 5 Sections 51008, 51010, 51027, 53003, 54220, 55080, 55190, 55250, 55510, and 56270 et seq.

Attachments

[BP 3250 Institutional Planning- Comments](#)

[BP 3250 Institutional Planning- Legal Citations](#)

Approval Signatures

Step Description

Approver

Date

History

AP 3250 INSTITUTIONAL PLANNING | Proposed (redlined)

Level 1 Recommendation

Slight change of slight language to align with Mission, Vision, Values Board approved 3/10/2022.



Origination	N/A
Last Approved	N/A
Last Revised	N/A
Next Review	N/A

Owner	Chancellor's Cabinet Chancellor's Cabinet
Policy Area	Chapter 3 General Institution
References	Legally Required

AP 3250 Institutional Planning

~~(Replaces current SBCCD AP 3250)~~

- A. The colleges and District Office, through established committees with representation from faculty, administration, classified staff, and students, will review and recommend planning decisions related to human, physical, technological, and financial resources.

Applying the criteria of accreditation standards, the planning process will be guided by adopted mission, vision, ~~mission, and core~~ and values and will develop specific goals, objectives, and strategic directions, which have measurable outcomes and specific accountability.

Action plans will be reviewed and revised annually and approved by the respective planning bodies.

- B. Academic Senate will be the representative body in all academic and professional matters, as defined by Title 5 Section 53200.
- C. Institutional effectiveness research, program reviews, and individual unit plans are utilized in the planning process, which is intended to complement and inform the resource allocation process.
- D. The Board may assist in developing the general institutional mission and goals for the comprehensive plans through a variety of means.
- E. Planning documents will be submitted to the California Community College Chancellor's Office in a timely manner when required.

References:

ACCJC Accreditation Standards I.B.9, III.B.4, III.C.2, III.D.2, IV.B.3, and IV.D.5 (formerly I.B);
Title 5 Sections 51008, 51010, 51027, 53003, 54220, 55080, 55190, 55510, and 56270 et seq.

Attachments

[AP 3250 Institutional Planning- Comments](#)

[AP 3250 Institutional Planning- Legal Citations](#)

Approval Signatures

Step Description	Approver	Date
------------------	----------	------

History

Comment by Goodrich, Kelly on 4/4/2022, 2:39PM EDT

Slight language change to align with Mission, Vision, Values Board approved 3/10/2022.



Chapter Lead Recommendation to PPAC

<https://sbccd.edu/about-sbccd/board-of-trustees/policies-and-procedures/>

Policy & Procedure <i>(P&Ps are reviewed in pairs, even if one contains revision and the other is presented for info only.)</i>			
#	AP2712(No BP)	Title	Conflict of Interest Code

10+1?		
Yes	X	No

Type of Review			
Annual Review Schedule	Legal Update (see attached)	X	Other Requests

Chapter Lead			
Name:	Kristina Hannon	Date:	4/26/2022
Position:	Chancellor Designee		
Site Department:	DSO HR		
Other Collaborators:	Chancellor's Cabinet		

Outcome of Review <i>(Mark all that apply.)</i>					
BP	AP		BP	AP	
		Reviewed, No Changes Suggested			Reviewed, Significant Change of Content
		Reviewed, Minor Clerical or Formatting Edits			Suggest Deletion of Existing P&P
		Reviewed, Legal Reference Changes			Suggested Addition of New P&P
X		Reviewed, Simple Change of Content			Other

Summary of Revisions <i>(Attach redlined version of changes.)</i>					
<p>The changes below to AP 2712 were recommended by the chapter lead to align with the requirements of the Fair Political Practices Commission (FPPC) conflict of interest filing requirements. As changes are made to job titles and positions, the District must reevaluate and make changes to the conflict of interest AP to ensure all appropriate positions are included. The changes have been discussed and reviewed by Cabinet members.</p>					
	Yes	X	No	Will the suggested revisions affect other P&Ps?	
X	Yes		No	Do suggested revisions comply with all regulatory requirements?	

Request for Expedited Processing <i>(The P&P review process take up to four or more months.)</i>					
	Yes	X	No	Request Expedited Processing?	
Date Requested and Justification:					

Level 1 Recommendation

The changes recommended to align with the requirements of the Fair Political Practices Commission (FPPC) conflict of interest filing requirements. As changes are made to job titles and positions, the District must reevaluate and make changes to the conflict of interest AP to ensure all appropriate positions are included. The changes have been discussed and reviewed by Cabinet members.



Origination	N/A
Last Approved	N/A
Last Revised	N/A
Next Review	N/A

Owner	BOT Board of Trustees
Policy Area	Chapter 2 Board of Trustees
References	Legally Advised

AP 2712 Conflict of Interest Code

(Replaces current SBCCD AP 2260)

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) which contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the San Bernardino Community College District (District).

Individuals holding designated positions shall file their statements of economic interests with the District, which will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008.) All statements will be retained by the District.

APPENDIX A

DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Board of Trustees	1, 2
Chancellor	1, 2
Executive Vice Chancellor	1, 2
General Counsel	1, 2
Business Manager	1, 2
Director, Facilities Planning, Emergency Management & Construction	1
Associate Deans	2
Associate Director of Energy, Sustainability & Safety	2
Campus Project Manager	2
Chief Technology Officer 2	
College President, CHC	2
College President, SBVC	2
Deans	2
Director, Diversity, Equity and Inclusion	2
Director of Technology Services	2
Director, Administrative Application Systems	2
Director, Alternative Text Production Center	2
Director, Technology Services	2

Director, DSP&S	2
Director, Fiscal Services	2
Director, Grants Development & Administration	2
Facilities Project Manager	2
General Manager, KVCR TV/FM	2
Local Business Outreach Administrator Measure CC	2
Vice Chancellor, Educational and Student Support Services	2
Vice Chancellor of Human Resources and Police Services	2
Vice Chancellor, Workforce Development, Advancement & Media Systems	2
Vice President of Administrative Services	2
Vice President of Instruction	2
Vice President of Student Services	2
Director, Facilities, Maintenance & Operations	3
Director, Human Resources, EEO, Legal Services and Labor Relations	3
Food Services Supervisor	3
Chief of Police	3
Consultants/New Positions	*

*Consultants/new positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure requirements in this conflict of interest code subject to the following limitation:

The Chancellor may determine in writing that a particular consultant or new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s or new position’s duties and, based upon

that description, a statement of the extent of disclosure requirements. The Chancellor's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

The following positions are NOT covered by the code because they must file under Government Code Section 87200 and, therefore, are listed for informational purposes only:

- **Retirement Board Authority**
- **Investment Advisors**

An individual holding one of the above listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been incorrectly categorized. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200.

DRAFT

APPENDIX B

DISCLOSURE CATEGORIES

Category 1. Designated positions assigned to this category must report:

- A. Interests in real property within the boundaries of the District that are used by the District or are of the type that could be acquired by the District as well as real property within two miles of the property used or the potential site.
- B. Investments and business positions in business entities and income (including receipt of gifts, loans, and travel payments) from sources of the type that engage in the acquisition or disposal of real property or are engaged in building construction or design for school districts.

Category 2. Designated positions assigned to this category must report:

Investments and business positions in business entities and income (including receipt of gifts, loans, and travel payments) from sources that are contractors engaged in the performance of work, training, consulting or services, or are sources that manufacture or sell supplies, instructional materials, machinery, equipment, or vehicles of the type utilized by the District.

Category 3. Designated positions assigned to this category must report:

Investments and business positions in business entities and income (including receipt of gifts, loans, and travel payments) from sources that are contractors engaged in the performance of work, training, consulting or services, or are sources that manufacture or sell supplies, instructional materials, machinery, equipment, or vehicles of the type utilized by the designated position's department.

References:

Government Code Sections 87103(e), 87300-87302, 89501, 89502, and 89503; Title 2 Section 18730

Any changes to this AP requires approval of the FPPC prior to board approval.

Attachments

[AP 2712 Conflict of Interest - Declaration of CEO.pdf](#)

[AP 2712 Conflict of Interest Code - Comments](#)

[AP 2712 Conflict of Interest Code - Legal Citations](#)

[FPPC Approval of AP 2712 Conflict of Interest Code.pdf](#)

[SBCCD - Overview for Legal Update 31 Final Version.docx](#)

Approval Signatures

Step Description	Approver	Date
Final Board Approval	Policy Stat	11/2020
Reviewed and Approved per AP 2410	Policy Stat	11/2020

Older Version Approval Signatures

Board of Trustees 2nd reading	Policy Stat	08/2019
Board of Trustees 1st reading	Policy Stat	08/2019
District Assembly Recommendation	Policy Stat	08/2019
District Assembly 1st reading	Policy Stat	08/2019
Chancellor's Cabinet	Policy Stat	08/2019
Chapter owners are notified	Policy Stat	08/2019
Board of Trustees 2nd reading	Board Board: [SN]	11/2017
Board of Trustees 1st reading	Board Board: [SN]	11/2017
District Assembly 2nd reading	District Assembly District Assembly: [SN]	11/2017
District Assembly 1st reading	District Assembly District Assembly: [SN]	11/2017
Chancellor's Cabinet	Chancellor's Cabinet Chancellor's Cabinet: [SN]	10/2017
Chapter owners are notified	Board Board: [SN]	10/2017



Chapter Lead Recommendation to PPAC

<https://sbccd.edu/about-sbccd/board-of-trustees/policies-and-procedures/>

Policy & Procedure <i>(P&Ps are reviewed in pairs, even if one contains revision and the other is presented for info only.)</i>				10+1?		
#	BP & AP7210	Title	Academic Employees, Non-Management (Hiring of Full-Time Faculty)	X	Yes	No

Type of Review						
	Annual Review Schedule		Legal Update (see attached)	X	Other Edits (see attached)	

Chapter Lead			
Name:	Kristina Hannon	Date:	05/03/22
Position:	Vice Chancellor, Human Resources & Police Services		
Site Department:	DSO, Human Resources		
Other Collaborators:	Academic Senate(s), EEO Committee		

Outcome of Review <i>(Mark all that apply.)</i>					
BP	AP		BP	AP	
		Reviewed, No Changes Suggested		X	Reviewed, Significant Change of Content
X		Reviewed, Minor Clerical or Formatting Edits			Suggest Deletion of Existing P&P
		Reviewed, Legal Reference Changes			Suggested Addition of New P&P
		Reviewed, Simple Change of Content			Other

Summary of Revisions <i>(Attach redlined version of changes.)</i>					
	Yes	X	No	Will the suggested revisions affect other P&Ps?	
X	Yes		No	Do suggested revisions comply with all regulatory requirements?	

Request for Expedited Processing <i>(The P&P review process take up to four or more months.)</i>					
X	Yes		No	Request Expedited Processing?	
Date Requested and Justification: PPAC review on May 9, 2022. The recommended revisions have been reviewed by both Academic Senates, and other appropriate constituents. Recommendations are being submitted to PPAC for final review and input before June Board submission.					

BP 7210 ACADEMIC EMPLOYEES | Proposed (redlined)
 Recommendation for Final Approval - Expedited Processing
 Minor clerical changes.



Origination	N/A
Last Approved	N/A
Last Revised	N/A
Next Review	N/A

Owner	Human Resources Human Resources
Policy Area	Chapter 7 Human Resources

BP 7210 Academic Employees

(Replaces current SBCCD BP 7210)

Employees represented by CSEA and CTA should refer to their respective bargaining unit agreements for information specific to their unit.

Academic employees are all persons employed by the District in academic positions. Academic positions include every type of service, other than paraprofessional service, for which the Board of Governors has established minimum qualifications for the California Community Colleges.

Faculty members are those employees who are employed by the District in academic positions that are not designated as supervisory or management. Faculty employees include, but are not limited to, instructors, librarians, counselors, and professionals in health services, DSPS, and EOPS.

Decisions regarding tenure of faculty shall be made in accordance with the evaluation procedures established for the evaluation of probationary faculty and in accordance with the requirements of the Education Code. The Board of Trustees reserves the right to determine whether a faculty member shall be granted tenure.

The District may employ temporary faculty from time to time as required by the interests of the District. Temporary faculty may be employed full time or part time. The Board delegates authority to the Chancellor to determine the extent of the District's needs for temporary faculty.

Notwithstanding this policy, the District shall comply with its goals under the Education Code regarding the ratio of full-time to part-time faculty to be employed by it and the for making progress toward the standard of 75% of total faculty work load hours taught by full-time faculty.

References:

Education Code Sections 87400 et seq; 87419.1; 87482.8, and 87600 et seq;
 Title 5, Section 51025

Attachments

[BP 7210 Academic Employees- Comments](#)

[BP 7210 Academic Employees- Legal Citations](#)

[BP7210 -OLD.pdf](#)

Approval Signatures

Step Description	Approver	Date
------------------	----------	------

History

Draft saved by Goodrich, Kelly on 5/5/2022, 6:14PM EDT

The AP has been reviewed by HR team, Academic Senates and other appropriate constituents.
Recommended for approval to the Board in June.

AP 7210

ACADEMIC EMPLOYEES, NON-MANAGEMENT

HIRING OF FULL-TIME FACULTY

The San Bernardino Community College District seeks a qualified and diverse administration, faculty, and staff dedicated to student success. The District is committed to an open and inclusive hiring process that supports the goals of equal opportunity and diversity, providing equal consideration and opportunities for all qualified candidates. The goal of every hiring process is to select the qualified candidate who best meets the needs of our students. The hiring process for full-time faculty also focuses on candidates who will and has the ability to develop and maintain inclusive curriculum and/or provide an inclusive environments that represents the ethnic and socioeconomic demographic of the college's student population.

The faculty, staff, and administration recognize the importance of an effective hiring process that reflects mutual professional responsibility and interest in achieving the common goal of hiring outstanding faculty that will enhance the learning experience for all students and fulfill the mission and goals of the College and the District.

Hiring faculty, classified staff, and administrators is accomplished through selection committees, which produce a recommendation of a final candidate from the President, or other appropriate administrator, to the Chancellor to recommend to the Board for employment.

HIRING QUALIFICATIONS

Minimum Qualifications

The San Bernardino Community College District has established the following hiring qualifications for all faculty positions:

1. For faculty and administrative positions, job requirements shall include (A) a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, gender identity, sexual orientation, and ethnic backgrounds of community college students as demonstrated by skills and abilities in cultural responsiveness and cultural humility; and (B) a demonstrated commitment to recognizing patterns of inequity in student outcomes, taking personal and institutional responsibility for the success of students, engaging in critical assessment of own practices, and applying a race-conscious awareness of the social and historical context of exclusionary practices in American Higher Education.
2. The Minimum Qualifications for discipline expertise adopted by the Board of Governors for California Community Colleges or possession of a valid and appropriate California Community College Credential as provided in Education Code 87355.
3. All applicants will be provided the opportunity to have qualifications for discipline expertise reviewed and considered for meeting minimum qualifications that meet or exceed those listed adopted by the Board of Governors through alternate means.

Application Procedure

1. The Human Resources Office will determine which applicants meet minimum education and expertise qualifications as set forth in the job announcement based on information provided on the official application for employment and verified by copies of transcripts provided by the applicant. Applicants not having minimum qualifications but requesting consideration of equivalent qualifications will be separated from those determined to meet minimum qualifications. If there is

Commented [BA1]: Double check to make sure faculty are involved with the advertisement of the hiring pool.

Commented [BA2]: I may have missed it but does updating the posting specifically include adapting the diversity question to ensure it is relevant to the discipline/time?

Commented [BA3]: should we add anything for the new evaluation requirements?

any discrepancy between the established minimum qualifications and the qualifications presented by an applicant as meeting minimum qualifications, that applicant's file will be grouped with the applications requesting consideration of equivalent qualifications. Applicant groups for equivalency review will have their qualifications evaluated by the Equivalency Committee, in accordance with the Equivalency Policy and Procedures. Human Resources will also evaluate the diversity of the pool of applicants to determine if further outreach is required before proceeding.

2. The files of all applicants who meet minimum qualifications or who have had equivalent qualifications determined by the Equivalency Committee will be reviewed by the selection committee. The selection committee will not review the file of any applicant who does not meet minimum qualifications or who has not been determined as possessing equivalent qualifications by the Equivalency Committee. Human Resources will forward candidates to the Equivalency Committee for final confirmation of meeting MQs when appropriate. A list of candidates who did not meet MQs will be provided to the hiring manager by request. Should the selection committee have any concern about the pool or process, the selection committee chair may confer with the Vice Chancellor of Human Resources and Police Services or designee regarding these concerns.
3. For disciplines for which the master's degree is not generally expected or available (as designated in *Minimum Qualifications for Faculty & Administrators in California Community Colleges*, adopted by the Board of Governors), a "year of professional experience" shall be considered the period of time which the District accepts as a regular work year on a full-time basis. One year of professional experience must have been completed within the three years prior to the closing date for applications for the position. The minimum qualifications listed on the job announcement should identify the specific types of professional experience required for the position.
4. For disciplines for which the master's degree is not generally expected or available (as designated in *Minimum Qualifications for Faculty & Administrators in California Community Colleges*, adopted by the Board of Governors), the appropriate, valid certification or license to practice shall be stipulated based on the instructional responsibilities of the position. If no certificate or license is appropriate to the position, no certificate or license will be listed as a minimum qualification.

Commented [BA4]: Timeline?

Commented [BA5]: and an extension on the posting?

Commented [BA6]: I don't think this is what we are doing now? I think we allow them to be reviewed and then communicate equivalency.

Commented [BA7]: and be checked against currently teaching adjuncts

Commented [BA8]: not the dean/president/HR in the room?

Commented [BA9]: We don't check this in equivalency

Desirable Qualifications

1. Job announcements may include a set of "desirable qualifications," separate from the minimum qualifications. These desirable qualifications should describe characteristics that support the responsibilities of the position.
2. The combination of the minimum qualifications and the job-related desirable qualifications will be used as the basis for decision-making throughout the selection, interview, and recommendation of applicants.

Establishing Minimum and Desirable Qualifications

1. The minimum and desirable qualifications will be reviewed and edited by discipline faculty in consultation with the Division/Department Dean or other appropriate administrator and included in an initial draft. When no full-time faculty member currently teaches the discipline, at least two full-time faculty in a reasonably related discipline will write draft the desirable qualifications in consultation with the Division/Department Dean or appropriate administrator. The academic senate may elect to recommend additional qualifications related to the ability to serve our diverse students well in any faculty position. The Division/Department Dean or appropriate administrator will make the final decision the desired qualifications.
2. The Vice Chancellor of Human Resources and Police Services or their designee will monitor the minimum and desirable qualifications for adverse impact on groups that have been historically under-represented. If the Vice Chancellor of Human Resources and Police Services or their designee believes the qualifications appear to be too restrictive, they will meet with the discipline faculty and the Division/Department Dean or appropriate administrator to review the qualifications. If discriminatory intent or effect is identified, the Vice Chancellor of Human Resources and Police Services or their designee shall confer with the appropriate Vice President and the Academic Senate President to determine necessary remedies.

Commented [BA10]: How? We aren't communicated with regarding this allowance?

Commented [BA11]: Is it shown to the faculty members? Can they make alterations that are not approved or supported by the faculty?

PROCEDURES

The goal of every hiring process is to select the qualified candidate who best meets the needs of our diverse student population.

Establishing the Position

Any request to fill new or vacant positions must be processed through the appropriate Manager and the Human Resources Office, and must receive approval by the Chancellor before any position announcement is made.

1. Faculty positions are identified by a process established by each College and Fiscal Services.
2. Chancellor approves faculty positions from those requested by the Colleges.
3. Human Resources receives the Staffing Requisition approved by the Chancellor and begins the search process.

Position Announcement

1. The Announcement of a Position will be drafted by the faculty of the discipline and the Division/Department Dean or appropriate administrator who established the minimum and desirable qualifications for the position (See “Establishing Minimum and Desirable Qualifications”) in consultation with the Vice Chancellor of Human Resources and Police Services or designee and the appropriate Vice President. The final job description as seen by applicants will not be posted until reviewed and approved by all parties.

Job announcements shall clearly state job specifications setting forth the minimum and desired qualifications for the position. Job announcements including any “desired” qualifications beyond the minimums shall be reviewed by Human Resources before the position is announced to ensure conformity with the guidelines of the Board of Governors for the California Community Colleges, the requirements of Title 5 and State and Federal non-discrimination laws.

2. Position announcements will include the following sections:
 - a. Position Title
 - b. Application Deadline or Initial Review Date
 - c. Introduction: A brief description of the position and the relationship of the position to college offerings and activities. This includes a brief description of the college and the community served.
 - d. Minimum Qualifications: A statement including the established minimum qualifications, the appropriate valid credential(s), the provision for equivalencies.
 - e. Desirable Qualifications: Those job-related qualifications that are desirable but not essential to perform the job.
 - f. Duties of the Position in accordance with the CBA: A list of typical duties including the following:
 - A brief description of the primary responsibilities (e.g. Faculty will teach to the outline of record for the specific assignment and maintain a current syllabus). Faculty will facilitate learning through a variety of modalities to maximize the success of our diverse student population,
 - A description of any co-curricular responsibilities (e.g. coaching, directing).
 - Reference to scheduling considerations (e.g. assignment to evening duties).
 - Leadership responsibilities related to the academic and/or co-curricular assignment (e.g. advisory committee, standing committees, curriculum development).
 - A description of institutional service responsibilities (e.g. five hours of institutional service, five office hours).
 - A commitment to ongoing professional development that includes cultural responsiveness, inclusiveness, and equity, as well as disciplinary relevance.
 - A description of any other duties unique to the position.
 - g. Salary and Benefits: A statement of the salary range and a brief narrative description of fringe benefits in effect at the time of the announcement.

- h. Closing Date, ~~and~~ Address for Submission of Application Materials and Deadline for Equivalency requests.
- i. Application Process: Instructions regarding the completion of the application process and a statement that incomplete applications will not be considered by the selection committee. In addition, instructions will also include the need for the candidate to address how the desired qualifications have been met by the candidate in the cover letter or in the supplemental questions. The application process will include the following:
- An official district application form including a separate form for requests for equivalency along with a brief narrative description of the equivalency criteria appropriate to the minimum qualifications for the position. Applicants will be instructed to provide a narrative description of their equivalent experience along with transcripts and other documentation to support their request for equivalency.
 - A Letter of Application (A cover letter indicating explicitly how each of the minimum and desired qualifications are met.)
 - Official or unofficial transcripts for all college course work, including those generated from the Internet, to establish an applicant's file (An official transcript will be required before any offer of employment for the applied-for position).
 - A curriculum vitae or resume.
 - When appropriate, verification of credentials (community college instructor credential, vocational credential, and/or license).
 - When appropriate, verification of "professional experience" as articulated in the minimum and desirable qualifications.
 - When appropriate, additional support materials may be requested. Such materials may include letters of recommendation, work samples (e.g. videos, portfolios, written materials) and other materials directly related to the criteria established in the minimum and desirable qualifications.
- j. Selection Process: A brief description of the selection process including:
- The review by a selection committee to select candidates for interviews
 - An interview of candidates by the selection committee that may be comprised of faculty, administration, academic senate representatives, associated student government representatives, and other appropriate district personnel. Candidates are advised that all interview questions will be evaluated through the lens of both minimum qualifications and the desired qualifications.
 - A list of sample 1st level interview questions and an explanation of the panels function and limited ability to naturally interact with the candidate.
 - An interview of finalists by the President and Academic Senate President (and additional interviewers if selected by the President) or designee
 - A list of sample 2nd level interview questions and an explanation of the interactions available at the 2nd level.
 - Final recommendation to the Board of Trustees by the Chancellor of the District
 - A description of any other selection activities that are anticipated at the time of the announcement (e.g. a sample teaching demonstration, guest lecture, role playing, sample assignments, a questionnaire or impromptu writing sample)
- k. Notice to All Candidates:
- The requirements of the Immigration Reform and Control Act of 1987
 - Initial assignment information
 - Reasonable accommodation notice: *If accommodations are needed for the application process in compliance with the Americans with Disabilities Act, please inform the Human Resources Office. The application/interview process may involve speaking, reading, writing, and answering questions or other test taking procedures. If you believe you may need reasonable accommodation to perform any of these tasks, need to inquire as to the specific nature of the tasks, or to assure physical access to the interview site, please contact the Office of Human Resources at (909) 382-4040 and ask for the individual responsible for the scheduling and monitoring of employment interviews.*

Commented [BA12]: I do not understand this line.

Commented [BA13]: If we put details or 7211 here we will be forced to update it when we makes changes to the forms related to 7211

Commented [BA14]: Ensure that faculty are aware and have input on what is requested and that additional documents are not submitted.

Formatted: Highlight

Commented [BA15]: Double check that this is a part of the posting.

1. Statement of Equal Employment Opportunity including reference to “encouraging applications from underrepresented ~~groups, minorities and the disabled.~~”
3. The Vice Chancellor of Human Resources and Police Services or their designee will review the draft of the job announcement for the potential for adverse impact pursuant to provisions in #2 of “Establishing Minimum and Desirable Qualifications.”
4. The final draft of the job announcement will be reviewed by the discipline faculty and the Division Dean or appropriate administrator, and then returned to the Office of Human Resources. The discipline faculty and Division/Department Dean or appropriate administrator will make the final decision on the desired qualifications prior to submitting the DQs to Human Resources.
5. Upon the approval of the final draft of the announcement, the Division/Department Dean or appropriate administrator for the position will set a tentative timetable for the hiring process (e.g. Selection committee orientation/training, application review) in consultation with the discipline faculty, the Vice Chancellor of Human Resources and Police Services or their designee and the appropriate Vice President.

Applications

Human Resources accepts applications and supplemental materials until 11:59 pm on the closing date.

Human Resources will review the composition of the applicant pool to ensure that any failure to obtain projected representation for any monitored group is not due to discriminatory recruitment procedures. If necessary to establish an adequate and representative pool, the application closing date shall be extended and additional recruitment shall be conducted. (A "monitored group" means those groups identified by state and federal regulations for which monitoring and reporting are required. According to the provisions of Title 5 53004 (B), each applicant shall be afforded the opportunity to identify his or her gender, ethnic group identification, and if applicable, his or her disability.) After the pool is approved, all complete applications will be forwarded to the selection committee for consideration.

Recruitment and Advertising

Faculty positions are advertised for a minimum of thirty (30) days.

[An email notification of the posting will be sent to the discipline faculty, Dean and/or appropriate administrator.](#)

Any ads placed in publications will contain the statement "An Equal Opportunity Employer."

New faculty will be recruited by means of wide dissemination of job announcements, with special efforts to contact referral sources for underrepresented minorities, persons with disabilities, and women. This dissemination will be the responsibility of the Office of Human Resources in accordance with the EEO Plan.

A complete record will be maintained of all efforts to disseminate information and the response regarding the job opportunity. The record to be kept by the Office of Human Resources includes: (1) recruitment sources, (2) number of applicants for a specific position, and (3) gender, race, and disability status of applicants.

Notification of position openings will be mailed by Human Resources to colleges, universities, and organizations committed to providing equal employment opportunities to a wide range of applicants. In addition, positions are advertised locally and in professional journals and related publications when appropriate, and the State Chancellor's Office Job Registry and on the internet as recommended by the appropriate Division/ Department Dean or a Vice President.

SCREENING COMMITTEE

Membership

Screening committees for faculty positions will be established and convened by the Division/Department Dean or other appropriate administrator or their designee.

- The Division/Department Dean or appropriate administrator for the position will ~~will~~ **may** formulate a preliminary list of candidates to serve as screening committee members.
- The President of the Academic Senate, after consultation with faculty in the discipline of the position and with the appropriate Division Dean, will appoint ~~that~~ **at least 3** faculty to serve on the selection committee.
- An Equal Opportunity Representative from ~~outside of the department/program~~ the District HR-DEIA Committee shall be appointed to the Committee by the Vice Chancellor of Human Resources and Police Services or their designee. The Equal Opportunity Representative is a non-voting member.
- The Committee should also include representation from those employees or employee groups who are served by or otherwise interact with the position. If a classified employee is selected to serve on the committee, the President of CSEA will provide the names of individuals nominated to serve as the representative from the Senate. The hiring supervisor will select appropriate committee member(s) from those nominees.
- The Screening Committee should normally have no fewer than five (5) and no more than nine (9) members.
- A majority of the membership of the selection committee shall be faculty.
- Every screening committee will include the Division/Department Dean or appropriate administrator or their designee
- The chair of the Committee will be chosen by a majority vote of the committee.
- When possible, every effort will be made, within the limits allowed by federal and state law, to ensure screening committees include a diverse membership, which will bring a variety of perspectives to the assessment of application qualifications. Selection/screening committees will be encouraged to include members from monitored groups and may include members from other colleges to include members from monitored groups.
- ~~The supervising administrator on the Committee~~ Human Resources will provide clerical/technical support and coordination.

Second-Level Interview Procedures

Second level interviews will be conducted on all finalist by the College President or their designee with additional interviewers of their choice, and the Academic Senate President or their designee acting in an advisory capacity. In the case of District Office, second level interviews will be conducted by the appropriate administrator. ~~Second-level interviews will also include an EEO Representative.~~

Commented [BD16]: to ensure AS Purview in assignment of faculty, changing this to "may" would indicate the option and that AS would pick up from that point

Commented [BD17]: The Deans usually consult with the faculty and then AS President consults with the Dean. For the AS President to consult with the faculty body may be prohibitive in terms of time and process

Commented [BD18]: Added language: The President of Academic Senate may adjust recommendations made for the purpose of ensuring diverse representation within the hiring committee.

Commented [BD19]: The number of faculty to be assigned is missing. We traditionally assign 3 faculty with room for an additional 2. The additional faculty are to be assigned by Senate, not Deans.

application materials; or

- Extend or re-open the search.

Immediately following the interviews, the Committee Chair returns all the selection and interview forms and all other non-finalist application materials to Human Resources.

Selection

~~The Committee Chair shall review with the College President or his or her designee the Committee's recommendation of candidates using a summary signed by each Committee member~~

Second-Level Interview Procedures

Second level interviews will be conducted on all finalists by the College President ~~or his/her~~ (and additional interviewers if the President chooses) or their designee with the academic senate president or ~~his/her~~ their designee acting in an advisory capacity. In the case of the District office, second level interviews will be conducted by the appropriate administrator.

Following second level interviews, the College President or appropriate administrator may elect one of the following:

1. Select one of the finalists.
2. Review the applicant pool to ensure that qualified applicants have not been overlooked;
3. Extend or reopen the search.

Reference Checking

Reference checks are made by the Office of Human Resources hiring manager upon the recommendation of the selected candidates by the Committee, and must be completed before a recommendation of employment is made to the Board of Trustees.

Reference checks must be completed in accordance with the policies and principles of equal opportunity. Reference information must be held in strict confidence.

If unusual circumstances prevent the formation of a screening committee as described herein, the Division/Department Dean or appropriate administrator for the position will consult with the Vice Chancellor of Human Resources and Police Services or their designee to determine a reasonable representation. However, the final composition of the screening committee shall remain confidential.

The Vice Chancellor of Human Resources and Police Services or their designee will approve all screening committee members to ensure diversity.

Training

All faculty, staff, and administrators involved in hiring faculty must receive training on diversity and the employment process for each Committee on which they serve. Such training will be provided by the Office of Human Resources at the first meeting of the Committee to ~~insure~~ ensure that each Committee member receives the required training that includes:

- Discussion of District commitment to equal opportunity, diversity, and student success
- The search and selection process
- Role of the selection committee
- Development of selection criteria
- Writing effective interview questions
- Development of selection criteria including DQ's as part of the job posting process
- Role of the Equal Opportunity Representative
- Confidentiality
- Effective reference checks (~~administrators~~ administrators only)

Approved: January 11, 1990

Questions and Concerns from CHC Faculty

7210

- **Intro:** Third paragraph (run-on sentence)... is this how it is conducted now? Or does the President currently the final say in the process?

- **Application procedure:** (#1) "Human Resources will also evaluate the diversity of the pool of applicants to determine if further outreach is required before proceeding." What definition of "diversity" are we using here? Do you expect to know peoples' race, religion, etc. based off of their application packet?
 - **#2:** Especially for summer hires, how will the equivalency committee be established and convened?
- **Establishing the Position:** Does the Chancellor currently have to approve all positions before the announcement can be made?
- **Screening Committee:** Who selects the committee currently? Do we have a list of all those who are supposed to be on the committee? This document has the dean selecting folks with input from specific committees.
 - Why does the "final composition of the screening committee shall remain confidential?"
- This document was last approved in 1990??? Wow!!
- Job announcement: Final draft will be reviewed by discipline faculty. Does reviewed mean we can include changes? Is there an opportunity to discuss/justify with HR?



Policies & Procedures Advisory Committee (PPAC)
Chapter Lead Recommendation to PPAC
<https://sbccd.edu/about-sbccd/board-of-trustees/policies-and-procedures/>

Policy & Procedure <i>(P&Ps are reviewed in pairs, even if one contains revision and the other is presented for info only.)</i>			10+1?		
#	AP7210A	Title	Part-Time Faculty Recruitment and Faculty Interns		
			<input checked="" type="checkbox"/>	Yes	No

Type of Review					
	Annual Review Schedule		Legal Update (see attached)	<input checked="" type="checkbox"/>	Other Edits (see attached)

Chapter Lead			
Name:	Kristina Hannon	Date:	05/03/22
Position:	Vice Chancellor, Human Resources & Police Services		
Site Department:	DSO, Human Resources		
Other Collaborators:	Academic Senate(s), EEO Committee		

Outcome of Review <i>(Mark all that apply.)</i>					
BP	AP		BP	AP	
		Reviewed, No Changes Suggested		<input checked="" type="checkbox"/>	Reviewed, Significant Change of Content
		Reviewed, Minor Clerical or Formatting Edits			Suggest Deletion of Existing P&P
		Reviewed, Legal Reference Changes			Suggested Addition of New P&P
		Reviewed, Simple Change of Content			Other

Summary of Revisions <i>(Attach redlined version of changes.)</i>					
	Yes	<input checked="" type="checkbox"/>	No	Will the suggested revisions affect other P&Ps?	
<input checked="" type="checkbox"/>	Yes		No	Do suggested revisions comply with all regulatory requirements?	

Request for Expedited Processing <i>(The P&P review process take up to four or more months.)</i>					
<input checked="" type="checkbox"/>	Yes		No	Request Expedited Processing?	
Date Requested and Justification: PPAC review on May 9, 2022. The recommended revisions have been reviewed by both Academic Senates, and other appropriate constituents. Recommendations are being submitted to PPAC for final review and input before June Board submission.					

Recommendation for Final Approval - Expedited Processing

The AP has been reviewed by the HR team, Academic Senates and other appropriate constituents.

Recommended for approval to the Board in June.

AP7210A PART TIME FACULTY RECRUITMENT AND FACULTY INTERNS

References: Education Code Sections 87400 et seq., 87419.1; 87600 et seq., and 87482.8; Title 5 Section 51025 and Section 53502

HIRING PROCEDURES—PART-TIME FACULTY

The San Bernardino Community College District seeks a highly qualified and diverse workforce and is committed to an open and inclusive hiring process that provides equal consideration and opportunities for all qualified candidates.

Commented [BA1]: Part-time positions are entry level and non-permanent (should be a pathway to upward/permanent employment). The complications in this process do not reflect that.

Part-time faculty are is essential to meeting the needs of our students through the teaching and learning process at the District. It is the goal of the District to implement equal employment opportunities when recruiting and maintaining an adequate pool of qualified candidates in every discipline for part-time teaching positions.

Efforts aimed at recruiting and hiring part-time faculty should reflect the methods of hiring full-time faculty while being conscious of recruiting timelines that efficiently meet the needs of students. must be similar to if not the same as that put forth when the opportunity arises to hire contract faculty. Part-time faculty is required to meet the same minimum qualifications as contract faculty or deemed equivalent or participate in an internship program as per Title 5 Sections 53500-53502.

Commented [BA2]: part-time faculty is an entry level position. If we make the part-time faculty process the same as full-time we are requiring too much of them.

Definition of Part- Time Faculty

Pursuant to Education Code Section 87482.5, (a) “Notwithstanding any other provision of law, any person who is employed to teach adult or community college classes for not more than 67 percent of the hours per week is considered a full-time assignment for regular employees having comparable duties shall be classified as a temporary employee, and shall not become a contract employee under Section 87604. (b) Service as a substitute on a day-to-day basis by persons employed under this section shall not be used for purposes of calculating eligibility for contract or regular status.”

Establishment of Need (Non-Emergency)

In consultation with the department chair, the dean will complete a personnel requisition for an adjunct hiring pool for approval and processing.

Factors to consider when establishing the need to develop an adjunct pool shall include:

- Analysis of sufficient FTEF to meet student and program demands, including effect(s) on full-time faculty;
- Current and potential FTES in identified courses and/or programs;
- Recent unavailability or resignations of current part-time faculty;
- Potential for programmatic growth with an increase in sections, including new programs;
- Course demand and offerings at the Campuses;
- Need for specialized expertise (e.g. CTE programs);
- Categorical or mandated programs;
- Requirements by accrediting agencies;
- Sustainability;
- Other factors which would influence faculty availability to meet program requirements and student need(s);

Commented [BA3]: This is not practical. Part-time faculty are consistently needed by the college with very little notice.

Development of Announcement for Opening of Part-Time Pool

~~a.~~ Annually, Human Resources will reach out to the division/department for approval to publish a list of potential part-time positions as requested by the division/department.

~~b.a.~~ When the position is approved-notified by the division/department, Human Resources will develop the job announcement in consultation with the division/department dean and discipline faculty. All job announcements will include:

- Sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students; and
- Minimum qualifications as established by the Statewide Academic Senate and adopted by the Board of Governors of the California Community Colleges plus any additional qualifications established by the department/program in accordance with the San Bernardino Community College District administrative regulation on Minimum Qualifications, Equivalency, and Local Qualifications.
- ~~The days and hours of available assignments will be listed when known.~~

~~e.b.~~ The Vice Chancellor of Human Resources or Designee shall review the job description(s) for clarity of proposed assignment, appropriateness of education requirements, and collective bargaining and equity implications. ~~Any proposed edits will be sent to the division/department for final approval.~~

Commented [BA4]: Again this is not practical and would be misleading to part-time faculty.

Recruitment Process

~~To help in an effort to~~ develop a well-qualified and diverse pool of potential part-time faculty, a year-round process for advertising and recruiting will be conducted and include announcements in multiple locations including the state chancellor’s job registry. Human Resources will review the composition of part-time faculty pools to ensure that any failure to obtain broad representation is not due to discriminatory recruitment procedures. ~~If a discriminatory recruitment procedure is found, human resources will reach out to the division/department and college Academic Senate to convey the issue and propose solutions. Solutions will not be enacted without input from the division/department and college Academic Senate.~~

Applications for part-time employment will be accepted and maintained all year to reduce the necessity of advertisement to fill a vacancy at the last moment. Each division/department will identify subject areas for which additional part-time faculty who may be needed. All applications will be forwarded to the division/department on a regular basis.

1. **Notification** - Based on the notification from the departments/divisions, recruitment for adjunct positions shall occur broadly by using a variety of print, electronic and other recruitment resources. Each position under recruitment shall be implemented by Human Resources in order to maintain central applicant pools by discipline and review part time seniority rights pursuant to Education Code 87482.3.
2. **Letters of interest and Resumes** – Any information provided by prospective adjunct faculty either to ~~the College’s Office of Instruction College offices~~ or to the Office of Human Resources will be acknowledged with instructions to submit a standard online District employment application form and supporting documentation (i.e. resume and transcripts). Unofficial transcripts are accepted for purposes of review. Division deans and division office managers will not accept resumes except those submitted to the central applicant pool. All persons interested in part time employment will

Commented [BA5]: This is not a faculty duty and we want to be clear that faculty are not responsible for this.

be referred to Human Resources where a centralized discipline area file will be developed, maintained and updated.

- 3. **Position Announcements** - Announcements will be posted on the District’s website and other venues in accordance with board policies and regulations.

To ensure members of underrepresented groups are notified of available positions, the District may:

- Advertise in journals and newspapers with focused audiences as well as in newspapers having wide general circulation;
- Contact members of underrepresented groups seeking work in business and industry;
- Use professional registries and data banks, specifically those whose listings include underrepresented group members;
- Consult with local underrepresented groups’ organizations and agencies regarding recruiting efforts;
- If discipline representatives, coordinators and/or faculty co-chairs request that job postings be advertised in discipline specific publications, lists, websites, or other similar resources, Human Resources shall make reasonable efforts to accommodate these requests.

Interview/Screening Committee & Selection Process

- a. ~~In order to~~To provide equal opportunities for all candidates, strict confidentiality must be maintained regarding the interview questions and the topic(s) of the work sample(s). In addition, each committee member is responsible for integrity concerning any known conflicts of interests. The screening committee must preserve and respect the confidentiality and fairness of the screening and selection process at all times. If confidentiality is breached, or if prejudicial statements are repeated after a warning, Human Resources may disband the Committee.
- b. The appropriate Dean is responsible for forming a screening committee consisting of the Dean and at least one full-time faculty discipline expert. If no full-time faculty discipline expert employed in the areas available, a full-time faculty in a related discipline may serve. A full-time faculty in a related discipline may serve in lieu of the full-time faculty discipline expert with that expert's approval. The committee may also include individuals from other divisions or from outside of the College, as appropriate.
- c. The dean and the faculty member(s) (i.e. screening committee) shall have received training in equal opportunity employment ~~before beginning the hiring process~~.
- d. The division/department dean or designee in consultation with the faculty chair of the department and, if the dean and the chair find it available and practical, a full-time faculty member from the appropriate or related discipline, will screen and review all applications giving full consideration to the special needs of the division/department/program and the student population to be served. Each applicant interviewed must submit evidence of qualifications
- e. Using only pre-determined, job-related criteria, the screening committee will review the available applications and select for interview those applicants who most closely meet the stated qualifications as well as meet the needs of the division/department/program and the needs of a diverse student population and are available for the courses needed.

Commented [BA6]: This should be stricken unless we have a clear definition of what "The beginning of the hiring process" is.

Commented [MS7]: replace it?

Commented [BA8]: What happens when they pull, say, the top 5 and all 5 can't teach the class they need covered? Do they have to pull 5 more? Or like, what do they do?

- f. Interviews shall consist of questions but may include skill demonstration or other pre-determined assessments. ~~The demonstration should reflect the candidate's ability to meet the needs of a varied student population, who will foster overall district effectiveness.~~ If the division/department includes other forms of assessments outside of interview questions, this approach shall be applied to all candidates selected for interview.
- g. If a candidate(s) is selected, the Dean or designee will contact the candidate(s) to offer employment and inform them of hiring procedures. Upon the Dean or designee's notification to Human Resources that the offer has been made, a letter of "Notification and Acceptance of Assignment" will be mailed to them by the Human Resources Department.
- h. All screening committee procedures shall be documented by HR in detail and maintained in a confidential HR College file for a period of three (3) years.

Commented [BA9]: We should avoid putting pieces of the equivalency process in multiple places.

Part time Faculty Pool

Candidates not immediately selected to teach, but who meet qualifications, will be entered into a part-time faculty candidate pool maintained by Human Resources for use by each college. Applications will remain on file for one (1) year. Outside of the annual notification process, when the College(s) indicates a need, copies of applications will be forwarded upon request.

Human Resources will monitor the applicant pool by discipline on a quarterly basis to ensure that any failure to obtain projected representation for any monitored group (those groups identified in section 53004(b) of title 5 for which monitoring and reporting is required pursuant to section 53004(a) of Title 5) is not due to discriminatory recruitment procedures.

At the end of one-year, Human Resources will notify applicants offering them the opportunity to remain in the pool and to update their application.

In the case where there are no qualified candidates in the pool, the division/department dean or designee may search outside of the pool following the above stated procedures.

Regular evaluation of part time faculty as per contract should guide the decision about whether to offer continued employment.

Equivalency

~~If an applicant is applying for equivalency, instructions on the application form direct them to complete and attach a separate application for equivalency. Candidates seeking equivalency will be forwarded to the college's Equivalency Committee for action. Candidates who are deemed to possess equivalent qualifications will be included in the part-time faculty pool. the process in AP 7211 shall be used to evaluate the equivalency request.~~

~~Applicants who satisfy the minimum qualifications (and those who have applied for equivalence) will be stored by discipline and maintained in the central Office of Human Resources applicant tracking system. Applicant materials will be retained by the applicant tracking system for a period of one (1) year.~~

Faculty Interns (MOVE TO 7210 or new AP)

Definition of Faculty Interns.

The District may employ faculty interns under the provisions of Education Code section 87487 and Title 5 of the California Code of Regulations, sections 53500 et seq. The Department Chair and/or the Dean of any

division may propose a faculty internship opening for a participating department prior to the beginning of a semester.

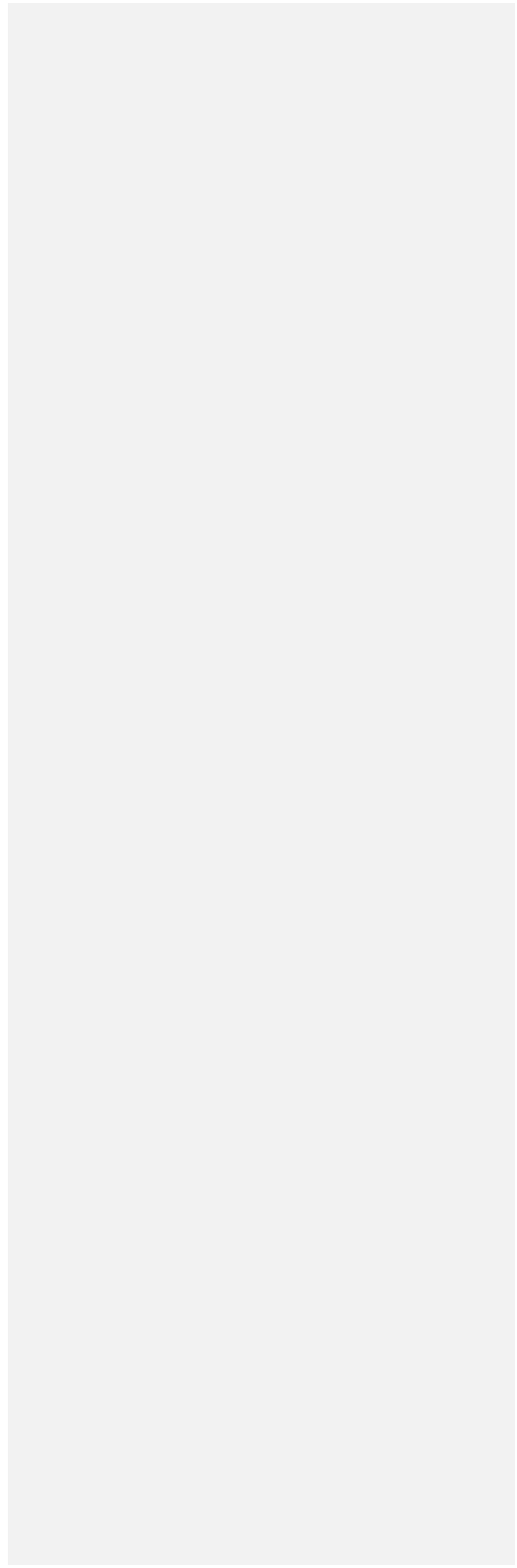
Faculty interns who are students shall meet the minimum qualifications described in Title 5, section 53502 and Subchapter and Section 87487 of the Education Code. Faculty interns may also include persons who meet the regular faculty state-mandated minimum qualifications but who lack teaching experience. The purposes of using faculty interns is to enhance the District's efforts at building a diverse faculty, to enhance the recruitment of qualified persons pursuing the master's or doctoral degrees, particularly in disciplines for which recruitment is difficult, for disciplines in which a shortage of qualified faculty is anticipated, and for which current industry experience is important.

Questions and Concerns from CHC Faculty

7210(A)

- **Intro:** Starting sentence of the third paragraph states, "Efforts aimed at recruiting and hiring part-time faculty must be similar if not the same as that put forth when the opportunity arises to hire contract faculty." **WHY?**
 - Their following statement is true, but does not factor in the fact their contract is less binding and must be renewed so therefore should not need to be held to the same strict hiring standards. Ed Code Section 87482.5 even they are classified as a "temporary employee."
- Under the section: **Establishment of Need**, doesn't this already take place, just not in a checkbox style format? We have unstaffed classes that need an instructor, we hire. The list they provide is rationale for hiring a FT faculty, not necessarily a PT faculty member.
- **Development of Announcement for Opening of Part-time pool:** This is an annual effort? Regardless of need? It would need to be since we have positions opening every semester and sometimes in the middle of semesters.
 - **Part a, b, c...** don't we already do this?
- **Recruitment Process:** who will be posting these "announcements in multiple locations?" How often? At what intervals?
- **Interview/Screening Committee and Selection Process: This IS NOT FEASIBLE or EFFICIENT. Increases workload tremendously.**
 - **Part b:** screening committee. The deans would constantly be in interviews if their presence was required at all interviews. Additionally, in the case of foreign languages, interviews often take place in the target language, which in many cases, is not known by the dean. Isn't it the role of the faculty chair to submit hiring recommendations? At that point the dean can schedule an additional interview if it is necessary.
 - **Part d and e:** must screen ALL applications? Even in disciplines where hundreds are received?
 - **Part h:** Where and how will these notes be kept? Whose responsibility is this?
 - **With part time faculty turn over, this process will be never ending.**
- **Part Time Faculty Pool:** Applicants who are not selected to teach immediately will be in the pool for 1 year... that's it??? And if they choose to stay in the pool, they have to continue to update their application... what does this mean? Complete a new one??

DRAFT





Policies & Procedures Advisory Committee (PPAC) Committee Roster

September 2021-August 2022

Keep or lose any positions?
Define term for appointments?

Representation	Member
1) Executive Vice Chancellor, Co-Chair	Jose Torres
2) Vice Chancellor of HR & Police Services, Co-Chair	Kristina Hannon
3) Management, CHC (<i>appointed by college president</i>)	Keith Wurtz
4) Management, SBVC (<i>appointed by college president</i>)	Ray Carlos
5) Faculty, CHC (<i>appointed by Academic Senate President</i>)	Brandi Bailes
6) Faculty, SBVC (<i>appointed by Academic Senate President</i>)	Lucas Cuny
7) Classified, CHC (<i>appointed by Classified Senate President</i>)	(<i>pending appointment</i>)
8) Classified, SBVC (<i>appointed by Classified Senate President</i>)	Nathan Yearyearn
9) Classified, DSO (<i>appointed by Classified Senate Presidents</i>)	(<i>pending appointment</i>)
10) ASG President or designee, CHC	Tiana McBride/Sasha Paago
11) ASG President or designee, SBVC	Paul Del Rosario
12) Confidential Group (<i>appointed by Administrative Officer</i>)	Stacey Nikac/Cyndie St. Jean
13) EEO Committee Representative (<i>appointed by EEO Committee</i>)	(<i>appointment declined</i>)
14) CSEA (<i>appointed by CSEA</i>)	Ernest Guillen
15) CTA (<i>appointed by CTA</i>)	Meridyth McLaren
16) POA (<i>appointed by POA</i>)	(<i>pending appointment</i>)
17) Black Faculty & Staff Association	Stephanie Lewis
18) Latino Faculty, Staff & Administrator Association	Maria Del Carmen Rodriguez
19) Asian Pacific Islander Association	Rejoice Chavira

Committee Support:
Kelly Goodrich (kgoodric@sbccd.edu)
Brooke Quinones (brquinones@sbccd.edu)

2022-03-14



Policies and Procedures Advisory Committee Self-Evaluation, 2021-2022

Q1 - What is your primary location?

Item #	Answer Choice	Percent	Count
1	CHC	25.00%	2
2	SBVC	37.50%	3
3	District	37.50%	3
Total		100%	8

Q2 - What constituency group are you representing on this committee?

Item #	Answer Choice	Percent	Count
1	Administrator/Supervisor	37.50%	3
2	Classified/Confidential	50.00%	4
3	Faculty	12.50%	1
4	Student	0.00%	0
5	Other	0.00%	0
Total		100%	8

Q3. How many years have you worked or been a student (if you are a student rep.) in the district?

Item #	Answer Choice	Percent	Count
1	Less than a year	0.00%	0
2	1-3	0.00%	0
3	4-7	37.50%	3
4	8-10	37.50%	3
5	11 or More	25.00%	2
Total		100%	8

Q4. How many years (total) have you served on this committee?

Item #	Answer Choice	Percent	Count
1	Less than a year	62.50%	5
2	1-3	25.00%	2
3	4-7	0.00%	0
4	8-10	12.50%	1
5	11 or More	0.00%	0
Total		100%	8

Q5. How many other district committees did you serve on this year?

Item #	Answer Choice	Percent	Count
1	0	12.50%	1
2	1	25.00%	2
3	2	37.50%	3
4	3	12.50%	1
5	4 or More	12.50%	1
Total		100%	8

SUMMARY OF SELF-EVALUATION QUESTIONS (SCALE 1 – 5):

✚ The range of responses was Strongly disagree to Strongly agree (scale 1-5).

✚ This is true of all questions below (6-15).

Item #	Question	Minimum	Maximum	Mean	Total Count
Q6	Constituency groups are adequately represented for the purposes of this committee	4.00	5.00	4.38	8
Q7	Meetings are well attended by constituency groups.	3.00	5.00	4.38	8
Q8	The roles and responsibilities of each committee member are clear.	4.00	5.00	4.38	8
Q9	The committee promotes the shared values, mission, and goals among the Colleges and the District.	3.00	5.00	4.25	8
Q10	The committee provides effective communication (e.g., accurate, relevant, timely, accessible, clear, and concise) on relevant information for decision-making.	4.00	5.00	4.38	8

Question	Strongly disagree (1)	Disagree (2)	Neither agree nor disagree (3)	Agree (4)	Strongly agree (5)	Total	Mean
Q6	0 0.00%	0 0.00%	0 0.00%	5 62.50%	3 37.50%	8	4.38
Q7	0 0.00%	0 0.00%	1 12.50%	3 37.50%	4 50.00%	8	4.38
Q8	0 0.00%	0 0.00%	0 0.00%	5 62.50%	3 37.50%	8	4.38
Q9	0 0.00%	0 0.00%	1 12.50%	4 50.00%	3 37.50%	8	4.25
Q10	0 0.00%	0 0.00%	0 0.00%	5 62.50%	3 37.50%	8	4.38

Scale: 1=Strongly disagree; 2=Disagree; 3=Neither A nor DA; 4=Agree; 5=Strongly agree

Item #	Question	Minimum	Maximum	Mean	Total Count
Q11	The committee promotes a climate of openness and transparency (e.g., ongoing communication, opportunities for two-way communication regarding discussion, plans and policies).	4.00	5.00	4.38	8
Q12	Discussions were facilitated in a way that provided adequate opportunities for all constituency groups to participate.	4.00	5.00	4.38	8
Q13	Decisions were made in a manner appropriate for this committee.	4.00	5.00	4.25	8
Q14	I feel that the working relationships among the members of the committee are professional, respectful, and collegial.	3.00	5.00	4.25	8
Q15	The members of the committee support diverse opinions, ideas, and actions of others.	3.00	5.00	4.00	8

Question	Strongly disagree (1)	Disagree (2)	Neither agree nor disagree (3)	Agree (4)	Strongly agree (5)	Total	Mean
Q11	0 0.00%	0 0.00%	0 0.00%	5 62.50%	3 37.50%	8	4.38
Q12	0 0.00%	0 0.00%	0 0.00%	5 62.50%	3 37.50%	8	4.38
Q13	0 0.00%	0 0.00%	0 0.00%	6 75.00%	2 25.00%	8	4.25
Q14	0 0.00%	0 0.00%	1 12.50%	4 50.00%	3 37.50%	8	4.25
Q15	0 0.00%	0 0.00%	2 25.00%	4 50.00%	2 25.00%	8	4.00

Scale: 1=Strongly disagree; 2=Disagree; 3=Neither A nor DA; 4=Agree; 5=Strongly agree

Q16 - Please indicate all means in which you communicate committee decisions/discussions to your constituency group.:

Item #	Answer Choice	Percent	Count
1	In-person	21.43%	3
2	Email	50.00%	7
3	College/District website	7.14%	1
4	Updates in committee meetings	21.43%	3
5	Other	0.00%	0
	Total	100%	14

COMMENTS

Q17 - Please enter the improvement(s) most needed by this committee in its processes, interactions, outcomes, or other aspect of its work:



POLICY & PROCEDURE SERVICE

Policy & Procedure Subscription Service

Community College League of California
Liebert Cassidy Whitmore

Legal Update #38

April 2021

OVERVIEW

This is the 38th update to district members of the League's Policy & Procedure Subscriber Service, offered in partnership with the law firm of Liebert Cassidy Whitmore. The update reflects new statutes and regulations, legal opinions, and questions from subscribers that have occurred since legal Update 37 (disseminated to member districts in October 2020).

As part of the ongoing updates, the Service biannually updates the templates for diversity, equity, and inclusion-related issues. That process is continuing, and the League is redoubling that effort and commits to integrating diversity, equity, inclusion, and accessibility issues into these reviews of the policy/procedure templates.

Revisions to the Board Policy Templates

BP 1200 District Mission – The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

BP 2200 Board Duties and Responsibilities – The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

BP 2220 Committees of the Board – The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

BP 2345 Public Participation at Board Meetings – The Service updated this policy to remove the requirement that a member of the public must submit written communication regarding a Board agenda item prior to the meeting.

BP 2435 Evaluation of the [CEO] – The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

BP 2720 Communications Among Board Members – The Service updated this policy to reflect new Brown Act requirements allowing members of the Governing Board to engage in



POLICY & PROCEDURE SERVICE

conversations on social media platforms that are open and accessible to the public so long as the purpose of the communication is to answer questions, provide information to the public, or solicit information from the public; and as long as the majority of the members of the Board do not discuss District business among themselves.

BP 2745 Board Self-Evaluation – The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

BP 3225 Institutional Effectiveness – The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

BP 3420 Equal Employment Opportunity – The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

BP 3550 Drug Free Environment and Drug Prevention Program – The Service updated this policy to add clarifying language to specify that the District shall be free from all unlawful drugs.

BP 3725 Information and Communications Technology Accessibility & Acceptable Use – The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

BP 4020 Program, Curriculum, and Course Development – The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

BP 4106 Nursing Programs – The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

BP 4250 Probation, Dismissal, and Readmission – The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

BP 5035 Withholding of Student Records – The Service updated this policy to reflect changes to Title 5 Regulations that prohibit withholding grades or transcripts in an effort to collect a debt.

BP 5050 Student Success and Support Program – The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

BP 6340 Bids and Contracts – The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.



POLICY & PROCEDURE SERVICE

BP 6910 Housing – The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

BP 7100 Commitment to Diversity – The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

BP 7120 Recruitment and Hiring – The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

BP 7130 Compensation – The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

BP 7160 Professional Development – The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

BP 7250 Educational Administrators – The Service updated this policy to add clarifying language regarding the term “vacancy” as used in this policy.

BP 7345 Catastrophic Leave Program – The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

BP 7350 Resignations – The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

BP 7600 College [*Police Department(s)*] or [*Campus Security*] – The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

Revisions to the Administrative Procedure Templates

AP 2435 Evaluation of the [*CEO*] – The Service updated this procedure to add optional language to highlight diversity, equity, and inclusion issues.

AP 3225 Institutional Effectiveness – The Service updated this procedure to add optional language to highlight diversity, equity, and inclusion issues.

AP 3420 Equal Employment Opportunity – The Service updated this procedure to add optional language to highlight diversity, equity, and inclusion issues.



POLICY & PROCEDURE SERVICE

AP 3434 Responding to Harassment Based on Sex under Title IX – The Service updated this procedure to add optional language to highlight diversity, equity, and inclusion issues and to clarify other language.

AP 3435 Discrimination and Harassment Complaints and Investigations – The Service updated this procedure to add optional language to highlight diversity, equity, and inclusion issues and to make further changes resulting from the regulation changes.

AP 3725 Information and Communications Technology Accessibility & Acceptable Use – The Service updated this procedure to add optional language to highlight diversity, equity, and inclusion issues.

AP 4020 Program and Curriculum Development – The Service updated this procedure to add optional language to highlight diversity, equity, and inclusion issues.

AP 4106 Nursing Programs – The Service updated this procedure to add optional language to highlight diversity, equity, and inclusion issues.

AP 4250 Probation – The Service updated this procedure to add optional language to highlight diversity, equity, and inclusion issues.

AP 5015 Residence Determination – The Service updated this procedure to insert a deadline to make a determination on a reclassification petition.

AP 5020 Nonresident Tuition – The Service updated this procedure to reorganize (*inserting a numbering sequence versus bullets in three sections of the template*) to clarify that there are multiple factors that must be satisfied to qualify for the corresponding exemption.

AP 5030 Fees – The Service updated this procedure to remove a citation to Section 54801 of Title 5, which was repealed.

AP 5035 Withholding of Student Records – The Service updated this procedure to reflect changes to Title 5 Regulations that prohibit withholding grades or transcripts in an effort to collect a debt.

AP 5050 Student Success and Support Program – The Service updated this procedure add optional language to highlight diversity, equity, and inclusion issues.

AP 5520 Student Discipline Procedures – The Service updated this procedure to change the abbreviation AS to state “Associated Students” and to add optional language to highlight diversity, equity, and inclusion issues.



POLICY & PROCEDURE SERVICE

AP 5530 Student Rights and Grievances – The Service updated the use note for this procedure to make it legally advised in order to ensure compliance with accreditation requirements.

AP 6340 Bids and Contracts – The Service updated this procedure to reflect new legal requirements that bid documents and construction contracts specify that a project is subject to the skilled and trained workforce requirement and to add optional language to highlight diversity, equity, and inclusion issues.

AP 6370 Contracts – Personal Services – The Service updated this procedure to reflect a change in the citation to the Labor Code provisions addressing independent contractor requirements (Labor Code Sections 2775 et seq.).

AP 6540 Insurance – The Service updated this procedure to add a use note to clarify that an actuarial evaluation is required if a District establishes a fund for losses and payments for health and welfare benefits for its employees for the purpose of covering the deductible amount under deductible types of insurance policies, losses or payments arising from self-insurance programs, or losses or payments due to noninsured perils.

AP 6910 Housing – The Service updated this procedure to add optional language to highlight diversity, equity, and inclusion issues.

AP 7120 Recruitment and Hiring – The Service updated this procedure to add optional language to highlight diversity, equity, and inclusion issues.

AP 7130 Compensation – The Service updated this procedure to add optional language to highlight diversity, equity, and inclusion issues.

AP 7160 Professional Development – The Service updated this procedure to add optional language to highlight diversity, equity, and inclusion issues.

AP 7345 Catastrophic Leave Program – The Service updated this procedure to add optional language to highlight diversity, equity, and inclusion issues.

AP 7347 Paid Family Leave – The Service updated this procedure to clarify and streamline the language in this procedure. Additionally, this procedure was updated to reflect recent changes to the Paid Family Leave program, including an increase in the duration of benefits to eight weeks, and expansion of the leave to cover time off to participate in a qualifying exigency related to covered active duty or call to covered active duty for an individual's spouse, domestic partner, child or parent in the Armed Forces.

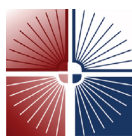


POLICY & PROCEDURE SERVICE

AP 7350 Resignations – The Service updated this procedure to add optional language to highlight diversity, equity, and inclusion issues.

AP 7600 College [Police or Security] – The Service updated this procedure to add optional language to highlight diversity, equity, and inclusion issues.

AP 7700 Whistleblower Protection – The Service updated this procedure to remove contact information for the State Personnel Board.



POLICY & PROCEDURE SERVICE

BP 1200 District Mission

Reference:

ACCJC Accreditation Standard I.A

NOTE: *This policy is required by the Western Association of Schools and Colleges (WASC)/Accrediting Commission of Community and Junior Colleges (ACCJC) accreditation standards. The accreditation standard requires that “the mission describes the institution’s broad educational purposes, its intended student population, the types of degrees and other credentials it offers, and its commitment to student learning and student achievement.”*

The mission of the [**Name**] Community College District is:

[**Insert district mission here**]

The mission is evaluated and revised on a regular basis. [**Optional: Include language linking mission to District’s commitment to diversity, equity, and inclusion. For example: The District is believes a commitment to diversity, equity, and inclusion enriches the District’s mission and supports students in achieving their educational goals.**]

NOTE: *Institutional mission defines the broad-based educational purposes the district seeks to achieve and the students it intends to serve, as well as the parameters under which programs can be offered and resources allocated.*

It is the discretion of the board of multi-college districts whether or not to include individual college missions as board policy.

It is the discretion of the board whether or not it wishes to state a specific time frame for evaluating and revising the mission.

Revised 11/14, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 2200 Board Duties and Responsibilities

Reference:

ACCJC Accreditation Standard IV

NOTE: *This policy is suggested as good practice. Board duties and responsibilities are also reflected throughout the Board Policy Manual and are addressed in BP 2715 Code of Ethics/Standards of Practice.*

Insert local practice; sample concepts are provided below. Additional resources may be found in the League's Trustee Handbook and other publications on trusteeship.

The Board of Trustees governs on behalf of the citizens of the [**District**] in accordance with the authority granted and duties defined in Education Code Section 70902.

The Board is committed to fulfilling its responsibilities to:

- Represent the public interest
 - Establish policies that define the institutional mission and set prudent, ethical and legal standards for college operations
 - [Optional: Include language stating the Trustee's responsibility to be anti-racist. For example:
 - Assure the Board operates in an open, accessible, welcoming spirit, and maintains an anti-racist culture
 - Establish policies that ensure the District operates in anti-racist manner.]
 - Hire and evaluate the [**CEO**]
- Delegate power and authority to the chief executive to effectively lead the District
- Assure fiscal health and stability
- Monitor institutional performance and educational quality
- Advocate and protect the District

NOTE: *Additional duties and responsibilities may be added.*

New 8/06, Revised 11/14, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 2220 Committees of the Board

Reference:

Government Code Section 54952

The Board may by action establish committees that it determines are necessary to assist the Board in its responsibilities. Any committee established by Board action shall comply with the requirements of the Brown Act and with these policies regarding open meetings.

Board committees that are composed solely of less than a quorum of members of the Board that are advisory are not required to comply with the Brown Act, or with these policies regarding open meetings, unless they are standing committees.

NOTE: *The following language is legally advised.*

Board committees that are only advisory have no authority or power to act on behalf of the Board. Findings or recommendations shall be reported to the Board for consideration.

NOTE: *Although it is not recommended that Boards have standing committees, if the Board chooses to do so, the following would apply.*

The Board has established the following committee(s):

[*List committee and charge to committee.*]

[*Optional: Diversity, Equity, and Inclusion (“DEI”) Standing Committee – this Committee helps the District further its DEI goals. Specifically, this Committee will develop, review, and evaluate plans that create a more diverse, equitable, and inclusive environment.*]

Revised 8/07, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 2345 Public Participation at Board Meetings

References:

Education Code Section 72121.5;
Government Code Sections 54954.3 and 54957.5

NOTE: *The language in this policy is legally required, unless noted otherwise.*

The Board shall provide opportunities for members of the general public to participate in the business of the Board.

Members of the public may bring matters directly related to the business of the District to the attention of the Board in one of two ways:

NOTE: *If the District places a limit on the amount of time allocated for each individual speaker, the District must provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body, unless simultaneous translation equipment is used to allow the body to hear the translated public testimony simultaneously.*

- There will be a time at each regularly scheduled board meeting for the general public to discuss items not on the agenda.

NOTE: *The following paragraph is legally advised.*

Members wishing to present such items shall submit a written request at the beginning of the meeting to the [**CEO/President of the Board**] that summarizes the item and provides his/her/their name and organizational affiliation, if any. No action may be taken may be taken by the Board on such items.

- Members of the public may place items on the prepared agenda in accordance with BP 2340 Agendas.

NOTE: *The following paragraph is suggested as good practice.*

A written summary of the item must be submitted to the [**CEO**] at least [**time frame, such as two weeks; must be at least 72 hours to assure compliance with the Brown Act**] prior to the board meeting. The summary must be signed by the initiator, contain his/her/their residence or business address, and organizational affiliation, if any.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Members of the public also may submit written communications to the Board on items on the agenda and speak to agenda items at the Board meeting. ~~Written communication regarding items on the Board's agenda should reach the office of the [CEO] not later than [insert number of days here, such as five working days] prior to the meeting at which the matter concerned is to be before the Board.~~ All such written communications shall be dated and signed by the author, and shall contain the residence or business address of the author and the author's organizational affiliation, if any.

If requested, writings that are public records shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

Claims for damages are not considered communications to the Board under this rule, but shall be submitted to the District.

Revised 2/03, 3/12, 4/17, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 2435 Evaluation of the [CEO]

References:

Education Code Section 87663;
ACCJC Accreditation Standard IV.C.3

The Board shall conduct an evaluation of [CEO] at least annually. Such evaluation shall comply with any requirements set forth in the contract of employment with the [CEO] as well as this policy.

The Board shall evaluate the [CEO] using an evaluation process developed and jointly agreed to by the Board and the [CEO].

The criteria for evaluation shall be based on Board policy, the [CEO] job description, and performance goals and objectives developed in accordance with BP 2430 Delegation of Authority to the [CEO]. [Optional: The criteria for evaluation of the [CEO] shall also include performance goals and objectives related to the District's commitment to diversity, equity, and inclusion.]

Revised 11/14, 10/20, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 2720 Communications Among Board Members

Reference:

Government Code Section 54952.2

Members of the Board shall not communicate among themselves by the use of any form of communication (e.g., personal intermediaries, e-mail, or other technological device) in order to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. In addition, no other person shall make serial communications to Board Members.

NOTE: *The following is alternative language that may be used in this policy:*

A majority of the members of the Governing Board shall not, outside a regularly scheduled meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the Board.

This policy shall not be construed as preventing an employee or official of the District from engaging in separate conversations or communications with members of the Board outside of a meeting in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of Board, if that person does not communicate to members of the Board the comments or position of any other member or members of the Board.

This policy shall also not be construed as preventing a member of the Governing Board from engaging in separate conversations or communications on an internet-based social media platform to answer questions, provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the Board. In doing so, a majority of the members of the Board may not use the internet-based social media platform to discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the Board. However, a member of the Board shall not respond directly to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the Board that another member of the Board has made, posted, or shared.

Revised 2/10, 10/18, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 2745 Board Self-Evaluation

Reference:

ACCJC Accreditation Standard IV.C.10

The Board is committed to assessing its own performance as a Board in order to identify its strengths and areas in which it may improve its functioning.

To that end, the Board has established the following processes:

NOTE: *Local districts may insert their own process here. The Community College League has resources to assist boards in developing processes. A sample process is:*

A committee of the Board shall be appointed in [**month**] to determine the instrument or process to be used in Board self-evaluation. Any evaluation instrument shall incorporate criteria contained in these Board policies regarding board operations, as well as criteria defining board effectiveness promulgated by recognized practitioners in the field.

[**Optional:** *The criteria for the Board's self-evaluation shall also include performance goals and objectives related to the District's and the Board's commitment to anti-racism, diversity, equity, and inclusion.*]

The process for evaluation shall be recommended to and approved by the Board.

If an instrument is used, all board members will be asked to complete the evaluation instrument and submit them to [**insert position, such as Board President or Board Secretary**].

A summary of the evaluations will be presented and discussed at a Board session scheduled for that purpose. The results will be used to identify accomplishments in the past year and goals for the following year.

Revised 11/14, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 3225 Institutional Effectiveness

References:

Education Code Sections 78210 et seq. and 84754.6;
ACCJC Accreditation Standard I.B.5 - 9

NOTE: *This policy is legally advised for those districts that receive funds under the Seymour-Campbell Student Success Act of 2012, Education Code Sections 78210 et seq.*

The Board is committed to developing goals that measure the ongoing condition of the District's operational environment. The Board regularly assesses the District's institutional effectiveness. **[Optional: Include language linking effectiveness to equity and inclusion. For example: Institutional effectiveness includes the assessment of goals and objectives with respect to the District's commitment to diversity, equity and inclusion to the fullest extent permitted by law.]**

New 4/15; Revised 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 3420 Equal Employment Opportunity

References:

Education Code Sections 87100 et seq.;
Title 5 Sections 53000 et seq.;
ACCJC Accreditation Standard III.A.12

NOTE: *This policy is **legally required**. BP 3420 and the corresponding procedure comply with Title 5 Section 53000 and Education Code Sections 87100 et seq., as amended in 2002. Because this remains a highly dynamic area of law, consultation with legal counsel in implementing this policy and procedure is advised.*

The Board supports the intent set forth by the California Legislature to assure that effort is made to build a community in which opportunity is equalized, and community colleges foster a climate of acceptance, with the inclusion of faculty and staff from a wide variety of backgrounds. It agrees that diversity in the academic environment fosters cultural awareness, mutual understanding and respect, harmony and respect, and suitable role models for all students. **[Optional: *Include language regarding the importance of an equitable and inclusive hiring process to equal employment opportunity. For example: An equitable and inclusive hiring process is essential to improve diversity, reduce barriers to employment, and allow potential applicants the opportunity to demonstrate that they meet or exceed the minimum qualifications for employment.*]** The Board therefore commits itself to promote the total realization of equal employment through a continuing equal employment opportunity program.

The **[CEO]** shall develop, for review and adoption by the Board, a plan for equal employment opportunity that complies with the Education Code and Title 5 requirements as from time to time modified or clarified by judicial interpretation. **[Optional: *Include language directing [CEO] to develop hiring procedures driven by diversity, equity, and inclusion. For example: The [CEO] shall develop hiring procedures driven by diversity, equity, and inclusion and consistent with the Board's intent described above.*]**

Revised 2/03, 4/15, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 3550 Drug Free Environment and Drug Prevention Program

References:

Drug Free Schools and Communities Act, 20 U.S. Code Section 1011i;
34 Code of Federal Regulations Parts 86.1 et seq.;
Drug Free Workplace Act of 1988, 41 U.S. Code Section 8103

NOTE: *This policy is legally required.*

The District shall be free from all unlawful drugs and from the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees.

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

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

[*Describe the health risks associated with the use of illicit drugs and the abuse of alcohol.*]

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

Revised 2/08, 10/18, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 3725 Information and Communications Technology Accessibility & Acceptable Use

References:

Government Code Sections 7405, 11135, and 11546.7;
Section 504, Rehabilitation Act of 1973 (29 U.S. Code Section 701);
Section 508, Rehabilitation Act of 1973 (Federal Electronic and Information
Technology) (29 U.S. Code Section 794d);
36 Code of Federal Regulations Parts 1194.1 et seq.

NOTE: *The following policy is suggested as good practice.*

The governing board shall ensure equal access to instructional materials and information and communication technology (ICT) for all and particularly for individuals with disabilities, in a timely manner.

As it relates to equally effective alternative access to instructional materials and ICT, timely manner means that the individual with a disability receives access to the instructional materials or ICT at the same time as an individual without a disability.

The [**CEO**] shall establish administrative procedures to comply with the requirements specified in Section 508 of the Rehabilitation Act and its implementing regulations.

[Optional: The [CEO] shall also establish administrative procedures to enable the District to lawfully manage its use of third-party social media platforms and communication to the general public via third-party social media platforms.]

New EW 3/19; Revised 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 4020 Program, Curriculum, and Course Development

References:

Education Code Sections 70901 subdivision (b), 70902 subdivision (b), and 78016;
Title 5 Sections 51000, 51022, 55002.5, 55100, 55130, and 55150;
U.S. Department of Education regulations on the Integrity of Federal Student
Financial Aid Programs under Title IV of the Higher Education Act of 1965, as
amended;
34 Code of Federal Regulations Parts 600.2, 602.24, 603.24, and 668.8;
ACCJC Accreditation Standards II.A and II.A.9

NOTE: *This policy is **legally required**. The following policy indicates that the Governing Board retains authority to approve new programs and courses, and discontinue programs, and delegates the authority for all other actions to the CEO. It is the option we legally advise, but options that delegate all authority to the CEO or that require Board approval for new courses and discontinue courses are legal. However, it is suggested that Boards not require staff to submit program or course modifications to them for approval.*

*The portion of this policy regarding credit hour definition is **legally required** in an effort to show good faith compliance with the applicable federal regulations.*

The programs and curricula of the District shall be of high quality, relevant to community and student needs, and evaluated regularly to ensure quality and currency. To that end, the [**CEO**] shall establish procedures for the development and review of all curricular offerings, including their establishment, modification, or discontinuance.

Furthermore, these procedures shall include:

- appropriate involvement of the faculty and Academic Senate in all processes;
- regular review and justification of programs and course descriptions;
- opportunities for training for persons involved in aspects of curriculum development; and
- consideration of job market and other related information for career and technical education programs.

[Optional: The Board encourages the District to develop and offer programs and curricula in ethnic studies, programs and curricula that infuse a global perspective into the curricular offerings, and programs and curricula that include instruction on the perspectives of persons with low socioeconomic status in the topic.]

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

All new programs and program discontinuances shall be approved by the Board of Trustees.

All new programs shall be submitted to the California Community Colleges Chancellor's Office for approval as required.

Individual degree-applicable credit courses offered as part of a permitted educational program shall be approved by the Board. Non-degree-applicable credit and degree-applicable courses that are not part of an existing approved program must satisfy the conditions authorized by Title 5 regulations and shall be approved by the Board.

Credit Hour

Consistent with federal regulations applicable to federal financial aid eligibility, the District shall assess and designate each of its programs as either a "credit hour" program or a "clock hour" program.

The [**CEO**] shall establish procedures which prescribe the definition of "credit hour" consistent with applicable Title 5 and federal regulations, as they apply to community college districts.

The [**CEO**] shall establish procedures to assure that curriculum at the District complies with the definition of "credit hour" or "clock hour," where applicable.

The [**CEO**] shall also establish procedures for using a clock-to-credit hour conversion formula to determine whether a credit hour program is eligible for federal financial aid. The conversion formula is used to determine whether such a credit-hour program has an appropriate minimum number of clock hours of instruction for each credit hour it claims.

Revised 8/04, 2/07, 8/07, 7/11, 3/12, 11/14, 4/16, 10/17, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 4106 Nursing Programs

References:

Education Code Sections 66055.8, 66055.9, 70101-70107, 78260, 78261, 78261.3, 78261.5, 87482, 89267, 89267.3, and 92645;
Title 5 Sections 55060 et seq. and 55521;
Health and Safety Code Section 128050

NOTE: *The following only applies if the District has decided to use a multi-criteria screening process. In addition, Districts that believe it is applicable to their programs should use the SNAPLE language (see italicized language in the template below) provided in the template as "Suggested as Good Practice," but this new SNAPLE-related language is not universally applicable or required. Districts may choose to provide the SNAPLE-related information to students separately and will be in compliance with the program if this is how they decide to proceed.*

Nursing students who have already earned a baccalaureate or higher degree from a regionally accredited institution of higher learning are not required to complete any general education requirements that may be required for an associate degree. Instead, these students only need to complete the coursework necessary for licensing as a registered nurse.

[Optional: The District will recruit students from low socioeconomic populations to enroll in the District's nursing program.]

The District shall consider all of the following when screening nursing students:

- Academic degrees or diplomas, or relevant certificates, held by the applicant;
- Grade point average in relevant coursework;
- Life experiences or special circumstances of an applicant;
- Any relevant work or volunteer experience; and
- Proficiency or advanced level coursework in languages other than English.

NOTE: *Loan assumption agreements may be awarded to individuals who at a minimum possess a baccalaureate degree in nursing or a field related to nursing who have agreed to teach nursing on a full-time or part-time basis commencing not more than 12 months after receiving a loan assumption award. The loan assumption program is referred to as the State Nursing Assumption Program of Loans for Education (SNAPLE). The loan assumption agreement will be considered no longer effective and deemed terminated, if*

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

a program participant fails to complete a minimum of three academic years of teaching on a full-time basis or the equivalent on a part-time basis.

Loan assumption payments will not be made on behalf of the participant until the participant has completed one academic year, or the equivalent of full-time teaching nursing studies at one or more regionally accredited, eligible Districts. The commission can assume liability for loans incurred by the participant to pay for the participant's undergraduate and graduate degrees.

The terms of the loan agreement program can be extended for one academic year, unless extended by the commission on a case-by-case basis, for the following reasons:

- *Pregnancy;*
- *Serious Illness;*
- *Natural causes; or*
- *Being called to military active duty status.*

In addition, when an interruption of instruction because of a natural disaster prohibits a loan program participant from completing one of the required years of teaching service, the term of the loan assumption agreement shall be extended for a period of time equal to the period of interruption of instruction.

New 2/08, Revised 4/09, 4/16, 4/17, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 4250 Probation, Dismissal, and Readmission

References:

Education Code Section 70902 subdivision (b)(3);
Title 5 Sections 55031-55034

NOTE: *This policy is legally required. The following standards are the minimum standards defined in Title 5. Boards may adopt more stringent standards as specified in 55031-55034, and if they have done so, board policy must reflect those standards.*

Probation

A student shall be placed on academic probation if he/she/they has attempted a minimum of 12 semester units of work and has a grade point average of less than a "C" (2.0).

A student shall be placed on progress probation if he/she/they has enrolled in a total of at least 12 semester units and the percentage of all units in which the student has enrolled, for which entries of "W," "I," "NC," and "NP" were recorded reaches or exceeds 50 percent.

A student who is placed on probation may submit an appeal in accordance with procedures to be established by the [**CEO**].

A student on academic probation shall be removed from probation when the student's accumulated grade point average is 2.0 or higher. A student on progress probation shall be removed from probation when the percentage of units in the categories of "W," "I," "NC," and "NP" drops below 50 percent.

Dismissal

A student who is on academic probation shall be subject to dismissal if the student has earned a cumulative grade point average of less than 1.75 in all units attempted in each of three consecutive semesters.

A student who is on progress probation shall be subject to dismissal if the cumulative percentage of units in which the student has been enrolled for which entries of "W," "I," "NC," and "NP" are recorded in at least three consecutive semesters reaches or exceeds 50 percent.

A student who is subject to dismissal may submit a written appeal in compliance with administrative procedures. Dismissal may be postponed and the student continued on probation if the student [**state the District's established criteria, such as evidence of extenuating circumstances or shows significant improvement in academic achievement.**]

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Readmission

A student who has been dismissed may request reinstatement [**conditions of reinstatement are up to the District; suggest passage of time (e.g., one semester) or appeal that indicates extenuating circumstances have changed**].

Readmission may be granted, denied, or postponed according to criteria contained in administrative procedures.

The [**CEO**] shall develop procedures for the implementation of this policy that comply with the Title 5 requirements.

[**The following language is Optional.**]

Probation, Dismissal, Readmission Data Reporting

The [CEO] shall develop and provide to the Board for review [specify annual or other interval] report of the number of students who were placed on probation, dismissed, and reinstated. This report must disaggregate the students by race, age, gender, or any other characteristic identified by the Board.

Revised 8/07, 10/13, 4/18, **4/21**

Disclaimer: This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.



POLICY & PROCEDURE SERVICE

BP 5035 Withholding of Student Records

Reference:

Title 5 Section 59410

NOTE: *This policy is **legally advised**. Effective January 1, 2020, the Educational Debt Collection Practices Act prohibits Districts from withholding a transcript on the grounds that the student owes a debt.*

Students or former students who have been provided with written notice that they have failed to pay a proper financial obligation shall have ~~grades, diplomas,~~ and registration privileges withheld.

Revised 9/01, 10/20, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 5050 Student Success and Support Program

References:

Education Code Sections 78210 et seq.;
Title 5 Sections 55500 et. seq.;
ACCJC Accreditation Standard II.C.2

NOTE: *This policy is legally required.*

NOTE: *The California Community Colleges Chancellor's Office is working on streamlining the reporting requirements for the Student Success and Support Program along with other programs. One change has been to submit information related to the Student Success and Support Program to the California Community Colleges Chancellor's Office as part of an "Integrated Plan." However, because Title 5 Regulations addressing Student Success and Support Programs have not been repealed, districts are still required to comply with the Student Success and Support Program requirements.*

The District shall provide Student Success and Support Program services to students to ~~for the purpose of~~ furthering equality of educational opportunity and academic success.

[Optional: The Board expects the Student Success and Support Programs to specifically identify and close opportunity gaps that impact student success and improve the District's commitment to diversity, equity, and inclusion to better support student success.]

The purpose of Student Success and Support Program services is to bring the student and the District into agreement regarding the student's educational goal through the District's established programs, policies, and requirements.

The [**CEO**] shall establish procedures to assure implementation of Student Success and Support Program services that comply with the Title 5 regulations.

Revised 2/08, 10/13, 4/15, 3/19, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 6340 Bids and Contracts

References:

Education Code Sections 81641 et seq.;
Public Contract Code Sections 20650 et seq.;
Government Code Section 53060;
ACCJC Accreditation Standard III.D.16;
2 Code of Federal Regulations Part 200.318

NOTE: *This policy is legally required.*

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

- Contracts are not enforceable obligations until they are ratified by the Board.
- Contracts for work to be done, services to be performed or for goods, equipment or supplies to be furnished or sold to the District that exceed the amounts specified in Public Contract Code Section 20651 shall require prior approval by the Board.
- When bids are required according to Public Contract Code Section 20651, the Board shall award each such contract to the lowest responsible bidder who meets the specifications published by the District and who shall give such security as the Board requires, or reject all bids.
- When the District determines that, according to Public Contract Code Section 20651.7, it can expect long-term savings through the use of life-cycle cost methodology, the use of more sustainable goods and materials, and reduced administrative costs, the District may select and award the contract based on best value in accordance with AP 6340. The bidder shall give such security as the Board requires and may reject all bids.

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

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

[Optional: The District commits to achieving diversity, equity, and inclusion with regard to its vendors. The Board delegates to the [CEO] the authority to create a Vendor Diversity Plan to increase diversity, equity, and inclusion in the District's vendors.]

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Revised 4/14, 4/15, 10/16, 3/19, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 6910 Housing

References:

Education Code Sections 94100 et seq.

NOTE: *The following language is legally required, if applicable to the District.*

The [**CEO**] is delegated the authority to enter into agreements with nonprofit entities to finance the cost of constructing student, faculty, and staff housing near the campus(es) of the District.

[**Optional:** *The District will give preference for residence at District-provided housing to formerly homeless students.*]

New 2/02; Revised 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 7100 Commitment to Diversity

References:

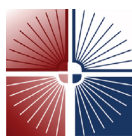
Education Code Sections 87100 et seq.;
Title 5 Sections 53000 et seq.

NOTE: *This policy is legally required.*

The District is committed to employing qualified administrators, faculty, and staff members who are dedicated to student success **[Optional: and committed to an inclusive, anti-racist campus culture]**. The Board recognizes that diversity, equity, and inclusion in the academic environment fosters cultural awareness, promotes mutual understanding and respect, and provides suitable role models for all students and employees. The Board is **[Optional: strongly]** committed to hiring and staff development processes that support the goals of equal opportunity and diversity, equity, and inclusion, ~~and~~ provide equal consideration for all qualified candidates, **[Optional: and create an anti-racist academic and employment environment]**.

Revised 2/03, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 7120 Recruitment and Hiring

References:

Education Code Sections 70901.2, 70902 subdivisions (b)(7) & (d), 87100 et seq., and 87458;
Title 5 Sections 51023.5 and 53000 et seq.;
ACCJC Accreditation Standard III.A.1

NOTE: *This policy is legally required.*

[Optional: The District's recruitment and hiring procedures will demonstrate a commitment to diversity, equity, and inclusion in order to achieve the District's mission and support students in achieving their educational goals. The District's recruitment and hiring procedures will allow the District to engage in diversity hiring that increases the representation of underrepresented communities in the District's workforce. Diversity hiring includes a hiring process that mitigates unconscious bias and eliminates irrational barriers to employment to allow the District to hire the best candidate regardless of the candidate's protected classes. Underrepresented communities consist of individuals holding identities broadly underrepresented in the District's workforce in comparison to their representation in the field or job category within the state of California or nationally in higher education.]

The [**CEO**] shall establish procedures for the recruitment and selection of employees including, but not limited to, the following criteria.

An Equal Employment Opportunity Plan shall be implemented according to Title 5 and BP 3420 Equal Employment Opportunity. *[Optional: The District's Equal Employment Opportunity plan will document the multiple measures that capture the broad array of strategies and actions the District uses or will use to ensure equal employment opportunity. The [CEO] will provide the Board with an annual report regarding the District's Equal Employment Opportunity Plan.]*

Academic employees shall possess the minimum qualifications prescribed for their positions by the Board of Governors.

The criteria and procedures for hiring academic employees shall be established and implemented in accordance with board policies and procedures regarding the Academic Senate's role in local decision-making.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

The criteria and procedures for hiring classified employees shall be established after first affording the [**classified organization**] an opportunity to participate in the decisions under the Board's policies regarding local decision making.

Revised 2/03, 2/07, 11/14, 10/16, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 7130 Compensation

References:

Education Code Sections 70902 subdivision (b)(4), 72411, 87801, and 88160;
Government Code Section 53200;
34 Code of Federal Regulations Part 668 (U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended)

Salary schedules, compensation, and benefits, including health and welfare benefits, for all classes of employees and each administrator employed pursuant to a contract under Education Code Section 72411 shall be established by the Board.

NOTE: *This policy is legally required in an effort to show good faith compliance with the applicable federal regulations.*

Prohibition of Incentive Compensation

[NOTE: *Except as applicable to foreign students residing in foreign countries who are not eligible to receive federal student assistance,*] The District shall not provide any commission, bonus, or other incentive payment based, directly or indirectly, on the success in securing enrollments or financial aid, to any person or entity engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance. Employees covered by this ban shall be referred to as “covered employees” for purposes of this policy.

[The following language is Optional.]

[Compensation Study

The [CEO] shall provide the Board, when requested, with a compensation study for all classes of employees and each administrator employed pursuant to a contract. This study must disaggregate employees by race, age, gender, religion, or any other characteristic identified by the Board.]

Revised 7/11, 4/15, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 7160 Professional Development

Reference:

ACCJC Accreditation Standard III.A.14

NOTE: *The following is **suggested as good practice**. Districts may insert their own policy language pertaining to professional development.*

It is the intent of the District to maximize professional development opportunities for its employees.

[Optional: Every employee will receive professional development opportunities in critical race theory, critical gender theory, and general sensitivity training.]

New 4/15; Revised 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 7250 Educational Administrators

References:

Education Code Sections 72411 et seq., 87002 subdivision (b), and 87457-87460;
Government Code Section 3540.1 subdivisions (g) and (m)

NOTE: This policy is legally required.

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

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

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

- The administrator meets the criteria established by the District for minimum qualifications for a faculty position, in accordance with procedures developed jointly by the [**CEO**] and the Academic Senate and approved by the Board. The Board shall rely primarily on the advice and judgment of the Academic Senate to determine that an administrator possesses minimum qualifications for employment as a faculty member.
- The requirements of Education Code Section 87458 subdivisions (c) and (d), or any successor statute, are met with respect to prior satisfactory service and reason for termination of the administrative assignment.
- The District has a vacancy for which the administrator meets minimum qualifications. A vacancy means that a position available within the District and the District has appropriately allocated, budgeted, and prioritized in accordance with District practice.

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

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Educational administrators shall be entitled to vacation leave, sick leave, and other leaves as provided by law, these policies, and administrative procedures adopted by the [**CEO**].

NOTE: *To be used if the Board offers contracts for educational administrators.*

Every educational administrator shall be employed by an appointment or contract of [**up to four years in duration**].

The Board may, with the consent of the administrator concerned, terminate, effective on the next succeeding first day of July, the terms of employment and any contract of employment with the administrator, and reemploy the administrator on any terms and conditions as may be mutually agreed upon by the Board and the administrator, for a new term to commence on the effective date of the termination of the existing term of employment.

If the Board determines that the administrator is not to be reemployed when his/her/their appointment or contract expires, notice to an administrator shall be in accordance with the terms of the existing contract. If the contract is silent, notice shall be in accordance with Education Code Section 72411.

Revised 10/17, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 7345 Catastrophic Leave Program

Reference:

Education Code Section 87045

NOTE: *The Board has discretion whether to implement a Catastrophic Leave Program under Education Code Section 87045. A Catastrophic Leave Program may be the subject of negotiations between a district and a union representing a unit of employees. The following language satisfies the requirements of Education Code Section 87045 if the District wishes to implement a program for un-represented employees.*

The Board authorizes implementation of a catastrophic leave program to permit employees of the District to donate eligible leave credits to an employee when that employee or a member of his/her/their family suffers from a catastrophic illness or injury.

The [**CEO**] shall establish administrative procedures to administer the program that comply with the requirements established by the Education Code. The administrative procedures shall assure that the program is administered in a nondiscriminatory way.

[*The following language is Optional.*]

[*Catastrophic Leave Report*]

[*The [CEO] shall provide the Board, when requested, with a report regarding catastrophic leave requests and responses. This report must disaggregate catastrophic leave requests and responses by race, age, gender, religion, or any other characteristic identified by the Board.*]

Revised 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 7350 Resignations

References:

Education Code Sections 87730 and 88201

The Board shall accept the resignation of any employee and shall fix the time when the resignation takes effect, which shall not be later than the close of the academic year during which the resignation has been received by the Board.

*NOTE: The following language is **legally advised**:*

The Board delegates to the [**CEO**] the authority to accept resignations on its behalf at any time. Resignations shall be deemed accepted by the Board when accepted in writing by the [**CEO**]. When accepted by the [**CEO**], the resignation is final and may not be rescinded. All such resignations shall be forwarded to the Board for ratification.

[**Optional: The District, through its Human Resources staff, will encourage employees to participate in an exit interview when resigning.**]

[The following language is **Optional.**]

[**Resignation Report**]

The [**CEO**] shall provide the Board, when requested, with a report regarding employee resignations. This report must disaggregate employee resignations by race, age, gender, gender expression, gender identity, or any other characteristic identified by the Board. The report will include reasons or comments by employees during their exit interview.]

Revised 4/21

Disclaimer: This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.



POLICY & PROCEDURE SERVICE

BP 7600 College [*Police Department(s)*] or [*Campus Security*]

NOTE: *There are two options for the provision of security services. The first is the establishment of a police department; the second is the establishment of college security (see next sample policy). Generally, a multi-campus district has only one police department, but each campus of a multi-campus district may designate a chief of police.*

Option 1: BP 7600 Police Departments

References:

Education Code Sections 72330 et seq.;
Government Code Sections 3300 et seq.

NOTE: *The U.S. Department of Education and the U.S. Justice Department issued a "Dear Colleague" letter on September 8, 2016, addressing Campus Policing. In this letter, colleges with police departments are advised to review the Final Report of the President's Task Force on 21st Century Policing and adopt and implement the recommendations contained in the Final Report as part of local campus policing efforts.*

The Board has established a police department under the supervision of one [**or more**] Chief[**(s)**] of Police, who shall report directly to the [**CEO**]. The purpose of the department is to enforce the law on or near the campus(es) and other grounds or properties owned, operated, controlled or administered by the District or by the State acting on behalf of the District.

District police officers shall be employed as members of the classified service but shall, when duly sworn, be peace officers as defined by law. Prior to employment, they shall satisfy the training requirements set out in Penal Code Sections 830 et seq.

The [**CEO**] shall establish minimum qualifications of employment for the Chief of Police including, but not limited to, prior employment as a peace officer or completion of a peace officer training course approved by the Commission on Peace Officers' Standards and Training.

The [**CEO**] shall ensure that every member of the police department first employed by the District before July 1, 1999, satisfies the requirements of state law regarding qualifications for continued employment.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Every member of the police department shall be issued a suitable identification card and badge bearing words “[name] Community College Police Department.”

The [CEO], in cooperation with the Chief [(s)] of Police, shall issue such other regulations as may be necessary for the administration of the police department.

[The following language is Optional.]

[Use of Force

The Board directs the Chief [s] of Police to establish operational guidelines regarding reasonable use of force for District police officers. The Board expects every District police officer to carry out their duties, including the use of force, in a fair and unbiased manner and to use reasonable force in any situation and make decisions in a professional, impartial, and reasonable manner and to use of de-escalation techniques whenever possible.

[Report Regarding Complaints

The Chief [s] of Police shall provide the Board, when requested, with a report regarding complaints against the police department and police officers. This report must disaggregate the complainants by race, gender, religion, or any other characteristic identified by the Board.

Option 2: BP 7600 Campus Security Officers

Reference:

Education Code Section 72330.5

The District shall employ campus security officers, who shall provide services as security guards, or patrol persons on or about the campuses owned or operated by the District.

[Optional: The District recognizes that campus security officers play a particularly important role in fostering inclusion, forging cultural awareness, and promoting mutual understanding and respect. The District is committed to employing and supporting qualified campus security officers who are dedicated to eradicating racism, discrimination, and biases from our campuses.]

Security officers' ~~Their~~ duties include, but are not limited to the primary use of de-escalation techniques in protecting persons or property, preventing the theft of District property, and reporting any unlawful activity to the District and local law enforcement.

The [CEO] shall establish procedures necessary for administration of campus security. In addition, the [CEO] shall enter into an agreement with local law enforcement, which

Disclaimer: This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.



POLICY & PROCEDURE SERVICE

includes provisions that campus security officers shall cooperate with local law enforcement in performing their duties.

Every campus security officer who works more than twenty hours per week shall complete a course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs as required by Education Code Section 72330.5 subdivision (b). If an officer is required to carry a firearm, he/she/they shall also satisfy the training requirements of Penal Code Section 832, and any other legal requirements.

Every campus security officer shall meet other requirements set out in Education Code Section 72330.5.

[The following language is *Optional*.]

[Use of Force

The Board directs the [CEO] to establish policies regarding reasonable use of force for security officers. The Board expects every security officer to use reasonable force in any situation and make decisions in a professional, impartial, and reasonable manner.]

[Report Regarding Complaints

The [CEO] shall provide the Board, when requested, with a report regarding complaints against campus security officers. This report must disaggregate the complainants by race, gender, religion, or any other characteristic identified by the Board.]

Revised 8/07, 4/09, 10/16, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 2435 Evaluation of the [**CEO**]

References:

Education Code Section 87663;
ACCJC Accreditation Standards IV.B and IV.C.3

NOTE: *This procedure is required to meet accrediting standards and is good practice. Local practice may be inserted here. The provision that the [**CEO**] is evaluated should be contained in the [**CEO**] contract. Detailed descriptions of the evaluation process may be included as part of these Administrative Procedures or in a separate document.*

[Optional: The evaluation criteria will include performance goals and objectives related to the District's commitment to diversity, equity, and inclusion.]

Revised 11/14, 10/20, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 3225 Institutional Effectiveness

References:

Education Code Sections 78210 et seq. and 84754.6;
ACCJC Accreditation Standards I.B.5 – 9

NOTE: *This policy is **legally advised** for districts that receive funds under the Seymour-Campbell Student Success Act of 2012, Education Code Sections 78210 et seq.*

Each college in the District [**or in single college districts: The District shall**] develop, adopt, and publicly post goals that addresses all of the following: (1) accreditation status; (2) fiscal viability; (3) student performance and outcomes; and (4) programmatic compliance with state and federal guidelines.

The goals should be challenging and quantifiable, address achievement gaps for underrepresented populations, and align the educational attainment of California's adult population to the workforce and economic needs of the state. [**Optional: Include language linking effectiveness to equity and inclusion. For example: Institutional effectiveness includes the assessment of goals and objectives with respect to the District's commitment to equity and inclusion.**]

New 4/15; Revised 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 3420 Equal Employment Opportunity

References:

Education Code Sections 87100 et seq.;
Title 5 Sections 53000 et seq. and 59300 et seq.;
ACCJC Accreditation Standard III.A.12

NOTE: *This procedure is **legally required**. Local practice may be inserted here that conforms to the 2013 revisions of Title 5 Sections 53000 et seq. or reference the current District Equal Employment Opportunity (EEO) Plan.*

Due to the dynamic and untested nature of this area of law, this procedure identifies points in the hiring process where consultation with legal counsel may be prudent.

The EEO Plan should be a District-wide, written plan that implements the District's EEO Program, includes the definitions contained in Title 5 Section 53001 and addresses the following:

- Submission of plans and revisions to the California Community Colleges Chancellor's Office for review as required.
- The designation of the District employee or employees who have been delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of this Procedure;
- The procedure for filing complaints and the person with whom such complaints are to be filed;
- A process for notifying all District employees of the provisions of the plan and the policy statement required;
- A process for ensuring that District employees who participate on screening or selection committees receive, prior to their participation, training on the requirements of the applicable Title 5 regulations and of state and federal nondiscrimination laws, the educational benefits of workforce diversity, the elimination of bias in hiring decisions, and best practices in serving on a screening or selection committee;
- A process for providing annual written notice to appropriate community-based and professional organizations concerning the District's plan and the need for assistance from such organizations in identifying qualified applicants for openings within the District;
- A process for gathering information and periodic, longitudinal analysis of the District's employees and applicants, broken down by number of persons from "monitored groups", as defined by Title 5 Section 53001 subdivision (i), who are employed in the District's work force and those who have applied for employment in each of the job categories listed below.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- To the extent data regarding potential job applicants is provided by the Chancellor of the California Community Colleges, an analysis of the degree to which monitored groups are underrepresented in comparison to their representation in the field or job category in numbers of persons from such groups whom the California Community Colleges Chancellor's Office determines to be available and qualified to perform the work required for each such job category and whether or not the underrepresentation is significant;
- The steps the District will take to promote diversity in its work force;
- Methods for addressing any discrimination that is detected in the District's hiring practices, and;
- The Plan shall be a public record.

The District shall make a continuous good faith effort to comply with the requirements of the Plan.

NOTE: *Local practice that complies with Title 5 Section 53004 and Title 5 Section 53006 should be inserted here and must include or address:*

Annual Evaluation

- The District shall annually collect the demographic data of its employees and applicants for employment in order to evaluate progress in implementing the EEO Plan and to provide data needed for required analyses.
- An annual report to the California Community Colleges Chancellor's Office of this demographic data. The report shall identify each employee as belonging to one of the following seven job categories:
 - executive/administrative/managerial
 - faculty and other instructional staff
 - professional non-faculty
 - secretarial/clerical
 - technical and paraprofessional
 - skilled crafts; and
 - service and maintenance.
- The opportunity for each employee to identify his/her/their gender, ethnicity and, if applicable, disability. This opportunity must allow for a person to designate multiple ethnic groups with which he/she/they identifies. However, the person may only be counted in one group for reporting purposes.
- Districts shall review the annually collected demographic data to determine if significant underrepresentation of a monitored group may be the result of non-job-related factors in the employment process. For the purposes of this subdivision, the phases of the employment process include but are not limited to recruitment, hiring, retention, and promotion. The information to be reviewed shall include, but need not be limited to:

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- longitudinal analysis of data regarding job applicants to identify whether over multiple job searches, a monitored group is disproportionately failing to move from the initial applicant pool, to the qualified applicant pool; and analysis of data regarding potential job applicants, to the extent provided by the Chancellor of the California Community Colleges, which may indicate significant underrepresentation of a monitored group.

NOTE: *Local practice that complies with Title 5 Section 53005 should be inserted here and should include:*

EEO Advisory Committee

- That the District shall establish an EEO Advisory Committee; and
- That the advisory committee shall include a diverse membership whenever possible.
- The advisory committee shall receive training in all of the following: applicable Title 5 regulations and of state and federal nondiscrimination laws; the educational benefits of workforce diversity, the identification and elimination of bias in hiring decisions; and the role of the advisory committee in carrying out of the District's EEO Plan.

NOTE: *The following is suggested as good practice/optional:*

The responsibilities of the Committee shall include but not be limited to the following:

- review and advise on recruitment efforts; job announcements, interview protocols, retention efforts and other aspects of the hiring, retention, and promotion processes that impact the District's ability to attract and retain a diverse faculty and staff;
- advise on implementing the District's obligation to hire faculty and administrators with a demonstrated sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability and ethnic backgrounds of community college students;
- promote communication with community groups and organizations for people with disabilities;
- promote hiring of faculty who have, themselves, graduated from a community college;
- develop communications among departments to foster understandings of the Plan;
- to advise the [**CEO**] regarding special training or staff development needs;
- review the Plan and monitor its progress;
- recommend changes needed in the Plan; and
- review and approve the annual written report to the [**CEO**], the District's governing board, and the California Community Colleges Chancellor's Office.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Employment Procedures

[Optional: Include language regarding the importance of equitable and inclusive employment procedures to equal employment opportunity. For example: An equitable and inclusive employment process is essential to improve diversity, reduce barriers to employment, and allow potential applicants the opportunity to demonstrate that they meet or exceed the minimum qualifications for employment. The District's employment procedures are driven by diversity, equity, and inclusion.]

Job Analysis and Validation: The [**designate position**] shall assure that a proper job analysis is performed for every job filled by the District to determine and validate the knowledge, skills, abilities and characteristics an employee must possess to perform the job satisfactorily.

A statement of bona fide essential functions and minimum qualifications shall be developed for all positions.

Job Description: Every job description shall provide a general statement of job duties and responsibilities.

Job specifications shall include functions and tasks; knowledge; skills; ability; and job-related personal characteristics, including but not limited to sensitivity to and understanding of the diverse academic, socioeconomic, cultural, linguistic, disability, and ethnic backgrounds of community college students.

Recruitment: Recruitment must be conducted actively within and outside of the District work force.

Open recruitment is mandated for all new full-time and part-time positions, except under limited circumstances involving interim hires.

Recruitment must utilize outreach strategies designed to ensure that all qualified individuals are provided the opportunity to seek employment with the District.

Recruitment for administrative and faculty positions (full and part-time) may include advertisement in appropriate professional journals, job registries and newspapers of general circulation; distribution of job announcements to the EEO Registry, K-12 districts, two and four year colleges, and graduate schools where appropriate candidates might be enrolled; recruitment at conferences, fairs, and professional meetings; notices to institutions and professional organizations.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Recruitment for classified positions shall include notice to all District personnel; notice to Employment Development Department; and advertising in area newspapers of general circulation.

Applicant Pools: The application for employment shall afford each applicant an opportunity to identify himself/herself/themself voluntarily as to gender, ethnicity and, if applicable, his/her/their disability. This information shall be maintained in confidence and shall be used only for research, validation, monitoring, evaluation of the effectiveness of the Plan, or as authorized by law.

After the application deadline has passed, the initial applicant pool shall be recorded and reviewed by the Chief Human Resources Officer or designee. All initial applications shall be screened to determine which candidates satisfy job specifications set forth in the job announcement. The group of candidates who meet the job specifications shall constitute the “qualified applicant pool.”

Once the qualified applicant pool is formed, the pool must again be analyzed. If the Chief Human Resources Officer or designee finds that the composition of the qualified applicant pool may have been influenced by factors which are not job related, the District [**may or shall**] immediately, and before the selection process continues, consult with legal counsel to determine what, if any, corrective action is required by law.

Screening and Selection: Screening, selecting and interviewing candidates for all positions shall include thorough and fair procedures that are sensitive to issues of diversity.

NOTE: *Procedures to be used must address or include that:*

- Hiring procedures will be provided to the California Community Colleges Chancellor’s Office on request.
- All tests conform to generally applicable legal standards for uniformity.
- A reasonable number of candidates are identified for interview.
- Screening and selection committees are developed that are representative of the District community and campus; include administrators, faculty, and classified staff members; include a diverse membership when possible; do not include applicants or persons who have written letters of recommendation.
- Every screening and selection committee includes an individual trained to monitor conformance with EEO requirements. The [**designate position**] assures that the screening and selection process conforms to accepted principles and practices, including preparation of job related questions in advance; maintains records of screening checklists and rating scales, which shall be signed and kept on file; maintains notes for all interviews and record relevant factual reasons

Disclaimer: *This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

stating why a candidate was not hired or was not invited to interview; and monitors the hiring process for adverse impact.

- Selection shall be based solely on the stated job criteria.
- For faculty and administrative positions, candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position.

If the District determines that a particular monitored group is significantly underrepresented with respect to one or more job categories, the District shall take the following additional steps:

- review its recruitment procedures;
- consult with counsel to determine whether there are other, additional measures that may be undertaken that are required or permitted by law;
- consider various other means of reducing the underrepresentation which do not involve taking monitored group status into account and implement any such techniques that are feasible;
- If significant underrepresentation persists:
 - review each locally-established job qualification to determine if it is job related and consistent with business necessity;
 - discontinue the use of any non-job-related local qualification; and
 - continue using job-related local qualifications only if no alternative standard is reasonably available; and
- consider the implementation of additional measures designed to promote diversity.

NOTE: *Insert local practice regarding the delegation of authority for implementing the District's EEO Plan, which must comply with Title 5 Section 53020, as amended. These procedures must include or address:*

Delegation of Authority

- The designation of a single person as the "EEO Officer" charged with overseeing the day-to-day implementation of the EEO Plan and programs.
- Processes and responsibilities when the EEO Officer is named in a complaint or implicated by the allegations in a complaint.

NOTE: *Insert local practice regarding internal complaints alleging the District violated requirements of the equal employment opportunity regulations and related policy and procedures. The following elements are required to be included in the District's local practice pursuant to Title 5 Section 53026.*

Complaint Procedure

Any person may file a complaint alleging the District violated this policy and procedures. An individual should file a written complaint with the [**designate position**]. The District shall immediately forward a copy of the complaint to the California Community Colleges

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Chancellor's Office, which may require that the District provide a written investigative report within ninety (90) days. The District shall also process complaints that allege unlawful discrimination according to the procedures set forth in AP 3430 Prohibition of Harassment and AP 3435 Discrimination and Harassment Complaints and Investigations.

Job Announcements

All job announcements shall contain a statement in substantially the following form: The District is an equal opportunity employer. The policy of the District is to encourage applications from ethnic and racial minorities, women, persons with disabilities, and Vietnam-era veterans. No person shall be denied employment because of ethnicity or race, color, sex or gender, gender identity, age, religion, marital status, disability, sexual orientation, national origin, medical conditions, status as a Vietnam-era veteran, ancestry, or political or organizational affiliation.

NOTE: *The following is suggested as good practice/optional:*

Dissemination and Revision of the Plan

All managers and supervisors shall be given copies of the plan as revised from time to time and any guidelines for implementing the plan. Copies of the plan shall be provided to the Academic Senate and the exclusive representatives of any units of employees.

Statements of nondiscrimination shall be posted at locations where applications for employment are distributed.

Such plans shall be reviewed at least every three years and, if necessary, revised and submitted to the California Community Colleges Chancellor's Office within 90 days of the effective date of the revision or amendment(s). If the California Community Colleges Chancellor's Office determines that the District's policies are not in compliance with Title 5 Sections 59300 et seq., the California Community Colleges Chancellor's Office may require the District to modify its policies.

Accountability and Corrective Action

The District shall certify annually to the Chancellor of the California Community Colleges that they have timely:

- Recorded, reviewed and reported the data required regarding qualified applicant pools;
- Reviewed and updated, as needed, the Strategies Component of the district's EEO Plan; and
- Investigated and appropriately responded to formal harassment or discrimination complaints filed pursuant to subchapter 5 (commencing with Section 59300) of chapter 10 of this division.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Revised 2/03, 2/06, 8/06, 9/08, 10/13, 11/14, 4/15, 10/17, 10/20, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 3434 Responding to Harassment Based on Sex under Title IX

References:

20 U.S. Code Sections 1681 et seq.;
34 Code of Federal Regulations Parts 106.1 et seq.;
Education Code Section 67386

NOTE: *This procedure is **legally required**. Local practice may be inserted. The following is an illustrative example.*

Introduction

The District encourages members of the District community to report sexual harassment. This procedure only applies to conduct defined as sexual harassment under Title IX and applicable federal regulations and that meets Title IX jurisdictional requirements. The District will respond to sexual harassment and sexual misconduct that falls outside that definition and outside the jurisdiction of the Title IX federal regulations using California law and applicable District policies and procedures. In implementing these procedures discussed below, the District will also provide supportive measures, training, and resources in compliance with California law, unless they are preempted by the Title IX regulations.

Title IX Coordinator

Questions concerning Title IX may be referred to the District Title IX Coordinator whose contact information is below.

The District's Title IX Coordinator is [**designate by name or position**] and the Title IX Coordinator's contact information is:

Address and office location

Phone number

Email

The Title IX Coordinator is required to respond to reports of sexual harassment or misconduct. The Title IX Coordinator will handle information received with the utmost discretion and will share information with others on a need-to-know basis. For example, the Title IX Coordinator may need to address public safety concerns on campus, comply with state and federal legal requirements, or share information to implement supportive measures.

A report of sexual harassment to the Title IX Coordinator does not necessarily lead to a full investigation, as discussed more fully below. However, the Title IX Coordinator will

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

make an assessment to determine if there is a safety risk to the campus. If the Title IX Coordinator finds there is a continued risk, the Title IX Coordinator will file the formal complaint without the Complainant's consent or cooperation.

Title IX Harassment Complaints, Investigations, and Hearings

These Title IX sexual harassment procedures and the related policy protect students, employees, applicants for employment, and applicants for admission.

Jurisdictional Requirements – Application of Procedures

These procedures apply if the conduct meets the following three jurisdictional requirements:

- The conduct took place in the United States;
- The conduct took place in a District “education program or activity.” This includes locations, events, or circumstances over which the District exercised substantial control over both the Respondent and the context in which the harassment occurred, including on-campus and off-campus property and buildings the District owns or controls or student organizations officially recognized by the District own or control.
- The conduct meets the definition of Title IX “sexual harassment.”

Definitions

Advisor: Throughout the grievance process, both the Complainant and Respondent have a right to an Advisor of their choice. If a Party does not have an Advisor at the time of the hearing, the District must provide the Party an Advisor of the District’s choice, free of charge. The District may establish restrictions regarding the extent to which the Advisor may participate in the proceedings as long as the restrictions apply equally to both Parties.

NOTE: *The regulations only require the District to provide an Advisor to conduct cross-examination. It is **strongly recommended** the District provide the District provide that an Advisor is provided for the entire hearing, if the Party does not identify his/her/their own private Advisor; so, the Advisor is able to observe the direct examination of all witnesses and thus better able to conduct cross-examination.*

Complainant: A Complainant is an individual who alleges he/she/they is the victim of conduct that could constitute sexual harassment.

Consent: Consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. Both Parties must give affirmative consent to sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he/she/they has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest, lack of resistance, or silence does not indicate consent. Affirmative consent must be ongoing throughout a sexual activity and one can revoke his/her/their consent at any

Disclaimer: *This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, is not an indicator of consent.

The Respondent's belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable, based on the facts and circumstances the Respondent knew, or reasonably should have known, at the time of the incident. A Respondent's belief is not a valid defense where:

- The Respondent's belief arose from the Respondent's own intoxication or recklessness;
- The Respondent did not take reasonable steps to ascertain whether the Complainant affirmatively consented; or
- The Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was:
 - asleep or unconscious;
 - unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication; or
 - unable to communicate due to a mental or physical condition.

Decision-Maker: The person [**or group of people – the District may use one or more**] who will oversee the live hearing and make a determination of responsibility. [**The following is optional language. The District may have one Decision-Maker determine whether the Respondent is responsible, and another Decision-Maker determine the appropriate level of penalty for the conduct.**] The Decision-Maker cannot be the Title IX Coordinator or the investigator.

Formal Complaint: A written complaint signed by the Complainant or Title IX Coordinator, alleging sexual harassment and requesting an investigation. If the Title IX Coordinator signs the formal complaint, he/she/they will not become a Party to the complaint.

Parties: As used in this procedure, this means the Complainant and Respondent.

Respondent: A Respondent is an individual reported to be the perpetrator of conduct that could constitute sexual harassment.

Sexual Harassment under Title IX: Conduct that satisfies one or more of the following:

- A District employee conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (*quid pro quo* harassment);

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
- Sexual assault, including the following:
 - **Sex Offenses.** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - **Rape** (except Statutory Rape). The carnal knowledge of a person, without **the consent of the victim, including instances where the victim is incapable** of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
 - **Sodomy.** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
 - **Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.
 - **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
 - **Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse.**
 - **Incest.** Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape – Non-Forcible.** Sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.
 - **Dating violence.** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- **Domestic Violence.** Violence committed:
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or
 - By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.
- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.

Reporting Options

Any individual may report sexual harassment to the District's Title IX Coordinator.

The District strongly encourages prompt reporting of sexual harassment. Prompt reporting allows for the collection and preservation of evidence, including physical evidence, digital media, and witness statements. A delay may limit the District's ability to effectively investigate and respond.

Because individuals may be deterred from reporting incidents of sexual harassment if alcohol, drugs, or other violations of District or campus rules were involved, the District will inform individuals that the primary concern is for student and employee safety and that use of alcohol or drugs never makes a Complainant at fault for sexual harassment. If other rules are violated, the District will address such violations separately from an allegation of sexual violence.

Individuals have the opportunity to decide whether they want to pursue a formal Title IX complaint. Reporting sexual harassment to the Title IX Coordinator does not automatically initiate an investigation under these procedures. A report allows the District to provide a wide variety of support and resources to impacted individuals and to prevent the reoccurrence of the conduct. A Complainant or the Title IX Coordinator filing a formal complaint will initiate an investigation.

If there are parallel criminal and Title IX investigations, the District will cooperate with the external law enforcement agency and will coordinate to ensure that the Title IX process does not hinder legal process or proceedings.

The District will document reports of sexual harassment in compliance with the Clery Act, a federal law requiring data collection of crime within the campus geography. Under the Clery Act, the District does not document personal information; the District reports the

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

type of conduct, and the time, date, and location. (Also see BP/AP 3540 Sexual and Other Assaults on Campus [**or insert local number and title**].)

District Employees and Officials with Authority

District Officials with Authority are not confidential resources and are required to report allegations of sexual harassment to the Title IX Coordinator promptly. All other employees are encouraged to report allegations to the Title IX Coordinator but are not required to do so.

The District has designated the following employees as Officials with Authority:

[Designate Officials with Authority – Districts should base this decision on the District’s operational structure and the employee’s specific roles and duties. At a minimum, it is recommended that individuals identified as supervisors under California’s Fair Employee and Housing Act also be identified as Officials with Authority.]

Officials with Authority are required to report all relevant information they know about sexual harassment including the name of the Respondent, the Complainant, any other witnesses, and the date, time, and location of the alleged incident.

Intake and Processing of Report

Receipt of Report

After receiving a report of sexual harassment, the Title IX Officer will contact the Complainant and reporting party to explain rights under this policy and procedure and invite the Complainant to an in-person meeting. The Title IX Officer will discuss supportive measures with the Parties.

Timeframe for Reporting

To promote timely and effective review, the District strongly encourages individuals to report sexual harassment as soon possible because a delay in reporting may affect the ability to collect relevant evidence and may affect remedies the District can offer.

Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered free of charge to the Complainant or the Respondent regardless of whether a formal complaint has been filed. The District will provide the Complainant and Respondent with supportive measures as appropriate and as reasonably available to restore or preserve equal access to the District’s education program or activities. These measures are designed to protect the safety of all Parties, protect the District’s educational environment, or deter sexual harassment. The District will provide supportive measures on a confidential basis and will only make disclosures to those with a need to know to enable

Disclaimer: *This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

the District to provide the service. Supportive measures may include counseling, extensions of deadlines, other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Removal of Respondent Pending Final Determination

Upon receiving a report regarding sexual harassment, the Title IX Coordinator will make an immediate assessment concerning the health and safety of the Complainant and campus community as a whole. The District has the right to order emergency removal of a Respondent, or if the Respondent is an employee, place the employee on administrative leave.

Emergency Removal

The District may remove a non-employee Respondent from the District's education program or activity on an emergency basis after it conducts an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

The District may not use emergency removal to address a Respondent's threat of obstructing the sexual harassment investigation or destroying relevant evidence. Emergency removal is only available to address health or safety risks against individuals arising out of sexual harassment allegations, not to address other forms of misconduct that a Respondent might commit pending the processing of a complaint.

The District's [**designate position**] or designee will conduct the individualized safety and risk analysis.

If the [**designate position**] determines emergency removal is appropriate, he/she/they or designee will provide the person the District is removing from campus on an emergency basis with a notice and opportunity to attend a meeting and challenge the basis of his/her/their removal. The [**designate position**] or designee will determine whether the emergency removal from campus order is warranted after considering information provided by the Respondent challenging the emergency removal.

Administrative Leave

The District may place a non-student employee Respondent on administrative leave during the pendency of a grievance process described in the formal complaint process below. The District will follow any relevant policies, procedures, collective bargaining agreements, or state law in placing an employee on administrative leave.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Formal Complaint Grievance Process

Notice to Parties

Upon receipt of a formal complaint, the Title IX Coordinator will provide the following notice in writing, to the Parties:

- Notice of the District's Title IX grievance process;
- Notice of the allegations of alleged sexual harassment with sufficient details known at the time and with sufficient time to prepare a response before any initial interview;
- Statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Notice that the Parties may have Advisor of their choice, who may be, but is not required to be, an attorney;
- Notice that the Parties may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a Party or other source; and
- Inform the Parties of any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the Complainant or Respondent that are not included in the notice provided above, the Title IX Coordinator will provide notice in writing of the additional allegations to the Parties.

Dismissal of Formal Complaint

The District must investigate the allegations in a formal complaint. However, the District must dismiss the formal complaint and will not process the complaint under these procedures if any of the following three circumstances exist:

- If the conduct alleged in the formal complaint would not constitute Title IX sexual harassment as defined in this procedure;
- If the conduct alleged did not occur in the District's education program or activity;
- If the conduct alleged did not occur against a person in the United States.

The District has discretion to dismiss a formal complaint or any allegation under the following circumstances:

- If at any time during the investigation or hearing: a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations;
- If the Respondent is no longer enrolled or employed by the District; or

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- If there are specific circumstances that prevent the District from gathering evidence sufficient to reach a determination regarding responsibility as to the formal complaint or allegations.

If the District dismissed the formal complaint or any allegations, the Title IX Coordinator shall simultaneously provide the Parties with written notice of the dismissal and reason. The District will also notify the Parties of their right to appeal.

The District may commence proceedings under other policies and procedures after dismissing a formal complaint.

Consolidation of Formal Complaints

The District may, but is not required to, consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Equitable Treatment of the Parties

The District's determination of responsibility is a neutral, fact-finding process. The District will treat Complainants and Respondents equitably. The procedures will apply equally to both Parties. The District will not discipline a Respondent unless it determines the Respondent was responsible for sexual harassment at the conclusion of the grievance process.

Statement of Presumption of Non-Responsibility

The investigation is a neutral, fact-finding process. The District presumes all reports are in good faith. Further, the District presumes the Respondent is not responsible for the alleged conduct. The District makes its determination regarding responsibility at the conclusion of the grievance process.

Bias or Conflict of Interest

The District's Title IX Coordinator, investigator, Decision-Maker, or any person designated by the District to facilitate an informal resolution process, will not have potential actual bias or conflict of interest in the investigatory, hearing, sanctioning, or appeal process or bias for or against Complainants or Respondents generally. Actual bias is an articulated prejudice in favor of or against one Party or position; it is not generalized concern about the personal or professional backgrounds, positions, beliefs, or interests of the Decision-Maker in the process. The District will ensure that the Title IX Coordinator, investigator, Decision-Maker, and facilitator receive training on:

- The definition of sexual harassment in this procedure;
- The scope of the District's education program or activity;
- How to conduct an investigation;

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- The grievance process including conducting hearings, appeals, and informal resolution processes; and
- How to serve impartially, including avoiding: prejudgment of the facts at issue; conflicts of interest; and bias.

Timeline for Completion

The District will undertake its grievance process promptly and as swiftly as possible. The District will complete the investigation and its determination regarding responsibility or the informal resolution process within [**designate number of days – the District determines the length, but this provision will apply to both employees and students, and will include intake, the investigation, the hearing process, and the appeal. It is recommend this be at minimum of 180 days**] calendar days.

When appropriate, the Title IX Coordinator may determine that good cause exists to extend the [**period from previous paragraph**] -calendar day period to conduct a fair and complete investigation, to accommodate an investigation by law enforcement, to accommodate the unavailability of witnesses or delays by the Parties, to account for District breaks or vacations, or due to the complexity of the investigation. The District will provide notice of this extension to the Complainant and Respondent in writing and include the reason for the delay and anticipated timing of completion.

A Party may request an extension from the Title IX Coordinator in writing by explaining the reason for the delay and the length of the continuance requested. The Title IX Coordinator will notify the Parties and document the grant or denial of a request for extension or delay as part of the case recordkeeping.

Role of Advisor

The role of the Advisor is to provide support and assistance in understanding and navigating the investigation process.

The Advisor may not testify in or obstruct an interview or disrupt the process. The Title IX Coordinator has the right to determine what constitutes appropriate behavior of an Advisor and take reasonable steps to ensure compliance with this procedure.

A Party does not have a right to self-representation at the hearing; an Advisor must conduct any cross-examination. The District must provide an Advisor of its choice, free of charge to any Party without an Advisor in order to conduct cross-examination. If an Advisor fails to appear at the hearing, the District will provide an Advisor to appear on behalf of the non-appearing Advisor. To limit the number of individuals with confidential information about the issues, each Party may identify one Advisor.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Confidentiality Agreements

To protect the privacy of those involved, the Parties and Advisors are required to sign a confidentiality agreement prior to attending an interview or otherwise participating in the District's grievance process. The confidentiality agreement restricts dissemination of any of the evidence subject to inspection and review or use of this evidence for any purpose unrelated to the Title IX grievance process. The confidentiality agreement will not restrict the ability of either Party to discuss the allegations under investigation.

Use of Privileged Information

The District's formal complaint procedure does not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally-recognized privilege (e.g., attorney-client privilege, doctor-patient privilege, spousal privilege, etc.), unless the person holding the privilege provides voluntary, written consent to waive the privilege.

Investigations

The Title IX Coordinator is responsible to oversee investigations to ensure timely resolution and compliance with Title IX and this procedure.

Both Parties have the right to have an Advisor present at every meeting described in this section.

Trained Investigators

The District will investigate Title IX formal complaints fairly and objectively. Individuals serving as investigators under this procedure will have adequate training on what constitutes sexual harassment and how the District's grievance procedures operate. The District will also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence and complies with this procedure.

Burden of Gathering Evidence

The District, not the Parties, has the responsibility to gather information and interview witnesses. As part of the District's burden of gathering evidence, the District's investigator will create an investigative report that fairly summarizes relevant evidence, whether it is inculpatory or exculpatory. The investigator shall not make findings or determinations of law or fact.

Notice of Investigative Interview

The District will provide written notice of the date, time, location, participants, and purpose of all investigative interviews to a Party whose participation is invited or expected, with sufficient time for the Party to prepare to participate.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Evidence Review

Both Parties have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a Party or other source.

Prior to the investigator preparing an investigative report, the District will make available to each Party and the Party's Advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The Parties will have at least ten days to submit a written response. The investigator must consider this written response prior to completing the investigative report.

Investigative Report

NOTE: *Title IX regulations require that the report fairly summarizes relevant evidence. The following language is suggested as good practice.*

The results of the investigation of a formal complaint will 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 description of the procedural steps taken during the investigation, including all individuals contacted and interviewed;
- A summary of the testimony of each witness the investigator interviewed;
- An analysis of relevant evidence collected during the investigation, including a list of relevant documents;
- A specific finding as to whether the allegations occurred using a preponderance of the evidence standard;
- A table of contents if the report exceeds ten pages; and
- Any other information deemed appropriate by the District.

The investigator will not make a determination regarding responsibility.

The investigator may redact information not directly related to the allegations or privileged information. However, the investigator will keep a log of information he/she/they do not produce to the Parties. The investigator will provide this log only to the Title IX Coordinator. The Title IX Coordinator will not disclose the log to the Parties but will maintain the log in the Title IX Coordinator's file, in the event it later becomes relevant.

At least ten days prior to a hearing, the District will send the investigative report to each Party and their Advisors, if any, the investigative report in an electronic format or a hard copy, for review and written response. The Parties will have at least ten days to submit a written response.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Hearing

After completing an investigation and prior to completing a determination regarding responsibility, the District will hold a live hearing to provide the Complainant and Respondent an opportunity to respond to the evidence gathered before a Decision-Maker. Neither Party may choose to waive the right to a live hearing, but the Parties can choose whether to participate in the hearing or answer some or all cross-examination questions.

Notice

If the District proceeds to a hearing, the District will provide all Parties written notice of the date, time, location, participants, and purpose of the hearing with sufficient time for the Party to prepare to participate.

Hearing Format

The District may provide a live hearing with all Parties physically present in the same geographic location or, at the District's discretion if either Party requests, the District may provide any or all Parties, witnesses, and other participants the ability to appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other in real time.

The District will make the information reviewed during the Evidence Review available at the hearing for reference and consultation. The District will not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence.

The District will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the Parties for inspection and review.

Decision-Maker

The Decision-Maker will be free from conflict of interest or bias, including bias for or against Complainants or Respondents. **[Optional: In cases where the Complainant or Respondent objects to the Decision-Maker based on a conflict of interest, the Complainant or Respondent may request the Title IX Coordinator select a different Decision-Maker. The Complainant or Respondent must make this request to the Title IX Coordinator in writing at least five business days prior to the hearing.]**

The Decision-Maker may ask the Parties and the witnesses questions during the hearing. The Decision-Maker must objectively evaluate all relevant evidence both inculpatory and exculpatory and must independently reach a determination regarding responsibility without giving deference to the investigative report. The Decision-Maker must receive training on issues of relevance, how to apply the rape-shield protections for Complainants, and any technology to be used at the hearing.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Presenting Witnesses

The District will provide the Complainant and Respondent an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Witnesses, like Parties, are not required to participate in the live hearing process.

Only relevant evidence will be admissible during the hearing. Relevant evidence means evidence, including evidence relevant to the credibility of a Party or witness, having any tendency in reason to prove or disprove any disputed fact material to the allegations under investigation.

Cross-Examination

The District shall permit each Party's Advisor to ask the other Party and any witness relevant questions, including questions challenging credibility. The Party's Advisor must conduct cross-examination directly, orally, and in real time. A Party may never personally conduct cross-examination.

If a Party or witness does not submit to cross-examination at the live hearing, the Decision-Maker will not rely on any statement of that Party or witness in reaching a determination regarding responsibility.

Before a Complainant, Respondent, or witness answers a question, the Decision-Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Decision-Maker need not provide a lengthy or complicated explanation in support of a relevance determination.

If a Party or witness disagrees with a relevance determination, that individual has the choice of either (1) abiding by the Decision-Maker's determination and answering the question or (2) refusing to answer the question.

The Decision-Maker cannot rely on the statements or testimony of a Party or witness who has refused to answer a question the Decision-Maker had found relevant unless the Decision-Maker reconsiders and changes the ruling before reaching the determination of responsibility. If the Decision-Maker changes the determination of relevance of an unanswered question, the Decision-Maker must explain the decision to reconsider the ruling in the written determination of responsibility.

The Decision-Maker cannot draw an inference about the determination of responsibility based solely on a Party's or witness's absence from the live hearing or refusal to submit to cross-examination or to answer any question.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

The Decision-Maker may also ask any Party or witness questions. If a Party or witness refuses to respond to a Decision-Maker's questions, the Decision-Maker is not precluded from relying on that Party or witness' statements.

Determinations of Responsibility

When the Decision-Maker makes a determination of responsibility or non-responsibility, the Decision-Maker will issue a written determination regarding responsibility, no later than [**# of days – recommend at least 20 business days**] after the date that the hearing ends.

When making a determination regarding responsibility, a Decision-Maker will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence. A Decision-Maker may not make credibility determinations based on an individual's status as a Complainant, Respondent, or witness. In evaluating the evidence, the Decision-Maker will use the 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 sexual harassment occurred.

The written determination will include:

- Identification of the allegations potentially constituting Title IX sexual harassment as defined in these procedures;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including who conducted the investigation and gave notifications to the Parties. The determination will also state when, where, and the date the investigator interviewed the Parties and witnesses, conducted site visits, the methods used to gather other evidence. The procedural section should also discuss the dates and how the Parties were provided the opportunity to review and inspect evidence and the date of any hearings held and who attended the hearing;
- Findings of fact supporting the determination. In making these findings, the Decision-Maker will focus on analyzing the findings of fact that support the determination of responsibility or non-responsibility;
- Conclusions regarding the application of the District's code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- A statement of, and rationale for, any disciplinary sanctions the District imposes on the Respondent;
- A statement of whether the District will provide the Complainant with remedies designed to restore or preserve equal access to the District's education program or activity;
- The District need not disclose to the Respondent remedies that do not affect him/her/them as part of the written determination. The District can inform the Respondent that it will provide remedies to the Complainant. However, the District will inform the Complainant of the sanctions against the Respondent;

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- The District's procedures and permissible bases for the Complainant and Respondent to appeal.

The District will provide the written determination to the Parties simultaneously. The determination regarding responsibility becomes final either on the date that the District provides the Parties with the written determination of the result of the appeal, if the Parties file an appeal, or if the Parties do not file an appeal, the date on which an appeal would no longer be timely.

Disciplinary Sanctions and Remedies

The District must have completed the grievance procedures (investigation, hearing, and any appeal, if applicable) before the imposing disciplinary sanctions or any other actions that are not supportive measures against a Respondent. If the Decision-Maker determines the Respondent was responsible for conduct that constitutes sexual harassment, the District will take disciplinary action against the Respondent 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:

- Providing an escort to ensure that the Complainant can move safely between classes and activities;
- Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area;
- Providing counseling services or a referral to counseling services;
- Providing medical services or a referral to medical services;
- Providing academic support services, such as tutoring;
- Arranging for a Complainant, if a student, 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
- 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's discipline.

Possible disciplinary sanctions for student Respondents include written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Possible disciplinary sanctions for employee Respondents include written or verbal reprimand, required training or counseling, reduction in pay [**if negotiated or available through policy or procedure**], demotion [**if negotiated or available through policy or procedure**], suspension, or discharge.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Appeal of Dismissal of a Formal Complaint or of the Determination of Responsibility

A Complainant or Respondent may appeal the District's determination regarding responsibility or the dismissal of a formal complaint or any allegations. A Complainant or Respondent must submit a written appeal within [**specify number of days – recommend between five and ten business days**] days from the date of the notice of determination regarding responsibility or from the date of the District's notice of dismissal of a formal complaint or any allegations.

Grounds for Appeal

The [**designate position – this Decision-Maker may not be the same individual who made the decision the appellant is challenging – whether that is determination regarding responsibility or dismissal the investigator, or the decision to dismiss a formal complaint, and may not be Title IX Coordinator or the investigator**] will serve as the Decision-Maker on Appeal. In filing an appeal of the District's determination regarding responsibility or the District's dismissal of a formal complaint, the Party must state the grounds for appeal and a statement of facts supporting those grounds. The grounds for appeal are as follows:

- A procedural irregularity affected the outcome;
- New evidence was not reasonably available at the time the District's determination regarding responsibility or dismissal was made, and this new evidence could affect the outcome; or
- The District's Title IX Coordinator, investigator, or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome.

Appeal Procedure

If the Complainant or Respondent submit an appeal to the District, the District will:

- Notify the other Party in writing within [**specify # of days – suggest five business days**] days of receiving a Party's appeal;
- Allow the non-appealing Parties at least [**specify # of days – suggest ten business days**] days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome;

The appeal Decision-Maker will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within [**specify # of days – suggest 45 days**] business days after the Decision-Maker on appeal receives the response to the appeal or the last day to provide a response. The District will provide the written decision simultaneously to both Parties.

The Decision-Maker on appeal may extend or otherwise modify the deadlines provided above. Either Party may seek an extension by submitting a written request to the appeal

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Decision-Maker explaining the need for the extension and the proposed length of the extension. The Decision-Maker will respond to the request within 48 hours in writing and will inform the Parties simultaneously whether the extension is granted.

Informal Resolution

If the District determines that a formal complaint is appropriate for informal resolution, it may provide the Parties with the opportunity to participate in an informal resolution process, including mediation, at any time prior to reaching a determination regarding responsibility.

The District will provide the Complainant and Respondent written disclosure of the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the Parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

The District must obtain the Parties' voluntary, written consent to the informal resolution process. If the Parties reach an agreement, the District does not have to complete a full investigation and adjudication of a report of sexual harassment. At any time prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

The informal resolution process is not available to resolve allegations that an employee sexually harassed a student.

Retaliation Prohibited

The District prohibits any intimidation, threats, coercion, or discrimination against any individual who made a report or complaint of sexual harassment, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. Individuals who experience retaliation may file a complaint using the formal complaint process described above.

Dissemination of Policy and Procedures

The District will provide its policy and procedures related to Title IX on its website and in each handbook or catalog provided to applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining with the District.

When hired, employees are required to sign acknowledging that they have received the policy and procedures. The District will place the signed acknowledgment of receipt in each employee's personnel file.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Training

The District will provide training to Title IX Coordinators, investigators, Decision-Makers, and any individual who facilitates an informal resolution process, on the definition of sexual harassment, the scope of the District's education program or activities, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Any materials used to train the District's Title IX Coordinator, investigators, Decision-Makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

File Retention

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

- The original report or complaint;
- Any actions taken in response to the complaint, including supportive measures;
- The investigative report including all evidence gathered and any responses from the Parties;
- The District's determination regarding responsibility;
- Audio or audiovisual recording or transcript from a hearing;
- Records of any disciplinary sanctions imposed on the Respondent;
- Records of any remedies provided to the Complainant;
- Any appeal and the result;
- Any informal resolution and the result; and
- All materials used to train Title IX Coordinators, investigators, Decision-Makers, and any person who facilitates an informal resolution process. The District will make these training materials publicly available on its website.

The District will make these documents available to the U.S. Department of Education Office for Civil Rights upon request.

[The following language is Optional.]

[Complaint Reporting

The [CEO] shall provide the Board, upon request, a report of complaints filed pursuant to AP 3434. This report must disaggregate the complaints by complaint type (Student Complainant and Student Respondent, Student Complainant and Employee Respondent, Employee Complainant and Student Respondent, Employee Respondent and Employee Respondent, etc.). This report must also disaggregate the complaints by the Complainant's race, age, gender, religion, or any other characteristic identified by the Board.]

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

New 7/20; Revised 10/20, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 3435 Discrimination and Harassment Complaints and Investigations

References:

Education Code Sections 212.5, 231.5, 66281.5, and 67386;
Government Code Section 12950.1;
Title 5 Sections 59320, 59324, 59326, 59328, and 59300 et seq.;
Title 2 Sections 11023 and 11024

NOTE: *This procedure is **legally required**. Local practice may be inserted. The following is an illustrative example.*

NOTE: *In order to comply with Department of Fair Employment and Housing (“DFEH”) regulations, Districts adopting this policy should also adopt AP 3410 Nondiscrimination and AP 3430 Prohibition of Harassment.*

NOTE: *DFEH Regulations require any employer whose workforce contains 10 percent or more of persons who speak a language other than English as their spoken language to translate its harassment, discrimination, and retaliation policies into every language that is spoken by at least 10 percent (10%) of the workforce. In order to comply with this requirement, Districts should translate BP 3410 Nondiscrimination, BP 3430 Prohibition of Harassment, AP 3410 Nondiscrimination, AP 3430 Prohibition of Harassment, and AP 3435 Discrimination and Harassment Complaints and Investigations into any applicable languages.*

For sexual harassment under Title IX, Complainants must proceed under BP 3433 Prohibition of Sexual Harassment under Title IX, AP 3433 Prohibition of Sexual Harassment under Title IX, and AP 3434 Responding to Harassment Based on Sex under Title IX. For other forms of sexual harassment or gender-based harassment, Complainants should use this procedure.

Reporting and Filing Complaints

The law prohibits coworkers, supervisors, managers, and third parties with whom an employee comes into contact from engaging in harassment, discrimination, or retaliation. Any person who has suffered harassment, discrimination, or retaliation or who has learned of harassment, discrimination, or retaliation may report harassment, discrimination, or retaliation. Complainants may have the option of filing a ~~n-informal~~ eComplaint ~~or formal complaint~~.

Informal Complaints

Disclaimer: *This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

~~An informal complaint is any of the following: (1) a written allegation of harassment, discrimination, or retaliation that falls outside the timelines for a formal complaint; or (2) a written complaint alleging harassment, discrimination, or retaliation filed by an individual who expressly indicates that he/she/they does not want to file a formal complaint.~~

~~Any person may submit an informal complaint to the [**designate position**] or any other District or college administrator. Administrators receiving an informal complaint shall immediately notify the [**designate position**] in writing of all pertinent information and facts alleged in the informal complaint.~~

~~Upon receipt of an informal complaint, the [**designate position**] will notify the person bringing the informal complaint of his/her/their 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 [**designate position**] 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 [**designate position**] determines that the allegation(s), if proven true, would constitute a violation of the District policy prohibiting harassment, discrimination, or retaliation. The [**designate position**] will explain to any individual bringing an informal complaint that the [**designate position**] may decide to initiate an investigation, even if the individual does not wish the [**designate position**] to do so. The [**designate position**] 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.~~

Formal Complaints

A **formal e**Complaint is a written or verbal statement filed with the District that alleges harassment, discrimination, or retaliation in violation of the District's Board Policies, Administrative Procedures, or in violation of state or federal law. **Formal** Complaints must be filed with the [**designate position**] 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 [**CEO**].

The District may request, but shall not require the Complainant to submit a **formal e**Complaint on the form prescribed by the Chancellor of the California Community Colleges. A copy of the form will be available at [**specify location, such as each college student services office, the office of College President, the District human resources department and on college's/district's web sites**]. A Complainant shall report **a** verbal **e**Complaints to the [**designate position**]. The [**designate position**]

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

shall record the verbal eComplaint in writing. The [**designate position**] will take steps to ensure the writing accurately reflects the facts alleged by the Complainant.

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 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; and
- 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 [**designate position**] will promptly contact the Complainant and specify the defect. ~~If the sole defect is that the Formal Complaint was filed outside the applicable proscribed timeline, the [designate position] will handle the matter as an informal complaint.~~ If the Complainant is unable to fix the defect in the Complaint, the [designate position] shall consider the allegations contained in the Complaint and determine the appropriate course of action. This may include efforts to informally resolve the matter or a fact-finding investigation.

Oversight of Complaint Procedure: The [**designate position**] 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 [**insert by whom**] to other staff or to outside persons or organizations under contract with the District. This shall occur whenever the [**designate officer**] is named in the complaint or implicated by the allegations in the complaint.

Who May File a ~~Formal~~ Complaint: Any student, employee, parent of a minor, or an individual with legal authority on behalf of a student or employee who believes the student or employee has been discriminated against or harassed by a student, employee, or third party in violation of this procedure and the related policy.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Where to File a ~~Formal~~ Complaint: A student, employee, parent of a minor, or an individual with legal authority on behalf of a student or employee who believes the student or employee has been discriminated against or harassed in violation of these policy and procedures may make a complaint orally or in writing directed to the [**designate officer**]. Complainants may but are not required to use the form prescribed by the Chancellor of the California Community Colleges. These forms are available from the [**designate officer**] and at the California Community Colleges Chancellor's Office website.

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).

Any District employee who receives a harassment or discrimination complaint shall notify the [**designated officer**] immediately.

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 school's programs or activities.

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.

Intake and Processing of the Complaint: Upon receiving notification of a harassment or discrimination complaint, the [**designate officer**] shall:

- Consider whether the District can 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.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- Advise all Parties that he/she/they need not participate in an informal resolution of the complaint, as described above, and they have the right to end the informal resolution process at any time. **NOTE: Districts should exercise care in using mediation in cases of sexual violence.**
- Advise a student Complainant that he/she/they may file a complaint with the Office for 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 [designate officer] shall also notify the California Community Colleges 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 [designate officer] should notify the Complainant of his/her/their 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.

Investigation

The [designate position] shall:

- Authorize the investigation of the ~~e~~Complaint, and supervise or conduct a thorough, prompt, and impartial investigation of the complaint, as set forth below. Where the Parties 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, t~~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

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.

Investigation of the Complaint: The District shall promptly investigate every ~~eComplaint, and claim of harassment or discrimination.~~ No claim of workplace or academic harassment or discrimination shall remain unexamined. This includes ~~C~~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. The District shall notify the Complainant that the District will commence an impartial fact-finding investigation of the allegations contained in the complaint.

As set forth above, where the Parties opt for an informal resolution, the [**designated officer**] 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.

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

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

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.

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 Ceomplaint.

Cooperation Expected: 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. No employee will be retaliated against as a result of lodging a complaint or participating in any workplace investigation.

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 description of the procedural steps taken during the investigation, including all individuals contacted and interviewed;
- A summary of the testimony provided by each witness, including the complainant and any available witnesses identified by the Complainant in the complaint;
- An analysis of relevant data or other evidence collected during the course of the investigation, including a list of relevant documents;
- A specific finding as to whether each factual allegation in the complaint occurred based on the preponderance of the evidence standard;
- A table of contents if the report exceeds ten pages and
- Any other information deemed appropriate by the District.

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 student and employee Respondents during the investigation process and any ensuing discipline.

Administrative Determination

Disclaimer: *This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- 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 or summary of the report, and written notice to the Complainant setting forth all of the following:
 - The [**CEO**]'s or his/her/their designee's determination as to whether unlawful discrimination occurred with respect to each allegation in the complaint based on a preponderance of the evidence standard;
 - In the event a discrimination allegation is substantiated, a description of actions taken, if any, to prevent similar acts of unlawful discrimination from occurring in the future;
 - The proposed resolution of the Complaint;
 - The Complainant's right to appeal to the District's Board of Trustees and the California Community Colleges Chancellor's Office; and
 - In matters involving student sexual misconduct, the Respondent's right to appeal to the District's Board of Trustees any disciplinary sanction imposed upon the Respondent.
- In any case involving employment discrimination, within 90 days of receiving a ~~formal~~eComplaint, the District shall complete its investigation and forward a copy or summary of the report and written notice to the Complainant setting forth all the following: [**NOTE: For cases involving employment discrimination, Title 5 only requires that a copy or summary of the report be provided to the Complainant. The District may, but is not required to, provide the report to the respondent in order to have a consistent process for addressing employment and non-employment discrimination claims.**]
 - The [**CEO**]'s or his/her/their designee's determination as to whether there discrimination occurred with respect to each allegation in the complaint based on the preponderance of the evidence standard;
 - If a discrimination allegation is substantiated, a description of actions taken, if any, to prevent similar acts of unlawful discrimination from occurring in the future;
 - The proposed resolution of the complaint; and
 - The Complainant's right to appeal to the District's Board of Trustees and to file a complaint with Department of Fair Employment and Housing.

The District shall also provide the Respondent the following:

- The [**CEO**]'s or his/her/their designee's determination as to whether unlawful discrimination occurred with respect to each allegation in the complaint based on the preponderance of the evidence standard;
- The proposed resolution of the complaint, including any disciplinary action against the Respondent; and
- In matters involving student sexual misconduct not subject to Title IX, the Respondent's right to appeal to the District's Board of Trustees any disciplinary sanction imposed upon the Respondent.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Discipline for Student Sexual Misconduct Not Subject to Title IX

In a complaint involving student sexual misconduct not subject to Title IX, if a student Respondent is subject to severe disciplinary sanctions, and the credibility of witnesses was central to the investigative findings, the District will provide an opportunity for the student Respondent to cross-examine witnesses indirectly at a live hearing, either in person or by videoconference and a live hearing conducted by a neutral decision-maker other than the investigator. The District shall appoint a neutral third party to attend the hearing solely for the purpose of asking any questions to the witnesses. The neutral third party shall not be the student Respondent, the student Respondent's representative, or any individual charged with making a final determination regarding discipline. The student Respondent may submit written questions before and during the cross-examination, including any follow-up questions. The neutral third party asking questions shall not exclude any questions unless there is an objection to the question by any individual charged with making a final determination regarding discipline.

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 consistent with state and federal law. 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:

- providing an escort to ensure that the Complainant can move safely between classes and activities;
- ensuring that the Complainant and alleged perpetrator do not attend the same classes or work in the same work area;
- preventing offending third parties from entering campus;
- providing counseling services or a referral to counseling services;
- providing medical services or a referral to medical services;
- providing academic support services, such as tutoring;
- 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
- 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.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

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.

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/they may, within 30 days, submit a written appeal to the Board of Trustees.

In a complaint involving student sexual misconduct not subject to Title IX, a Respondent who is not satisfied with the results of the administrative determination may submit a written appeal to the District's Board of Trustees within 30 days.

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 the Respondent. The Complainant shall also be notified of his/her/their right to appeal this decision.

If the Board does not act within 45 days, the administrative determination shall be deemed approved on the forty-sixth day and shall become the final decision of the District in the matter. The District shall promptly notify the Complainant and the Respondent of the Board's action, or if the Board took no action, that the administrative determination is deemed approved.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

In any case not involving workplace discrimination, harassment, or retaliation, the Complainant shall have the right to file a written appeal with the California Community Colleges Chancellor's Office within 30 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.

Remand

The California Community College Chancellor's Office may remand any matter to the District for any of the following reasons: to cure defects in the investigation or in procedural compliance; to consider new evidence not available during the investigation despite the Complainant's due diligence that would substantially impact the outcome of the investigation; or to modify or reverse a decision of the District's Board of Trustees based upon misapplication of an applicable legal standard or an abuse of discretion.

If the California Community College Chancellor's Office remands a matter to the District, the District shall take necessary action and issue a decision after remand within 60 days. In any case not involving employment discrimination, the Complainant may appeal the District's amended determination to the California Community College Chancellor's Office within 30 days by following the appeal procedures above.

Extension of Time

If the District is unable to comply with the 90-day deadline, the District may extend the time to respond by up to 45 additional days. An extension may be taken only once without permission from the California Community Colleges Chancellor's Office, and must be necessary for one of the following reasons:

- a need to interview a party or witness who has been unavailable;
- a need to review or analyze additional evidence, new allegations, or new complaints related to the matter; or
- to prepare and finalize an administrative determination.

The District shall send a written notice to the Complainant and to a Respondent who is aware of an investigation indicating the necessity of an extension, the justification for the extension, and the number of days the deadline will be extended. The District shall send this notice no later than 10 days prior to the initial time to respond.

The District may request additional extensions from the California Community Colleges Chancellor's Office after the initial 45-day extension. The District shall send a copy of the extension request to the Complainant and to a Respondent who is aware of an

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

investigation. The Complainant and Respondent may each file a written objection with the California Community Colleges Chancellor's Office within 5 days of receipt.

Disclosures to the California Community Colleges Chancellor's Office

Upon request of the California Community Colleges Chancellor's Office, the District shall provide copies of all documents related to a discrimination complaint, including the following: the original complaint, any investigative report unless subject to the attorney-client privilege, the written notice to the Complainant setting forth the results of the investigation, the final administrative decision rendered by the Board or a statement indicating the date upon which the decision became final, and a copy of the notification to the Complainant of his/her/their appeal rights, the Complainant's appeal of the District's administrative determination, any other non-privileged documents or information the Chancellor requests.

The District shall provide to the California Community Colleges Chancellor's Office an annual report with the following information: the number of employment and non-employment discrimination complaints and informal charges received in the previous academic year; the number of complaints and informal charges resolved in the previous academic year; the number of complaints of unlawful discrimination received in the previous academic year, and the number of those complaints that were sustained in whole or in part; and any other information requested by the Chancellor.

File Retention

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

- the original complaint;
- the investigatory report;
- the summary of the report if one is prepared;
- the notice provided to the Parties, of the District's administrative determination and the right to appeal;
- any appeal; and
- the District's final decision.

For any appeal to the California Community Colleges Chancellor's Office, shall provide all relevant, non-privileges documents upon request of the Chancellor.

NOTE: *The following language is legally required.*

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

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

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.

Training

By January 1, 2021, the District shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees. All new employees must be provided with the training and education within six months of their assumption of his/her/their position. After January 1, 2021, the District shall provide sexual harassment training and education to each employee once every two years. An employee who received this training and education in 2019 is not required to have refresher training until after two years thereafter.

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, a review of "abusive conduct," and harassment based on gender identity, gender expression, and sexual orientation. 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. Supervisor's harassment training must also address potential exposure and liability for employers and individuals, supervisor's obligation to report sexual harassment, discrimination, and retaliation when they become aware of it, appropriate remedial measures to correct harassing behavior.

The District will maintain appropriate records of the training provided, including the names of the supervisory employees trained, the date of training, sign in sheets, copies of all certificates of attendance or completion issued, the type of training provided, a copy of all written or recorded training materials, and the name of the training provider. If the training is provided by webinar, the District will maintain a copy of the webinar, all written materials used by the training and all written questions submitted during the webinar, and document all written response or guidance the trainer provided during the webinar. The District will retain these records for at least two years.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

NOTE: *The following language is suggested as good practice and will generally be viewed by a court as helping to reduce District liability.*

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.

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.

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.

NOTE: *The following language is Optional.*

Complaint Reporting

The [CEO] shall provide the Board of Trustees, upon request, a report of complaints filed pursuant to AP 3435. This report must disaggregate the complaints by complaint type (Student Complainant and Student Respondent, Student Complainant and Employee Respondent, Employee Complainant and Student Respondent, Employee Respondent and Employee Respondent, etc.). This report must also disaggregate the

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

complaints by the Complainant's race, age, gender, religion, or any other characteristic identified by the Board.]

Revised 7/02, 2/03, 2/05, 2/06, 3/12, 6/13, 10/15, 4/16, 10/16, 10/17, 10/18, 3/19, 10/19, 7/20, 10/20, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 3725 Information and Communications Technology Accessibility & Acceptable Use

References:

Government Code Sections 7405, 11135, and 11546.7;
Section 504, Rehabilitation Act of 1973 (29 U.S. Code Section 701);
Section 508, Rehabilitation Act of 1973 (Federal Electronic and Information
Technology) (29 U.S. Code Section 794d);
36 Code of Federal Regulations Parts 1194.1 et seq.

NOTE: *This procedure is suggested as good practice. Local practice may be inserted here. The following is sample language adapted from the California Community Colleges Chancellor's Office Information and Communication Technology and Instructional Material Accessibility Standard.*

Definitions

The following definitions apply to this procedure:

Accessible: An individual with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use.

Equally Effective: Alternative access for individuals with disabilities to instructional materials and information and communication technology that (1) is timely, (2) is accurate in translation, (3) is delivered in a manner and medium appropriate to the disability of the individual, and (4) affords the individual with a disability the opportunity to obtain the information as fully, equally and independently as a person without a disability with substantially equivalent ease of use. Note, such alternative(s) are not required to produce the identical result or level of achievement, but must afford individuals with disabilities equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement in the most integrated setting appropriate to the person's needs.

Individual with a Disability: An individual who has one or more physical or mental impairments that substantially limit one or more major life activities.

Information and Communication Technology (ICT): Encompasses electronic and information technology covered by Section 508 of the Rehabilitation Act of 1973, as well as telecommunications products, interconnected Voice over Internet Protocol (VoIP) products, and Customer Premises Equipment (CPE) covered by Section 255. Examples of ICT include computers, information kiosks and transaction machines,

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

telecommunications equipment, multifunction office machines, software, Web sites, and electronic documents.

Instructional Materials: Includes electronic instructional materials, such as, syllabi, textbooks, presentations and handouts delivered within CCC's learning management system, via email or via another electronic means for face-to-face classes as well as e-learning courses. It also includes electronic instructional activities such as instructional videos, online collaborative writing, Web conferencing, blogging, and any other instructional materials as technology evolves.

[Optional: Social Media: Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.]

Timely: As it relates to equally effective alternative access to instructional materials and ICT, timely means that the individual with a disability receives access to the instructional materials or ICT **[state period of time, e.g., at the same time as an individual without a disability]**.

ICT and Instructional Material Accessibility Standard Statement

The District is committed to ensuring equal access to instructional materials and ICT for all, and particularly for individuals with disabilities in a timely manner. In accordance with Government Code Sections 7405, 11135, and 11546.7, and best practices, the District will comply with the accessibility requirements of Section 508 of the Federal Rehabilitation Act of 1973 by:

- Developing, purchasing, or acquiring, to the extent feasible, instructional materials and ICT products that are accessible to individuals with disabilities;
- Using and maintaining instructional materials and ICT that is consistent with this Standard; and
- Promoting awareness of this Standard to all relevant parties, particularly those in roles that are responsible for creating, selecting, or maintaining electronic content and applications.

Ensuring equal access to equally effective instructional materials and ICT is the responsibility of all District administrators, faculty, and staff.

[The following language is Optional.]

Social Media Policy

The District may use social media as a method of effectively informing the public about District services, issues, and other relevant events. District employees shall ensure that

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

the use or access of social media is done in a manner that protects the constitutional rights of all.

Authorized Users

Only employees authorized by the [CEO] or designee may utilize social media on behalf of the District. Authorized users shall use only District-approved equipment during the normal course of duties to post and monitor District-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The [CEO] may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information on District social media by employees who are not authorized to post should be made through the employee's supervisor.

Posted content shall be on behalf of the District and created and selected by employees, supervisors, and others as part of their official duties for the District, and not as the speech or expression of those individuals on behalf of themselves or any other group or organization.

Authorized Content

Only content that is appropriate for public release, that supports the District mission and conforms to all District policies may be posted. Examples of appropriate content include:

- Announcements.
- Requests that ask the community to engage in projects that are relevant to the District's mission.
- Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- Press releases.
- Recruitment of personnel.

Prohibited Content

Content prohibited from posting includes, but is not limited to:

- Content that is abusive, discriminatory, inflammatory, or sexually explicit.
- Any information that violates individual rights, including confidentiality and privacy rights and those provided under state and federal law and District policies and procedures.
- Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the District or its employees.

Disclaimer: This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.



POLICY & PROCEDURE SERVICE

- Any information that could compromise the safety and security of District operations, employees, students, or the public.
- Any content posted for personal use.
- Any content that has not been properly authorized by this policy or a supervisor.

Any employee who becomes aware of content on the District's social media site that he/she/they believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

Monitoring Content

The [designate position] will review, at least annually, the use of District social media and report back to the [CEO] on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

Retention of Records

The Custodian of Records shall establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

Training

Authorized users should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on District sites.]

NEWew 3/19; Revised 10/20, 4/21

Disclaimer: This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.



POLICY & PROCEDURE SERVICE

AP 4020 Program and Curriculum Development

References:

Title 5 Sections 51021, 55000 et seq., and 55100 et seq.;
34 Code of Federal Regulations Part 600.2;
ACCJC Accreditation Standard II.A;
U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended.

NOTE: *The following procedure is **legally required**. Districts may insert local procedures for program and curriculum development, which may include or address procedures for new, added, provisional or experimental, reinstated and deleted courses and procedures for changes in course number, title, units, or hours. Procedures for each action should, as good practice, address:*

- initiation, review, approval, and evaluation processes and related criteria
- designated responsibility and authority for initiation, review, and approval of courses (e.g., the academic affairs office, academic senate, faculty, departments, related disciplines, divisions, curriculum committee, articulation officer, etc.)
- time lines and limits for the process
- publication of changes and maintenance of records
- use of a range of delivery systems and modes of instruction

[Optional: *The District shall develop and offer programs and curricula in ethnic studies, programs and curricula that infuse a global perspective into the curricular offerings, and programs and curricula that include instruction on the perspectives of persons with low socioeconomic status in the topic.*]

The District shall provide annual certification to the California Community Colleges Chancellor's Office pertaining to the approval of credit courses and credit programs as required under Title 5 Sections 55100 and 55130.

Credit Hour

One credit hour of community college work (one unit of credit) shall require a minimum of 48 semester hours of total student work or 33 quarter hours of total student work, which may include inside and/or outside-of-class hours. **[Select one of the following based on whether the district uses a semester or quarter system. For semester system: A course requiring 96 hours or more total student work shall provide at least 2 units of credit. For quarter system: A course requiring 66 hours or more of total student work shall provide at least 2 units of credit.]** Cooperative work experience courses shall

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

adhere to the formula for credit hour calculations identified in Title 5 Section 55256.5. Credit for clock hour designated programs shall be awarded consistent with 34 Code of Federal Regulations Part 600.2.

NOTE: *The following language is **legally required**. Districts should insert their locally developed policy defining the standards for credit hour calculations which must include the following:*

- credit hour calculation method for all academic activities
- expected ratios of in-class to outside-of-class hours for each type of academic activity
- standards for incremental award of credit
- standard term length
- calculation methods for short term and extended term courses, and provisions for monitoring compliance with state and federal regulations related to credit hour calculations

NOTE: *The following language is **legally required** in an effort to show good faith compliance with the applicable federal regulations*

For purposes of federal financial aid eligibility, a “credit hour” shall be not less than:

- One hour of classroom or direct faculty instruction and a minimum of two hours of out of class student work each week for approximately [**15 weeks for one semester or trimester hour of credit**], [**or 10 to 12 weeks for one quarter hour of credit**], or the equivalent amount of work over a different amount of time; or
- At least an equivalent amount of work as required in the paragraph above, of this definition for other academic activities as established by the institution including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours.

Revised 7/11, 11/14, 10/17, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 4106 Nursing Programs

References:

Education Code Sections 66055.8, 66055.9, 70101-70106, 78260, 78261, 78261.3, 78261.5, 87482, 89267, 89267.3, and 92645;
Title 5 Sections 55060 et seq. and 55521;
Health and Safety Code Section 128050

NOTE: *BP 4106 titled Nursing Programs contains the minimum necessary to meet statutory requirements, and may be repeated here, with additional procedures on awarding grants or participating in a loan assumption agreement.*

[Optional: The District will recruit students from low socioeconomic populations to enroll in the District's nursing program.]

New 2/08; Revised 4/09, 4/17, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 4250 Probation

References:

Title 5 Sections 55031 - 55034

NOTE: *This procedure is legally required. Local practice may be inserted, but it should address the minimum requirements in the following examples.*

Notification of Probation

Each student is entitled to be notified of his/her/their academic difficulty and the availability of college support services to respond to the academic difficulty before the student is dismissed. Notification will consist, at a minimum, of the following: At the end of the semester in which the student's grade point average falls below 2.0 in all units attempted, a notice that the student is on probation shall be sent to the student informing him/her/them that he/she/they is on academic probation. "All units attempted" is defined as all units of credit for which the student is enrolled in at the community college that they attend.

If the percentage of a student's recorded entries of "W," "I," "NC," and "NP" reaches or exceeds 50% of all units in which a student has enrolled, the student shall be placed on progress probation.

At the end of the third semester on which the student is on academic or progress probation, a notice that the student is subject to dismissal will be sent to the student informing him/her/them that he/she/they is subject to dismissal.

Probationary Letter

The letter notifying the student of probation will cover, at a minimum, the significance of being on probation and description of the services available.

A student who is on academic probation and earns a semester grade point average of 1.75 or better shall not be dismissed as long as this minimum semester grade point average is maintained.

[Probation, Dismissal, Readmission Data Reporting

The [CEO] shall provide the Board develop and provide to the Board for review [specify annual or other interval] report of the number of students who were placed on probation, dismissed, and reinstated. This report must disaggregate the students by race, age, gender, or any other characteristic identified by the Board.]

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Revised 8/06, 8/07, 3/12, 4/18, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 5015 Residence Determination

References:

Education Code Sections 68000 et seq., 68130.5, 68074-68075.7, and 68086;
Title 5 Sections 54000 et seq.;;
38 U.S. Code Section 3679

NOTE: *This procedure is **legally required**. Districts may insert their local practices. The following is provided as an illustrative example.*

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

- A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.
- Residence classification is the responsibility of the [**designate, such as Admissions Office**].

Students must be notified of residence determination within 14 calendar days of submission of application.

A student seeking to enroll exclusively in career development and college preparation courses, and other courses for which no credit is given, shall not be subject to this residency classification requirement.

The District shall publish the residence determination date and summary of the rules and regulations governing residence determination and classification in the District catalog or addenda thereto.

Rules Determining Residence

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

The residence of each student enrolled in or applying for enrollment in any class or classes maintained by this District shall be determined in accordance with the Education
Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Code which states that every person has, in law, a residence. In determining the place of residence, the following rules are to be observed:

- Every person who is married or 18 years of age, or older, and under no legal disability to do so, may establish residence.
- A person may have only one residence.
- A residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose and to which one returns in seasons of repose.
- A residence cannot be lost until another is gained.
- The residence can be changed only by the union of act and intent.
- A man or a woman may establish his/her/their residence. A woman's residence shall not be derivative from that of her husband.
- The residence of the parent with whom an unmarried minor child maintains his/her/their place of abode is the residence of the unmarried minor child. When the minor lives with neither parent, the minor's residence is that of the parent with whom the last place of abode was maintained, provided the minor may establish his/her/their residence when both parents are deceased and a legal guardian has not been appointed.
- The residence of an unmarried minor who has a parent living cannot be changed by the minor's own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.

Determination of Resident Status

A resident is a student who has been a bona fide resident of the state for one year prior to the residence determination date. A bona fide resident is a person whose residence is in California as determined above except:

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

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- A student who is a minor and who provides evidence of being entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date with the intention of acquiring a residence therein, shall be entitled resident classification until he/she/they has resided in the state the minimum time necessary to become a resident.
- A student who has not been an adult for one year immediately preceding the residence determination date for the semester for which the student proposes to attend an institution shall have the immediate pre-majority-derived California residence, if any, added to the post-majority residence to obtain the one year of California residence.
- A student holding a valid credential authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the college year in which the student enrolls in an institution, shall be entitled to resident classification if each student meets any of the following requirements:
 - He/she/they holds a provisional credential and is enrolled in courses necessary to obtain another type of credential authorizing service in the public schools.
 - He/she/they holds a credential issued pursuant to Education Code Section 44250 and is enrolled in courses necessary to fulfill credential requirements.
 - He/she/they is enrolled in courses necessary to fulfill the requirements for a fifth year of education prescribed by subdivision (b) of Education Code Section 44259.
 - A student holding a valid emergency permit authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the academic year in which the student enrolls at an institution in courses necessary to fulfill teacher credential requirements, is entitled to resident classification only for the purpose of determining the amount of tuition and fees for no more than one year. Thereafter, the student's residency status will be determined under the other provisions of this procedure.
- A student who is a full-time employee of the California State University, the University of California or a community college, or of any state agency or a student who is a child or spouse of a full-time employee of the California State University, the University of California or a community college, or of any state agency may be

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

entitled to resident classification, until the student has resided in the state the minimum time necessary to become a resident.

- A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty and is attendance at, or has been admitted to the District shall be entitled to resident classification. If the member of the armed forces of the United States later transfers on military orders to a place outside this state, or retires as an active member of the armed forces of the United States, the student dependent shall not lose his/her/their resident classification, so long as he/she/they remains continuously enrolled in the District.
- A student who is a member of the armed forces of the United States stationed in this state, except a member of the Armed Forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification only for the purpose of determining the amount of tuition and fees. If the student later transfers on military orders to a place outside this state, the student shall not lose his/her/their resident classification, so long as he/she/they remains continuously enrolled in the District.
- A veteran who was discharged or released from at least 90 days of active service less than three years before the date of enrollment in a course commencing on or after July 1, 2015, and his/her/their dependents, regardless of the veteran's state of residence is entitled to resident classification.
- An individual who is the child or spouse of a person who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces who resides in California.
- An individual who is entitled to transferred Post-9/11 GI Bill program benefits by virtue of their relationship to a member of the uniformed services who is serving on active duty.
- A student who is a minor and resides with his/her/their parent in a district or territory not in a district shall be entitled to resident classification, provided that the parent has been domiciled in California for more than one year prior to the residence determination date for the semester, quarter or term for which the student proposes to attend.
- A student who is a Native American is entitled to resident classification for attendance at a community college if the student is also attending a school administered by the Bureau of Indian Affairs located within the community college district.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- A student who is a federal civil service employee and his/her/their natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.
- A student who resides in California and is 19 years of age or under at the time of enrollment, who is currently a dependent or ward of the state through California's child welfare system, or was served by California's child welfare system and is no longer being served either due to emancipation or aging out of the system, may be entitled to resident classification until he/she/they has resided in the state the minimum time necessary to become a resident.
- A student who lives with a parent who earns a livelihood primarily by performing agricultural labor for hire in California and other states, and the parent has performed such labor in this state for at least two months per year in each of the two preceding years, and the parent resides in this District and the parent of the student has claimed the student as a dependent on his/her/their state or federal personal income tax return if he/she/they has sufficient income to have personal income tax liability shall be entitled to resident classification.
- A student who demonstrates financial need, has a parent who has been deported or was permitted to depart voluntarily, moved abroad as a result of that deportation or voluntary departure, lived in California immediately before moving abroad, attended a public or private secondary school in the state for three or more years, and upon enrollment, will be in his/her/their first academic year as a matriculated student in California public higher education, will be living in California, and will file an affidavit with the District stating that he/she/they intends to establish residency in California as soon as possible.
- A student who has a special immigrant visa that has been granted status under Section 1244 of Public Law 110-181 or under Public Law 109-163, or is a refugee admitted to the United States under Section 1157 of Title 8 of the United States Code, and who, upon entering the United States, settled in California, shall be exempt from paying the nonresident tuition fee required by Education Code Section 76140 for the length of time he/she/they lives in this state up to the minimum time necessary to become a resident.

Right to Appeal – Students who have been classified as non-residents have the right to a review of their classification (Title 5 Section 54010 subdivision (a)). Any student, following a final decision of residence classification by the [**designate, such as**

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Admission Office], may make written appeal to the [**designate, such as Chief Student Services Officer**] within 30 calendar days of notification of final decision by the college regarding classification.

Appeal Procedure – The appeal is to be submitted to [**designate, such as Admissions Office**] which must forward it to the [**designate, such as Chief Student Services Officer**] within five working days of receipt. Copies of the original application for admission, the residency questionnaire, and evidence or documentation provided by the student, with a cover statement indicating upon what basis the residence classification decision was made, must be forwarded with the appeal.

The [**designate**] shall review all the records and have the right to request additional information from either the student or the Admissions Office.

Within 30 calendar days of receipt, the [**designate**] shall send a written determination to the student. The determination shall state specific facts on which the appeal decision was made.

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

Petitions are to be submitted to the Admissions Office.

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

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

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

A student shall be considered financially independent for purposes of residence reclassification if the applicant meets **all** of the following requirements:

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- Has not and will not be claimed as an exemption for state and federal tax purposes by his/her/their parent in the calendar year the reclassification application is made and in any of the three calendar years prior to the year the reclassification application is made;
- Has not and will not receive more than seven-hundred fifty dollars (\$750) per year in financial assistance from his/her/their parent in the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification; and
- Has not lived and will not live for more than six weeks in the home of his/her/their parent during the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification application.

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

Failure to satisfy all of the financial independence criteria listed above does not necessarily result in denial of residence status if the one year requirement is met and demonstration of intent is sufficiently strong.

Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence than financial dependence in the preceding second and third calendar years. Financial dependence in the current or preceding calendar year shall be overcome only if (1) the parent on whom the student is dependent is a California resident, or (2) there is no evidence of the student's continuing residence in another state.

The [**designate**] will make a determination, based on the evidence and notify the student not later than [**insert number of days here – recommend 14 days**] 14 days of receipt of the petition for reclassification.

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

Non-Citizens – The District will admit any non-citizen who is 18 years of age or a high school graduate.

If non-citizens are present in the United States illegally or with any type of temporary visa, they will be classified as non-residents and charged non-resident tuition unless they meet the exceptions contained below.

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

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Any students who are U.S. citizens, permanent residents of the U.S., and aliens who are not nonimmigrants (including those who are undocumented), may be exempt from paying nonresident tuition if they meet one of the following requirements:

- Total attendance of, or attainment of credits earned while in California equivalent to three or more years of full-time attendance or attainment of credits at any of the following: (a) California high schools; (b) California high schools established by the State Board of Education; (c) California adult schools established by either a county office of education, unified or high school district, or The Department of Corrections and Rehabilitation; (d) campuses of the California community colleges; or (e) a combination thereof; or
- Three or more years of full-time high school coursework in California, and a total of three or more years of attendance in California elementary schools, or a combination of California elementary and secondary schools.

Additionally, the following requirements must be met:

- Graduation from a California high school or attainment of the equivalent thereof; or completed an associate degree from a California Community College; or completed the minimum requirements at a California Community College, or fulfill the minimum transfer requirements established for the University of California or the California State University for students transferring from a campus of the California Community Colleges;
- Registration or enrollment in a course offered by any college in the District for any term commencing on or after January 1, 2002,
- Completion of a questionnaire form prescribed by the Chancellor of the California Community Colleges and furnished by the District of enrollment, verifying eligibility for this nonresident tuition exemption; and
- In the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her/their immigration status or will file an application as soon as he/she/they is eligible to do so.

Documents and information obtained in implementing this exemption are confidential.

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

Revised 2/02, 2/11, 3/12, 11/14, 4/15, 10/15, 10/17, 4/18, 3/19, 10/19, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 5020 Nonresident Tuition

References:

Education Code Sections 68075.65, 68130.5 and 76140 et seq.;
Title 5 Section 54045.5

NOTE: *This procedure is **legally required**. Local practice may be inserted, which must include or address:*

- Exemptions, including:
 - Any students, other than non-immigrant aliens under 8 U.S. Code Section 1101(a)(15), who meet the following requirements:
 1. either high school attendance in California for three or more years OR attainment of credits earned in California from a California high school equivalent to three or more years of full-time high school coursework and a total of three or more years of attendance in California elementary schools, California secondary schools, or combination of those schools;
 2. graduation from a California high school or attainment of the equivalent thereof;
 3. registration or enrollment in a course offered for any term commencing on or after January 1, 2002;
 4. completion of a questionnaire form prescribed by the California Community Colleges Chancellor's Office verifying eligibility for this nonresident tuition exemption; and
 5. in the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her/their immigration status or will file an application as soon as he/she/they is eligible to do so.
 - Any students who meet the following requirements:
 1. demonstrates financial need;
 2. has a parent who has been deported or was permitted to depart voluntarily;
 3. moved abroad as a result of that deportation or voluntary departure;
 4. lived in California immediately before moving abroad;
 5. attended a public or private secondary school in the State for three or more years; and
 6. Upon enrollment, will be in his/her/their first academic year as a matriculated student in California public higher education, will be living in California, and will file an affidavit with the District stating that

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- he/she/they intends to establish residency in California as soon as possible.
- Any nonimmigrant aliens granted “T” or “U” visa status under title 8 U.S. Code Section 1101(a)(15)(T)(i) or (ii), or section 1101(a)(15)U(i) or (ii), respectively, who meet the following requirements:
 1. high school attendance in California for three or more years;
 2. graduation from a California high school or attainment of the equivalent thereof;
 3. registration or enrollment in a course offered for any term or commencing on or after January 1, 2002; and
 4. completion of a questionnaire form prescribed by the California Community Colleges Chancellor’s Office verifying eligibility for this nonresident tuition exemption.
 - A special part-time student, other than a nonimmigrant alien under 8 U.S. Code Section 1101(15)(a), participating in a College and Career Access Pathways (CCAP) partnership program and enrolled in no more than 15 units per term.
- A requirement that the nonresident tuition fee be set not later than March 1 of each year.
 - A requirement that the calculation reflect the current expense of education calculated according to the Budget and Accounting Manual.
 - Exemptions, if any, due to reciprocity with bordering states.
 - Processing fees, if any, for international students.
 - A requirement that the calculation include the expense of education in the preceding fiscal year.
 - A requirement that the calculation reflect fees in contiguous Districts.
 - A requirement that the calculation provide for students enrolled in more or less than 15 units per term.
 - A requirement that a notice listing persons exempt from paying nonresident tuition be posted on the District’s website.

Revised 3/12, 4/14, 4/15, 4/17, 3/19, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 5030 Fees

References:

Education Code Sections 66025.3, 68120, 70902 subdivision (b)(9), 76300, and 76300.5;
Title 5 Sections 51012, 58520, and 58629;
California Community Colleges Chancellor's Office (CCCCO) Student Fee Handbook;
ACCJC Accreditation Standard I.C.6

NOTE: *This procedure is **legally required**. Local practice can be inserted here, but it must comply with applicable law. Community college districts may only require students to pay a fee if required or specifically authorized by statute.*

The General Counsel's Office of the California Community Colleges Chancellor's Office regularly publishes an updated student fee handbook that analyzes which fees are required and which are permitted, as well as those which are prohibited.

Required fees include:

- Enrollment (Education Code Section 76300 and 76300.5; Title 5 Sections 58500 and 58509)
- Baccalaureate degree pilot program fees (Title 5 Section 58520)
- Nonresident tuition with these permissive exemptions (Education Code Sections 76140 and 76140.5):
 - All nonresident students enrolling for 6 or fewer units; or
 - A student who is a citizen and resident of a foreign country who demonstrates financial need and this required exemption (Education Code Section 68130.5);
 - All students, other than nonimmigrant aliens under 8 U.S. Code Section 1101 subdivision (a)(15), who meet the following requirements:
 - high school attendance in California for three or more years;
 - graduation from a California high school or attainment of the equivalent thereof;
 - registration or enrollment in a course offered for any term commencing on or after January 1, 2002;
 - completion of a questionnaire form prescribed by the California Community Colleges Chancellor's Office verifying eligibility for this nonresident tuition exemption; and
 - in the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her immigration status or will file an application as soon as he/she is eligible to do so.
- Student representation (Education Code Section 76060.5; Title 5 Sections ~~54801 and 54805~~) [**Applies only if a student body association has been established at the District.**]

Fees authorized by law include:

- Non-District physical education facilities (Education Code Section 76395)

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- Noncredit courses (Education Code Section 76385)
- Community service courses (Education Code Section 78300)
- Auditing of courses (Education Code Section 76370)
- Instructional materials (Education Code Sections 73365, 81457, and 81458; Title 5 Sections 59400 and 59408)
- Athletic insurance (Education Code Section 70902 subdivision (b)(9))
- Cross-Enrollment with the California State University (CSU) or University of California (UC) (Education Code Section 66753)
- Health (Education Code Section 76355)
- Parking (Education Code Section 76360)
- Transportation (Education Code Sections 76361 and 82305.6)
- Student Center (Education Code Section 76375; Title 5 Section 58510)
- Copies of student records (Education Code Section 76223)
- Dormitory (Education Code Section 81670)
- Child care (Education Code Sections 79121 et seq. and 66060)
- Nonresident capital outlay (Education Code Section 76141)
- Nonresident application processing (Education Code Section 76142)
- Credit for Prior Learning (Education Code Section 76300; Title 5 Section 55050)
- Use of facilities financed by revenue bonds (Education Code Section 81901 subdivision (b)(3))
- Refund processing (Title 5 Section 58508)
- Telephone registration (Education Code Section 70902 subdivision (a))
- Physical fitness test (Education Code Section 70902 subdivision (b)(9))
- Instructional Tape Lease/Deposit (Education Code Section 70902 subdivision (b)(9))
- Credit Card Use (Education Code Section 70902 subdivision (b)(9))
- International Student Medical Insurance (Education Code Section 70902 subdivision (b)(9))

Prohibited fees include:

- Late application (CCCCO Student Fee Handbook)
- Add/drop (CCCCO Student Fee Handbook)
- Mandatory student activities (CCCCO Student Fee Handbook)
- Student Identification Cards (CCCCO Student Fee Handbook)
- Student Body Organization (CCCCO Student Fee Handbook)
- Nonresident application (CCCCO Student Fee Handbook)
- For dependents of certain veterans (Education Code Section 66025.3)
- For dependents of certain victims of the September 11, 2001, terrorist attacks (CCCCO Student Fee Handbook)
- For certain recipients of the Medal of Honor and certain children of the recipients of the Medal of Honor (Education Code Section 66025.3)
- For surviving spouses and children of a firefighter employed by the federal government whose duty assignment involved the performance of firefighting services in California (Education Code Section 68120)
- For students who have been exonerated of a crime though writ of habeas corpus or pardon that meet certain conditions (Education Code Section 69000)

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- Required or funded services (CCCCO Student Fee Handbook)
- Refundable deposits (CCCCO Student Fee Handbook)
- Distance education (other than the statutorily authorized enrollment fee) (CCCCO Student Fee Handbook)
- Mandatory mailings (CCCCO Student Fee Handbook)
- Rental of practice rooms (CCCCO Student Fee Handbook)
- Apprenticeship courses (Education Code Section 76350)
- Technology fee (CCCCO Student Fee Handbook)
- Late payment fee (Title 5 Sections 58502 and 59410)
- Nursing/healing arts student liability insurance (Title 5 Section 55234)
- Cleaning (CCCCO Student Fee Handbook)
- Breakage (CCCCO Student Fee Handbook)
- Test proctoring (CCCCO Student Fee Handbook)

Collection and Refund of Fees

NOTE: *Local practice may be inserted here, which should include or address:*

- Fees to be collected when enacted by the Legislature following registration by the student
- Fees collected in error
- Fees refundable because of a reduction in the educational program of the District
- Fees refundable because of the student's reduction in units or withdrawal from an education program
- Fees refundable because of changes in law or regulation authorizing and establishing enrollment fees
- Notice to students of availability of exemptions from certain mandatory and authorized fees

Waiver of Fees

The District may waive enrollment fees which were not collected in a previous session where the enrollment fees were not collected as a result of the District's error in awarding a California College Promise Grant (formerly known as Board of Governors Fee Waiver) to an ineligible student and not through the fault of the student, and to collect the enrollment fee would cause the student undue hardship.

Revised 2/03, 8/03, 9/05, 2/06, 8/06, 2/07, 3/12, 9/12, 4/15, 10/15, 4/18, 3/19, 4/20, 10/20, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 5035 Withholding of Student Records

Reference:

Title 5 Section 59410

NOTE: *If Districts withhold student records due to non-payment of fees, the following is legally required. Effective January 1, 2020, the Educational Debt Collection Practices Act prohibits Districts from withholding a transcript because the student owes a debt. Local procedure may be inserted. The following is an illustrative example that meets legal requirements.*

The [**designated position**] may withhold ~~grades,~~ diplomas, and registration privileges from any student or former student who fails to pay a proper financial obligation to the District. The student shall be given written notification and the opportunity to explain if the financial obligation is in error.

The definition of proper financial obligation shall include, but is not limited to: student fees; obligations incurred through the use of facilities, equipment or materials; library fines; unreturned library books; materials remaining improperly in the possession of the student; or any other unpaid obligation a student or former student owes to the District. A proper financial obligation does not include any unpaid obligation to a student organization.

NOTE: *Insert local procedures on the notification process and the student's opportunity to explain.*

Revised 10/20, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 5050 Student Success and Support Program

References:

Education Code Sections 78210 et seq.;
Title 5 Sections 55500 et seq.;
ACCJC Accreditation Standard II.C.2

NOTE: *This procedure is **legally required**. Local practice may be inserted here. The following is provided as an illustrative model.*

NOTE: *The California Community Colleges Chancellor's Office is working on streamlining the reporting requirements for the Student Success and Support Program along with other programs. One change has been to submit information related to the Student Success and Support Program to the California Community Colleges Chancellor's Office as part of an "Integrated Plan." However, because Title 5 Regulations addressing Student Success and Support Programs have not been repealed, districts are still required to comply with the Student Success and Support Program requirements.*

The District shall provide Student Success and Support Program services to students to further equality of educational opportunity and academic success. [**Optional:** The Student Success and Support Programs shall identify and close opportunity gaps that impact student success and improve the District's commitment to diversity, equity, and inclusion to better support student success.] The Student Success and Support Program brings the student and the District into agreement regarding the student's educational goal through the District's established programs, policies, and requirements. The agreement is implemented by means of the student educational plan.

Each student, in entering into an educational plan, will do all of the following:

- identify an education and career goal;
- identify a course of study;
- be assessed to determine appropriate course placement;
- complete orientation;
- participate in the development of the student educational plan;
- complete a student educational plan no later than the term after which the student completes 15 semester units of degree applicable credit coursework;
- diligently attend class and complete assigned coursework; and
- complete courses and maintain progress toward an educational goal

Student Success and Support Program services include, but are not limited to, all of the following:

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- Orientation on a timely basis, information concerning campus procedures, academic expectations, financial assistance, and any other appropriate matters
- Assessment and counseling upon enrollment, which shall include, but not be limited to, all of the following:
 - Administration of assessment instruments to determine student competency in computational and language skills
 - Assistance to students in the identification of aptitudes, interests, and educational objectives, including, but not limited to, associate of arts degrees, transfer for baccalaureate degrees, and vocational certificates and licenses
 - Evaluation of student study and learning skills
 - Referral to specialized support services as needed, including, but not limited to, federal, state, and local financial assistance; health services; mental health services; campus employment placement services; extended opportunity programs and services; campus child care services programs that teach English as a second language; and disabled student services
 - Advisement concerning course selection
 - Follow-up services and required advisement or counseling for students who are enrolled in remedial courses, who have not declared an educational objective as required, or who are on academic probation.

The District shall not use any assessment instrument except one specifically authorized by the Board of Governors of the California Community Colleges.

NOTE: *The following language is legally advised if the District receives funding from the Student Equity and Achievement Program.*

The District shall do **all** of the following:

- Inform students of their rights to access transfer-level coursework in English, mathematics (or quantitative reasoning), credit English as a Second Language and of the multiple measures placement policies or other college placement processes including the availability of challenge processes;
- Include information about the student's course placement options in the college catalog, in orientation and advisement materials, on the college's website, and in any written communication by counseling services;
- Provide annual reports to the California Community Colleges Chancellor's Office in a manner and form described by the California Community Colleges Chancellor's Office; and
- Publicly post the college's placement results, including the number of students assessed and the number of students placed into transfer-level coursework, transfer-level coursework with concurrent support, or transfer-level or credit English as a Second Language coursework, disaggregated by race and ethnicity.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Revised 2/08, 10/13, 4/15, 3/19, 10/19, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 5520 Student Discipline Procedures

References:

Education Code Sections 66017, 66300, 72122, 76030, and 76030 et seq.;
Penal Code Section 626.4

NOTE: *This procedure is **legally required**, except as specifically noted. Local practice may be inserted, but it must comply with the standards of due process reflected in this example.*

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees 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.

This administrative procedure is 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, and by Education Code Section 76120, and will not be used to punish expression that is protected.

For discipline resulting from a sexual harassment complaint under Title IX, the procedure in AP 3434 Responding to Harassment Based on Sex under Title IX, must be used.

Definitions

District – The [**insert name of district**].

Student – Any person currently enrolled as a student at any college or in any program offered by the District who was also enrolled at the time of the alleged violation of the Standards of Student Conduct.

Instructor – Any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.

Short-term Suspension – Exclusion of the student by the [**CEO**] for good cause from one or more classes for a period of up to ten consecutive days of instruction.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Long-term Suspension – Exclusion of the student by the [**CEO**] for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.

Expulsion – Exclusion of the student by the Board of Trustees from all colleges in the District for one or more terms.

Removal from class – Exclusion of the student by an instructor for the day of the removal and the next class meeting.

Written or verbal reprimand – An admonition to the student to cease and desist from conduct determined to violate the Standards 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.

Withdrawal of Consent to Remain on Campus – Withdrawal of consent by the [**designate authority**] for any person to remain on campus in accordance with California Penal Code Section 626.4 where the [**designate authority**] has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

Day – Days during which the District is in session and regular classes are held, excluding Saturdays and Sundays.

Short-term Suspensions, Long-term Suspensions, and Expulsions: Before any disciplinary action to suspend, or expel is taken against a student, the following procedures will apply:

- **Notice** – The [**designated position**] will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
 - the specific section of the Standards of Student Conduct that the student is accused of violating.
 - a short statement of the facts supporting the accusation.
 - the right of the student to meet with the [**designated position**] or designee to discuss the accusation, or to respond in writing.
 - the nature of the discipline that is being considered.
- **Time limits** – The notice must be provided to the student within [**number of days**] of the date on which the conduct took place; in the case of continuous, repeated, or ongoing conduct, the notice must be provided within [**number of days**] of the date on which conduct occurred which led to the decision to take disciplinary action.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- **Meeting** – If the student chooses to meet with the [**designated position**], the meeting must occur no sooner than [**number of days**] after the notice is provided. At the meeting, the student must again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation.

Short-term Suspension – Within [**number of days**] after the meeting described above, the [**CEO**] shall, pursuant to a recommendation from the [**designate position**], 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 [**CEO's**] decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The [**CEO's**] decision on a short-term suspension shall be final.

Long-term Suspension – Within [**number of days**] after the meeting described above, the [**CEO**] shall, pursuant to a recommendation from the [**designated position**], decide whether to impose a long-term suspension. Written notice of the [**CEO**] decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of AP 5520 Student Discipline Procedures describing the procedures for a hearing.

Expulsion – Within [**number of days**] days after the meeting described above, the [**CEO**] shall, pursuant to a recommendation from the [**designated position**], decide whether to recommend expulsion to the Board of Trustees. Written notice of the [**CEO's**] decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of AP 5520 Student Discipline Procedures describing the procedures for a hearing.

Hearing Procedures – Request for Hearing.

NOTE: *Timelines may be locally determined. Five days is usually the minimum notice time accepted by courts.*

Within [**number**] days after receipt of the [**CEO's**] decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the [**CEO**] or designee.

Schedule of Hearing – The formal hearing shall be held within [**number**] days after a formal request for hearing is received.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

NOTE: *The Board of Trustees may hear these matters itself, or it may use the services of a hearing officer or a panel. If the hearing panel format is adopted, the following is suggested.*

Hearing Panel – The hearing panel for any disciplinary action shall be composed of [**insert composition, such as one administrator, one faculty member and one student.**]

The [**CEO**], the president of the Academic Senate, and the Associated Students president shall each, at the beginning of the academic year, establish a list of at least five persons who will serve on student disciplinary hearing panels. The [**CEO**] shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member, or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.

Hearing Panel Chair – The [**CEO**] 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 both other members of the panel to the contrary.

Conduct of the Hearing

NOTE: *The hearing must comply with principles of due process, including the right to confront and cross examine witnesses. The following language is legally advised.*

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.

The facts supporting the accusation shall be presented by a college representative who shall be the [**designate position**].

The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

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/her/their evidence. The burden shall be on the college representative to prove by the preponderance of the evidence that the facts alleged are true.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

The student may represent himself/herself/themselves, and may also have the right to be represented by a person of his/her/their choice. **[Suggested language: 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 five 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.]**

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 **[number of days]** prior to the date of the hearing.

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.

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 themselves 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.

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.

Within **[number]** days following the close of the hearing, the hearing panel shall prepare and send to the **[CEO]** a written decision. The decision 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 also include a specific recommendation regarding the disciplinary action to be imposed, if any. 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.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

[**CEO's**] Decision:

Long-term suspension – Within [**number of days**] following receipt of the hearing panel's recommended decision, the [**CEO**] shall render a final written decision. The [**CEO**] may accept, modify, or reject the findings, decisions and recommendations of the hearing panel. If the [**CEO**] modifies, or rejects the hearing panel's decision, the [**CEO**] shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the [**CEO**] shall be final.

Expulsion – Within [**number of days**] following receipt of the hearing panel's recommended decision, the [**CEO**] shall render a written recommended decision to the Board of Trustees. The [**CEO**] may accept, modify, or reject the findings, decisions and recommendations of the hearing panel. If the [**CEO**] modifies, or rejects the hearing panel's decision, he/she/they shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The [**CEO's**] decision shall be forwarded to the Board of Trustees.

Board of Trustees Decision: The Board of Trustees shall consider any recommendation from the [**CEO**] for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

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.)

The student shall be notified in writing, by registered or certified mail to the address last on file with the District, or by personal service, at least three days prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within 48 hours after receipt of the notice, request that the hearing be held as a public meeting.

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.

The Board may accept, modify, or reject the findings, decisions and recommendations of the [**CEO**] or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board shall be final.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

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.

Immediate Interim Suspension (Education Code Section 66017): The [**CEO**] may order immediate suspension of a student where he/she/they concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days.

Removal from Class (Education Code Section 76032): Any instructor may order a student removed from his/her/their class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the [**CEO**] and the [**designated position**]. The [**designate position**] shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the [**designated position**] shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the [**designated position**] from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

Withdrawal of Consent to Remain on Campus: The [**designate position**] may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she/they must promptly leave or be escorted off campus. If consent is withdrawn by the [**designate position**] a written report must be promptly made to the [**CEO**].

The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than seven days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.

In no case shall consent be withdrawn for longer than [**number of days, no more than 14 days**] from the date upon which consent was initially withdrawn.

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 (Penal Code Section 626.4).

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

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

[Optional: Student Discipline Data Reporting

The [CEO] shall develop and provide to the Board for review [specify annual or other interval] report of the number of students who were disciplined pursuant to this procedure. This report must disaggregate the students by race, age, gender, or any other characteristic identified by the Board.]

Revised 6/13, 4/14, 4/15, 10/15, 10/20, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 5530 Student Rights and Grievances

References:

Education Code Section 76224 subdivision (a);
ACCJC Accreditation Eligibility Requirement 20;
ACCJC Accreditation Standard IV.D

NOTE: *This procedure is ~~suggested as good practice~~ legally advised. Local practice may be inserted. The following is an illustrative example.*

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances.

Grievance: A claim by any student who reasonably believes a college decision or action has adversely affected his/her/their status, rights, or privileges as a student. A Grievance includes but is limited to, claims regarding:

- Financial aid [**unless the District's financial aid policy contains an appeal procedure**];
- Course grades, to the extent permitted by Education Code Section 76224 subdivision (a), which provides: "When grades are given for any course of instruction taught in a community college district, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final." "Mistake" may include, but is not limited to errors made by an instructor in calculating a student's grade and clerical errors;
- The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.

A Grievance is not:

- Student disciplinary actions, which are covered under separate board policies and administrative procedures.
- Police citations (i.e. "tickets"); complaints about citations must be directed to the County Courthouse in the same way as any traffic violation.

Grievant – A student who has filed a Grievance.

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 or the College Grievance Officer.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

[**CEO**] – The [**CEO**] or a designated representative of the [**CEO**].

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 subdivision (a).

Respondent – Any person the Grievant claims to be responsible for the alleged Grievance.

Day – Unless otherwise provided, day shall mean a day during which the college is in session and regular classes are held, excluding Saturdays and Sundays.

Informal Resolution – 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, and shall attempt to solve the problem with the person with whom the student has the Grievance, that person's immediate supervisor, or the local college administration.

The [**CEO**] shall appoint an employee who shall assist students in seeking resolution by informal means. This person shall be called the Grievance Officer. The Grievance Officer and the student may also seek the assistance of the Associated Student Organization in attempting to resolve a Grievance informally.

Informal meetings and discussion between persons directly involved in a Grievance are essential at the outset of a dispute and should be encouraged at all stages. An equitable solution should be sought before persons directly involved in the case have stated official or public positions that might tend to polarize the dispute and render a solution more difficult. At no time shall any of the persons directly or indirectly involved in the case use the fact of such informal discussion, the fact that a Grievance has been filed, or the character of the informal discussion for the purpose of strengthening the case for or against persons directly involved in the dispute or for any purpose other than the settlement of the Grievance.

Any student who believes he/she/they has a Grievance shall file a Statement of Grievance with the Grievance Officer within [**number**] days of the incident on which the Grievance is based, or [**number**] days after the student learns of the basis for the Grievance, whichever is later. The Statement of Grievance must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the Grievance to become official. Within two days following receipt of the Statement of Grievance Form, the Grievance Officer shall advise the student of his/her/their rights and responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance form.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

If at the end of [**number**] days following the student's first meeting with the Grievance Officer, there is no informal resolution of the complaint which is satisfactory to the student, the student shall have the right to request a Grievance hearing.

NOTE: *The following is optional.*

Grievance Hearing Committee: The [**CEO**] shall at the beginning of each semester or summer session, establish a standing panel of [**number**] members of the college community, including [**number**] students, [**number**] faculty members and [**number**] administrators, from which one or more Grievance Hearing Committees may be appointed. The panel will be established with the advice and assistance of the Associated Students Organization and the Academic Senate, who shall each submit [**number**] names to the [**CEO**] for inclusion on the panel. A Grievance Hearing Committee shall be constituted in accordance with the following:

- It shall include [**number**] students, [**number**] faculty members, and [**number**] college administrator selected from the panel described above.
- No person shall serve as a member of a Grievance Hearing Committee if that person has been personally involved in any matter giving rise to the Grievance, has made any statement on the matters at issue, or could otherwise not act in a neutral manner. Any Party to the Grievance may challenge for cause any member of the hearing committee prior to the beginning of the hearing by addressing a challenge to the [**CEO**] who shall determine whether cause for disqualification has been shown. If the [**CEO**] feels that sufficient ground for removal of a member of the committee has been presented, the [**CEO**] shall remove the challenged member or members and substitute a member or members from the panel described above. This determination is subject to appeal as defined below.
- The Grievance Officer shall sit with the Grievance Hearing Committee but shall not serve as a member nor vote. The Grievance Officer shall coordinate all scheduling of hearings, shall serve to assist all Parties and the Hearing Committee to facilitate a full, fair, and efficient resolution of the Grievance, and shall avoid an adversary role.

Request for Grievance Hearing – Any request for a Grievance hearing shall be filed on a Request for a Grievance Hearing Form within [**number**] days after filing the Statement of Grievance as described above.

Within [**number**] days following receipt of the request for Grievance hearing, the [**CEO**] shall appoint a Grievance Hearing Committee as described above, and the Grievance Hearing Committee shall meet in private and without the Parties present to select a chair and to determine on the basis of the Statement of Grievance whether it presents sufficient grounds for a hearing.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

The determination of whether the Statement of Grievance presents sufficient grounds for a hearing shall be based on the following:

- The statement contains facts which, if true, would constitute a Grievance under these procedures;
- The Grievant is a student as defined in these procedures, which include applicants and former students;
- The Grievant is personally and directly affected by the alleged Grievance;
- The Grievance was filed in a timely manner;
- The Grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment.

If the Grievance does not meet each of the requirements, the Grievance Hearing Committee chair shall notify the student in writing of the rejection of the Request for a Grievance Hearing, together with the specific reasons for the rejection and the procedures for appeal. This notice will be provided within [**number**] days of the date the Grievance Hearing Committee makes its decision.

If the Request for Grievance Hearing satisfies each of the requirements, the College Grievance Officer shall schedule a Grievance hearing. The hearing will begin within [**number**] days following the decision to grant a Grievance Hearing. All Parties to the Grievance shall be given not less than [**number**] days' notice of the date, time and place of the hearing.

NOTE: *A hearing must comply with principles of due process, including the right to confront and cross-examine witnesses. The following procedure is legally advised.*

Hearing Procedure

The decision of the Grievance Hearing Committee chair shall be final on all matters relating to the conduct of the hearing unless there is a vote of a majority of the other members of the panel to the contrary.

The Grievance Officer will provide members of the Grievance Hearing Committee with a copy of the Grievance and any written response provided by the Respondent before the hearing begins.

Each Party to the Grievance may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

Unless the Grievance Hearing Committee determines to proceed otherwise, each Party to the Grievance shall be permitted to make an opening statement. Thereafter, the Grievant or Grievants shall make the first presentation, followed by the Respondent or

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Respondents. The Grievant may present rebuttal evidence after the Respondent(s)' evidence. The burden shall be on the Grievant or Grievants to prove by substantial evidence that the facts alleged are true and that a Grievance has been established as specified above.

Each Party to the Grievance may represent himself/herself/themself, and may also have the right to be represented by a person of his/her/their choice; except that a Party shall not be represented by an attorney unless, in the judgment of the Grievance Hearing Committee, complex legal issues are involved. If a Party wishes to be represented by an attorney, a request must be presented not less than [**number**] days prior to the date of the hearing. If one Party is permitted to be represented by an attorney, any other Party shall have the right to be represented by an attorney. The hearing committee may also request legal assistance through the [**CEO**]. Any legal advisor provided to the hearing committee 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.

Hearings shall be closed and confidential unless all Parties request that it be open to the public. Any such request must be made no less than [**number**] days prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all Parties and the committee agree to the contrary.

The Grievance Officer will record the hearing by tape recording or stenographic recording, and this will 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 Grievance Hearing Committee Chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. The tape recording shall remain in the custody of the District, either at the college or the District office, at all times, unless released to a professional transcribing service. Any Party may request a copy of the tape recording.

All witnesses must testify under oath; the Grievance Hearing Committee Chair will administer the oath. The Grievance Hearing Committee will only admit written statements of witnesses under penalty of perjury if the witness is unavailable to testify. A witness who refuses to be tape-recorded shall be considered to be unavailable.

Within [**number**] days following the close of the hearing, the Grievance Hearing Committee shall prepare and send to the [**CEO**] a written decision. The decision shall include specific factual findings regarding the Grievance and shall include specific conclusions regarding whether the hearing established a Grievance as defined above. The decision shall also include a specific recommendation regarding the relief for the Grievant, if any. The Grievance Hearing Committee will base its decision only on the

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

record of the hearing, and not on matter outside of that record. The record consists of the original Grievance, any written response, and the oral and written evidence produced at the hearing.

Appeal: Any appeal relating of a Grievance Hearing Committee decision that the Statement of Grievance does not present a Grievance as defined in these procedures shall be made in writing to the [**CEO**] within [**number**] days of that decision. The [**CEO**] shall review the Statement of Grievance and Request for Grievance Hearing in accordance with the requirements for a Grievance provided in these procedures, but shall not consider any other matters. The [**CEO**]'s decision whether or not to grant a Grievance hearing shall be final and not subject to further appeal.

[**CEO]'s Decision:** Within [**number**] days following receipt of the Grievance Hearing Committee's decision and recommendation(s), the [**CEO**] shall send to all Parties his/her/their written decision, together with the Hearing Committee's decision and recommendations. The [**CEO**] may accept or reject the findings, decisions, and recommendations of the Hearing Committee. The factual findings of the Hearing Committee shall be accorded great weight; and if the [**CEO**] does not accept the decision or a finding or recommendation of the Hearing Committee, the [**CEO**] shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the [**CEO**] shall be final.

Time Limits:

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

Revised 8/07, 4/15, 10/17, 4/20, 7/20, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 6340 Bids and Contracts

References:

Education Code Sections 81641 et seq.;

Public Contract Code Sections 2600, 2600.5, 20103.7, 20112, 20650 et seq.,
and 22000 et seq.;

Labor Code Sections 1770 et seq.;

Government Code Section 53060;

ACCJC Accreditation Standard III.D.16;

2 Code of Federal Regulations Part 200.318

NOTE: *Procedures on bids and contracting are **legally required**. Local practice may be inserted. The following is typical and complies with the legal requirements. However, please note that districts which, by proper resolution and notification to the Controller, have elected to adopt the Uniform Public Construction Cost Accounting Act (UPCCAA), are subject to an alternative set of procedures, described in detail in Public Contract Code Sections 22000 et seq. (See AP 6345 which is the Bids and Contracts Option using UPCCAA)*

Limits

Bids or quotations shall be secured as may be necessary to obtain the lowest possible prices as follows:

- Purchase of goods or services up to the [**limits set out in the Public Contract Code**] will require documented quotes.
- Purchase of goods or services in excess of the [**limits set out in the Public Contract Code**] will require formal advertised bids.

In securing bids or quotations, the District will avoid acquisition of unnecessary or duplicative items. Contracts involving expenditures that require competitive bidding require approval by the Board of Trustees prior to award.

NOTE: *The bid minimums are annually readjusted by the Board of Governors as required by Public Contract Code Section 20651 subdivision (d); the 1/1/18 adjustment increased the minimum for materials or supplies to \$92,600. The current bid minimum can be found at: <https://www.cde.ca.gov/fg/ac/co/bidthreshold2019.asp>*

Bid Specifications

Bid specifications shall include a definite, complete statement of what is required and, insofar as practical, shall include pertinent details of size, composition, construction, and/or texture of what is specified, and minimum standards of efficiency, durability, and/or utility required of what is specified. Additionally, when the use of a skilled and trained workforce to complete a contract or project is required, the bid documents and

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

construction contracts shall state that the project is subject to the skilled and trained workforce requirement.

Notice Calling for Formal Advertised Bids

The District shall publish at least once a week for two weeks in a newspaper of general circulation published within the District or if there is no such paper, then in some newspaper of general circulation, circulated in the county, [**and may post on the District's web site or through an electronic portal,**] a notice calling for bids or proposals, stating the work to be done or materials or supplies to be furnished and the time and place when bids will be opened. The District may accept a bid that was submitted either electronically or on paper.

Bid and contract forms shall be prepared and maintained by [**insert designated office or position**]. All applicable statutory provisions and board policies shall be observed in preparation of the forms.

The [**insert designated position**] shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.

All bid notices for work to be done shall contain an affirmative statement requiring compliance with Labor Code Sections 1775 and 1776 governing payment of prevailing wages and Labor Code Section 1777.5 governing employment of apprentices. All bid submissions shall contain all documents necessary to assure compliance with these California Labor Code Sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

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

[**Designate position or office**] shall make available to the prospective bidders bid forms with sets of specifications and drawings and shall provide a convenient place where bidders, subcontractors, and material personnel may examine the specifications and drawings.

[**Designate position or office**] shall provide an electronic copy of the plans and specifications and other contract documents to a contractor plan room service at no charge upon request from that contractor plan room.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

When permitted, a deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.

Awarding of Bids and Contracts

The awarding of bids and contracts shall be subject to the following conditions:

- Any and all bids and contract proposals may be rejected by the District.
- All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.
- Bid and contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.
- Selection and Award to Lowest Responsible Bidder:
 - Bid and contract awards shall be made to the lowest responsible bidder substantially meeting the requirements of the specifications.
- Selection and Award Based on Best Value:
 - For the purposes of bid evaluation and selection when the District determines that it can expect long-term savings through the use of life-cycle cost methodology, the use of more sustainable goods and materials, and reduced administrative costs, the District may provide for the selection of the lowest responsible bidder on the basis of best value.
 - "Best value" means the most advantageous balance of price, quality, service, performance, and other elements, as defined by the Board, achieved through methods in accordance with this section and determined by objective performance criteria that may include price, features, long-term functionality, life-cycle costs, overall sustainability, and required services.
 - The District will consider all of the following in a best value selection and award:
 - Price and service level proposals that reduce the District's overall operating costs, including end-of-life expenditures and impact.
 - Equipment, services, supplies, and materials standards that support the District's strategic acquisition and management program direction.
 - A procedure for protest and resolution in the request for proposal.
 - The District may also consider any of the following in a best value selection and award:
 - The total cost to of its purchase, use, and consumption of equipment, supplies, and materials.
 - The operational cost or benefit incurred by the District.
 - The added value to the District, as defined in the request for proposal, of vendor-added services.
 - The quality and effectiveness of equipment, supplies, materials, and services.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- The reliability of delivery and installation schedules.
 - The terms and conditions of product warranties and vendor guarantees.
 - The financial stability of the vendor.
 - The vendor's quality assurance program.
 - The vendor's experience with the provisions of equipment, supplies, materials, and services within the institutional marketplace.
 - The consistency of the vendor's proposed equipment, supplies, materials, and services with the District's overall supplies and materials procurement program.
 - The economic benefits to the local community, including, but not limited to, job creation and retention.
 - The environmental benefits to the local community.
- The District will award a contract to the lowest responsible bidder, whose proposal offers the best value to the District based solely on the criteria set forth in the request for proposal. The District shall document its determination in writing.
 - The District shall issue a written notice of intent to award supporting its contract award and stating in detail the basis of the award. The notice of the intent to award and the contract file must be sufficient to satisfy an external audit.
 - The District shall publicly announce its award, identifying the bidder to which the award is made, the price proposal of the contractor awarded the contract, and the overall combined rating on the request for proposal evaluation factors. The announcement shall also include the ranking of the contractor awarded the contract in relation to all other responsive bidders and their respective price proposals and summary of the rationale for the contract award.
 - The District shall ensure that all businesses have a fair and equitable opportunity to compete for, and participate in, district contracts and shall also ensure that discrimination on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, does not occur in the award and performance of contracts.

Purchase without Advertising for Bids

The [**Chief Business Officer or Chief Facilities Officer or designee**] is authorized to make purchases from firms holding public agency contracts without calling for bids where it appears advantageous to do so.

The [**Chief Business Officer or Chief Facilities Officer or designee**] may, without advertising for bids within the same [**county, city, town, or district**], purchase or lease

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

from other public agencies materials or services by authorization of contract or purchase order.

The [**Chief Business Officer or Chief Facilities Officer or designee**] may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services.

The [**Chief Business Officer or Chief Facilities Officer or designee**] is authorized to make purchases with a value between \$5,000 and \$250,000 from a certified small business, microbusiness, or disabled veteran business enterprise.

Duration of Continuing Contracts for Services and Supplies

Continuing contracts for work or services furnished to the District are not to exceed five years. Contracts for materials and supplies are not to exceed three years.

Emergency Repair Contracts without Bid

When emergency repairs or alterations are necessary to continue existing classes or to avoid danger of life or property, the [**designate position**] may make a contract in behalf of the District for labor, materials and supplies without advertising for or inviting bids, subject to ratification by the Board.

Unlawful to Split Bids

It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the Public Contract Code requiring work to be done by contract after competitive bidding.

Record Retention

The District will retain records sufficient to detail the history of procurement. These records include: rationale for the method of procurement, selection of contract type, contractor selection and rejection, and the basis for the contract price.

NOTE: *The following sections apply if funds from the Kindergarten-University Public Education Facilities Bond Acts of 2002, 2004, or 2006 are used for a public works project.*

Kindergarten-University Public Education Bond Act Projects

For projects funded by 2002, 2004, or 2006 Bond Funds, the [**designate position**] will initiate and enforce, or contract with a third party to initiate and enforce, a labor compliance program for that project under Labor Code Section 1771.7. The program will include:

- Appropriate language concerning the wage requirements of Labor Code Sections 1720 et seq. in all bid invitations and public works contracts.
- A pre-job conference with the contractor and subcontractors to discuss applicable federal and state labor law requirements.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- Project contractors and subcontractors shall be required to maintain and, at designated times, furnish certified copies of weekly payroll containing a statement of compliance signed under penalty of perjury.
- The District shall review, and if appropriate audit, the payroll records of the employees of the contractor and/or subcontractor. The review and audit shall be conducted by [**designate position**] or an independent third party, but not the third party with whom the District contracts to initiate and enforce a labor compliance program under Labor Code Section 1771.7.
- If an investigation establishes that an underpayment of wages has occurred, the District shall withhold any contract payments, equal to the amount of underpayment and any applicable penalties.
- The [**designate position**] shall transmit a written finding that the District has initiated and enforced, or has contracted with a third party to initiate and enforce, the required labor compliance program, to the Director of the Department of Industrial Relations or any successor agency that is responsible for the oversight of employee wage and work hour laws.

[**The following language is *Optional*.**]

[**Vendor Diversity Plan**

The [CEO] will create a Vendor Diversity Plan to increase diversity, equity, and inclusion in the District's vendors.

Revised 2/05, 8/06, 2/07, 2/10, 2/11, 6/13, 4/14, 4/15, 10/16, 4/18, 3/19, **4/21**

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 6370 Contracts – Personal Services

References:

Education Code Section 88003.1;
Government Code Section 53060;
Labor Code Sections ~~2750-32775~~ et seq. and 3353;
Public Contract Code Section 10335.5

NOTE: *Procedures on personal services contracts are **legally required**. Local practice may be inserted, but it must comply with the following conditions.*

The District may enter into personal services contracts to achieve cost savings when each of the following conditions is met:

- It can be clearly demonstrated that the proposed contract will result in actual overall cost savings to the District;
- The contractor's wages are at the industry's level and do not undercut District pay rates;
- The contract does not cause the displacement of district employees;
- The savings are large enough to ensure that employees will not be eliminated by private sector and District cost fluctuations that could normally be expected during the contracting period;
- The amount of savings clearly justifies the size and duration of the contracting agreement;
- The contract is awarded through a publicized, competitive bidding process;
- The contract includes specific provisions pertaining to the qualifications of the staff that will perform the work under the contract, as well as assurance that the contractor's hiring practices meet applicable nondiscrimination standards;
- The potential for future economic risk to the District from potential contractor rate increases is minimal;
- The contract is with a firm; and
- The potential economic advantage of contracting is not outweighed by the public's interest in having a particular function performed directly by the District.

Personal service contracts are also permissible when any one of the following conditions is met:

- the contract is for new functions mandated or authorized by Legislature to be performed by independent contractors;

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- the services are not available within the District or cannot be satisfactorily performed by district employees;
- the services are incidental to a purchase or lease contract;
- the policy, administrative, or legal goals and purposes of the District cannot be accomplished through the regular or ordinary hiring process;
- the work meets the criteria for emergency appointment;
- equipment, materials, facilities, or support services could not feasibly be provided by the District; or
- the services are of an urgent, temporary, or occasional nature.

NOTE: *The following language is **optional** and provides definitions of types of personal services contracts.*

Professional Experts – Contracts for the services of persons who qualify as professional experts may be let without competitive bidding. Professional experts are persons specially qualified to provide services and advise in financial, economic, accounting, engineering, legal or administrative matters. They must be specially trained, experienced and competent to perform the services required. Compensation for special services and advice from professional experts may be paid from available funds in the amounts deemed proper for the services rendered.

NOTE: *AB 5, which went into effect on January 1, 2020, codified the “ABC” test for determining independent contractor status that the California Supreme Court adopted in its 2018 decision, *Dynamex Operations West, Inc. v. Superior Court* (2018) 4 Cal.5th 901. However, the longstanding multifactor test established in *S.G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341, still applies to certain occupations. These occupations include: insurance agents; medical professionals such as physicians, dentists, podiatrists, psychologists, and veterinarians; licensed professionals such as attorneys, architects, engineers, private investigators, and accountants; financial advisers; direct sales salespersons; commercial fisherman; some contracts for professional services for marketing, human resources administrators, travel agents, graphic designers, grant writers, fine artists, freelance writers, photographers and photojournalists, and cosmetologists; licensed real estate agents; “business service providers”; construction contractors; construction trucking services; referral service providers; and motor club third party agents. Districts should consult with legal counsel if there is a question as to which test to apply to a particular contractor’s occupation.*

Independent Contractors – To be an independent contractor, substantial conformance with all the following conditions must exist:

- The contractor is free from the control and direction of the District in connection with the performance of the work, both under the contract for the performance of the work and in fact;

Disclaimer: *This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- The contractor performs work that is outside the usual course of the District's business; and
- The contractor is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.

Contractors can't be fired so long as they produce a result that meets the contract specifications.

Contractors are responsible for the satisfactory completion of a job or they may be legally obligated to compensate the hiring firm for failure to complete.

Consultants – Consulting services contracts refer to all services that:

- are of an advisory nature,
- provide a recommended course of action or personal expertise,
- have an end product which is basically a transmittal of information either written or verbal, and,
- are obtained by awarding a procurement-type contract, a grant, or any other payment of funds for services of the above type.
- The product may include anything from answers to specific questions to design of a system or plan, and includes workshops, seminars, retreats, and conferences for which paid expertise is retained by contract.

Revised 2/03, 4/16, 4/20, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 6540 Insurance

References:

Education Code Sections 70902, 72502, 72506, and 81601 et seq.

NOTE: *A procedure on insurance is **legally required**. Local practice may be inserted, but it must provide for the forms of insurance listed below.*

The requirement to provide for insurance coverage may be met by the District joining in a joint powers agreement pursuant to Education Code Section 81603. If it does so, the regulations required by the JPA would be adopted.

- *Liability insurance for damages for death, injury to person, or damage or loss of property.*
- *Liability insurance for the personal liability of the members of the Board and of the officers and employees of the District for damages for death, injury to a person, or damage or loss of property caused by the negligent act or omission of the member, officer or employee when acting within the scope of his/her/their office or employment.*
- *Fire insurance*
- *Real property damage*
- *Personal property loss or damage*
- *Insurance for District vehicles*
- *Insurance against "other perils" (Education Code Section 81601)*
- ~~*Workers compensation insurance*~~
- ~~*Actuarial evaluation of the future annual costs of health and welfare benefits*~~

NOTE: *If a District establishes a fund for losses and payments for health and welfare benefits for its employees for the purpose of covering the deductible amount under deductible types of insurance policies, losses or payments arising from self-insurance programs, or losses or payments due to noninsured perils, the District must secure the services of an actuarial to provide an actuarial evaluation of the future annual costs of such benefits.*

NOTE: *Education Code Section 81602 specifically authorizes the District to contract for investigative, administrative and claims adjustment services. The contract may provide that the contracting firm may reject, settle, compromise and approve claims within limits and for amounts specified by the Board, including execution and issuing of checks in payment of such claims. The contract may also provide that the contracting firm may employ counsel.*

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

| Revised 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 6910 Housing

References:

Education Code Sections 94100 et seq.

NOTE: *This procedure is optional; but it is legally recommended for those districts that wish to engage in constructing such housing.*

The **[designated position]** must verify the need for housing and financing assistance from a nonprofit entity and must monitor the project on an annual basis to ensure it meets all regulatory requirements.

The project must be owned by the participating nonprofit entity and located on real property owned or leased by that entity. The project must include a 40-year restriction that gives the community college the right, but not the obligation, to purchase the property at fair market value.

Students, faculty, or staff must have the right of first refusal to all available units.

At least 50 percent of student residents must meet the criteria for need-based financial assistance, as determined by the **[designated position]**. **[Optional: The District will give preference for residence at District-provided housing to formerly homeless students, as determined by the [designated position].]**

All contractors must comply with California Public Contract Code Section 10128.

The project must be located within a five-mile radius of the campus or satellite center. The nonprofit entity may request approval from the **[designated position]** for a project outside the five-mile radius if:

- There are no feasible sites within the five-mile radius.
- The project is near a mass-transit destination.
- The commute from the project to the campus is estimated by the **[designated position]** to be less than 30 minutes.

New 2/02; Revised 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 7120 Recruitment and Hiring

References:

Education Code Sections 87100 et seq., 87400, and 88003;
ACCJC Accreditation Standard III.A.1

NOTE: *This procedure is legally advised. Local practice may be inserted here and/or cross-referenced to AP 3420 Equal Employment Opportunity. The following are elements that should be included:*

- Recruitment methods (advertising vacancies, internet postings, etc.)
- Positions for which continuous recruitment will occur
- Length of time positions will be advertised that are not continuously recruited
- Application instruments
- Initial selection procedures: application reviews
- Testing (as appropriate)
- Interview procedures
- Composition of selection committees
- Pre-selection activities
- Reference checks (See AP 7126 Applicant Background Checks)
- Employment offers
- Pre-employment physical examinations

[The following language is *Optional*.]

[*The District's recruitment and hiring procedures shall demonstrate a commitment to diversity, equity, and inclusion in order to achieve the District's mission and support students in achieving their educational goals. The District's recruitment and hiring procedures allow the District to engage in diversity hiring that increases the representation of underrepresented communities in the District's workforce. Diversity hiring includes a hiring process that mitigates unconscious bias and eliminates irrational barriers to employment to allow the District to hire the best candidate regardless of the candidate's protected classes. Underrepresented communities consist of individuals holding identities broadly underrepresented in the District's workforce in comparison to their representation in the field or job category within the state of California or nationally in higher education.*]

[The following language is *Optional*.]

[*Equal Opportunity Employment Plan*]

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

The District's Equal Employment Opportunity plan will document the multiple measures that capture the broad array of strategies and actions the District uses or will use to ensure equal employment opportunity. The [CEO] shall provide the Board with an annual report regarding the District's EEO Plan.]

Revised 2/03, 11/14, 4/21

Disclaimer: This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.



POLICY & PROCEDURE SERVICE

AP 7130 Compensation

References:

Education Code Sections 87801 and 88160;
Government Code Section 53200;
U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended

NOTE: *It is optional to have a procedure on compensation, since compensation must be approved by the Board and salaries for represented employees are established through collective bargaining. Local practice may be inserted. Recommended elements are described below.*

- Annual review of salary schedules for academic employees
- Number of steps
- Number of columns
- Longevity increments
- Annual review of salary schedules for classified employees
- Regular review to assure that classifications have not inadvertently been changed as they relate to one another (particularly in merit system districts)
- Salary setting procedures for administrative staff (if different from above)

NOTE: *This procedure provision below is legally required in an effort to show good faith compliance with the applicable federal regulations.*

Prohibition of Incentive Compensation

Senior managers and executive level employees who are only involved in the development of policy and do not engage in individual student contact or the other covered activities will not generally be subject to the incentive compensation ban.

[The following is optional, where athletic coaches are provided with bonus compensation.] [Although athletic coaches may be covered employees, subject to certain limitations, and, based upon the District's determination on a case-by-case basis [after consulting with exclusive representatives, if any], coaching staff and other athletic personnel may be exempt from the prohibition of incentive compensation.]

The **[CEO]** shall identify any covered employees of the District and determine whether the District's compensation arrangements comport with the prohibition on incentive

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

compensation, and to the extent that they do not, make necessary modifications to comply. Similarly, the [**CEO**] shall identify any covered service providers, evaluate whether the contract pricing structure is consistent with the prohibition on incentive compensation, and if not, determine what modifications the District can make to any applicable contract.

[The following language is *Optional*.]

[*Compensation Study*]

The [CEO] shall provide the Board, when requested, with a compensation study for all classes of employees and each administrator employed pursuant to a contract. This study must disaggregate employees by race, age, gender, religion, or any other characteristic identified by the Board.]

Revised 7/11, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 7160 Professional Development

References:

Education Code Sections 87150 et seq.;
ACCJC Accreditation Standard III.A.14

NOTE: *The language below reflects the accreditation standards. Insert local practice, which may include separate processes for administrators, faculty, and classified staff, and full and part time employees.*

The District plans for and provides all personnel with appropriate opportunities for continued professional development, consistent with the eDistrict's mission. The District will evaluate these programs and use the results of the evaluation as the basis for improvement.

[Optional: Every employee will receive professional development opportunities in critical race theory, critical gender theory, and general sensitivity training.]

NOTE: *The language below is legally advised for Districts that participate in the Community College Professional Development Program.*

The [**CEO**] shall annually submit to the Chancellor of the California Community Colleges an affidavit that contains all of the following:

- A statement that [**the college**] [**each campus within the community college district**] has an advisory committee, composed of administrators, faculty, and staff representatives, which has assisted in the assessment of the faculty and staff development needs and in the design of the plan to meet those needs;
- The [**college**] [**district**] has completed a campus human development resources plan for the current and subsequent fiscal years; and
- A report of the actual expenditures for faculty and staff development for the preceding year.

Revised 11/14, 4/15, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 7345 Catastrophic Leave Program

Reference:

Education Code Section 87045

NOTE: *This procedure is **optional** depending on whether or not the Board has adopted a policy allowing for catastrophic leave. Local practice may be inserted. Catastrophic leave procedures are a mandatory subject of bargaining for employees that are represented by an exclusive representative. Procedures for other employees are at District discretion. The following reflects the minimum requirements excerpted from statute.*

The District has established a catastrophic leave program to permit employees of the District to donate eligible leave credits to an employee when that employee or a member of his/her/their family suffers from a catastrophic illness or injury.

For the purposes of this procedure, the following terms are defined as follows:

- "Catastrophic illness" or "injury" means an illness or injury that is expected to incapacitate the employee for an extended period of time, or that incapacitates a member of the employee's family requiring the employee to take time off from work for an extended period of time to care for that family member, and taking extended time off work creates a financial hardship for the employee because he/she/they has exhausted all of his/her/their sick leave and other paid time off.
- "Eligible leave credits" means vacation leave and sick leave accrued to the donating employee.

Eligible leave credits may be donated to an employee for a catastrophic illness or injury if all of the following requirements are met:

- The employee who is, or whose family member is, suffering from a catastrophic illness or injury requests that eligible leave credits be donated and provides verification of catastrophic injury or illness.
- The [**designate position**] determines that the employee is unable to work due to the employee's or his/her/their family member's catastrophic illness or injury.
- The employee has exhausted all accrued paid leave credits. If the transfer of eligible leave credits is approved, any employee may, upon written notice, donate eligible leave credits at a minimum of eight hours, and in hour increments thereafter.

The maximum amount of time for which donated leave credits may be used shall not exceed use for a maximum period of 12 consecutive months.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Verification of catastrophic injury or illness shall be required.

All transfers of eligible leave credit shall be irrevocable.

An employee who receives paid leave pursuant to this procedure shall use any leave credits that he/she/they continues to accrue on a monthly basis prior to receiving such leave.

[The following language is *Optional*.]

[*Catastrophic Leave Report*]

The [CEO] shall provide the Board, when requested, with a report regarding catastrophic leave requests and responses. This report must disaggregate catastrophic leave requests and responses by race, age, gender, religion, or any other characteristic identified by the Board.]

Revised 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 7347 Paid Family Leave

References:

Unemployment Insurance Code Sections 3300 – 3307

NOTE: *The following procedure applies only to those districts that contribute to State Disability Insurance Program, and ~~takes originally took~~ effect in January 2004. Effective January 1, 2021, paid family leave benefits will be expanded to cover time off taken to participate in a qualifying exigency related to covered active duty or a call to covered active duty for an individual’s spouse, domestic partner, child, or parent in the Armed Forces of the United States. This procedure is recommended as **good practice**. In those and other districts, paid family leave may become a subject of collective bargaining.*

~~**NOTE:** *Effective January 1, 2021, paid family leave benefits will be expanded to cover time off taken to participate in a qualifying exigency related to covered active duty or a call to covered active duty for an individual’s spouse, domestic partner, child, or parent in the Armed Forces of the United States.*~~

~~Effective July 1, 2004,~~ employees who contribute to the state’s unemployment compensation disability insurance (SDI) program shall be eligible for up to ~~six-eight~~ weeks of ~~Family Temporary Disability Leave (FTDL)~~ Paid Family Leave (PFL) wage replacement benefits. ~~PFL~~ This leave is funded entirely through employee contributions and payments are equal to those the employee would receive for other SDI leave. PFL does not provide an independent leave right. Employees must apply for PFL benefits directly with the California Employment Development Department (www.edd.ca.gov).

The employee may ~~take the leave to care~~ be eligible for PFL benefits for:

- his/her/their own non-work-related serious health condition (including pregnancy-related disability);
- a child, spouse, parent, grandparent, grandchild, sibling, or domestic partner with a serious health condition; ~~or~~
- to bond with a new child or placement of a child in connection with foster care or adoption; or
- to participate in a qualifying exigency related to the covered active duty or call to covered active duty of the employee’s spouse, domestic partner, child, or parent in the Armed Forces of the United States.

“Serious health condition” is defined exactly the same as in the Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA).

Disclaimer: *This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

An employee ~~seeking~~requesting FTDL ~~leav~~PFL benefits:

- is eligible for ~~benefits~~the leave once in a 12-month period;
- may be required to use up to two weeks of accrued but unused vacation leave before receiving PFL benefits~~beginning FTDL~~; and
- may ~~have his/her/their time run~~receive PFL benefits while on~~concurrently with~~ FMLA/CFRA leave.

An employee is not eligible for PFL benefits~~this leave~~ if:

- he/she/they is receiving unemployment benefits;
- he/she/they is entitled to receive workers' compensation benefits;
- he/she/they is eligible for SDI or disability benefits from another state;
- another family member is "ready, willing, and able and available" to provide care or participate in a qualifying exigency related to the covered active duty or call to covered active duty of the individual's spouse, domestic partner, child, or parent in the Armed Forces of the United States.

New 2/03, Revised 4/17, 3/19, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 7350 Resignations

References:

Education Code Sections 87730 and 88201

Note: *BP 7350 titled Resignations spells out the minimum requirements for acceptance of resignation, and delegates the authority to the CEO to accept a resignation. If there are additional local practices, they can be inserted here.*

[Optional: The District, through its Human Resources staff, will encourage employees to participate in an exit interview when resigning.]

[The following language is Optional.]

[Resignation Report]

[The [CEO] shall provide the Board, when requested, with a report regarding employee resignations. This report must disaggregate employee resignations by race, age, gender, gender expression, gender identity, or any other characteristic identified by the Board. The report will include reasons or comments by employees during their exit interview.]

Revised 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 7600 College **[Police or Security]**

References:

Education Code Sections 72330 et seq.;
Government Code Sections 3300 et seq.

NOTE: This procedure is **legally advised**. If the District has a police department it should review the model here labeled “Option A”. If the District has a security force, it should review the model here labeled “Option B.”

Option A

College Police

The [**designate position**] is delegated the responsibility to establish minimum qualifications of employment for the College Chief of Police including but not limited to the conditions contained in Board Policy (see BP 7600 College Police).

Every member of the police department first employed by the District before July 1, 1999 must, in order to retain his/her/their employment, meet the requirements of Education Code Section 72330.2, including but not limited to:

- Submission of one copy of his/her/their fingerprints which shall be forwarded to the Federal Bureau of Investigation,
- A determination that the employee is not a person prohibited from employment by a California community college district, and
- If the employee is required to carry a firearm, is not a person prohibited from possessing a firearm.

Every member of the college police shall be supplied with, and authorized to wear, a badge bearing words “_____ College Police.” Every member of the college police shall be issued a suitable identification card.

Salaries for college police shall be established after appropriate negotiations with their exclusive representative. If no such unit is established, salaries shall be recommended by the [**designate position**].

The [**designate position**], in cooperation with the Chief of Police, shall issue such other regulations as may be necessary for the administration of the college police.

- Schedules and shifts,

Disclaimer: This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.



POLICY & PROCEDURE SERVICE

- Call back procedures,
- Weapons practices, especially drawing weapons,
- Use of vehicles,
- Pursuit practices,
- Discipline procedures, and/or
- Training.

The College Police shall cooperate with local law enforcement in accordance with an agreement to be entered into in accordance with the requirements of Education Code Section 67381. The agreement shall address, but not be limited to, the following:

- Operational responsibilities for investigations of the following violent crimes: willful homicide, forcible rape, robbery, aggravated assault,
- Geographical boundaries of the operational responsibilities, and
- Mutual aid procedures.

NOTE: Government Code Section 7286 requires districts that have a police department, to have a “policy” (in the non-technical sense of the word) regarding use of force. This requirement is effective January 1, 2021. Districts should include a use of force guide in their local District’s police department manual or operational guideline.*

*The Policy & Procedure Service has information available about the minimum elements required for such a use of force guideline or inserting into the District’s police department manual. This guide may be subject to collective bargaining.

[The following language is Optional.]

[Report Regarding Complaints

The Chief[s] of Police shall provide the Board, when requested, with a report regarding complaints against the police department and police officers. This report must disaggregate the complainants by race, gender, religion, or any other characteristic identified by the Board.]

Option B

Campus Security Officers

The campus security officers shall cooperate with local law enforcement in accordance with an agreement to be entered into in accordance with the requirements of Education Code Section 67381. The agreement shall address, but not be limited to, the following:

Disclaimer: This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.



POLICY & PROCEDURE SERVICE

- Operational responsibilities for investigations of the following violent crimes: willful homicide, forcible rape, robbery, aggravated assault,
- Geographical boundaries of the operational responsibilities, and
- Mutual aid procedures.

Every campus security officer employed or continuing in employment shall meet the requirements set out in Education Code Section 72330.5, including but not limited to:

- Completion of the latest course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs,
- Submission of two copies of his/her/their fingerprints which shall be forwarded to the Department of Justice and Federal Bureau of Investigation,
- A determination that the employee is not a person prohibited from employment by a California community college district, and
- If the employee is required to carry a firearm, is not a person prohibited from possessing a firearm.

Members of campus security shall be employed as members of the classified service of the District.

Salaries for campus security officers shall be established after appropriate negotiations with their exclusive representative. If no such unit is established, salaries shall be recommended by the [**CEO**].

The [**designate position**] shall issue such other procedures as may be necessary for the administration of the campus security officers, which may include:

- Schedules and shifts,
- Call back procedures,
- Use of vehicles,
- Weapons practices, especially drawing weapons,
- Pursuit practices,
- Discipline procedures,
- Training,
- Use of force, and
- Responsibilities to coordinate with local law enforcement.

[**The following language is Optional.**]

[**Report Regarding Complaints**]

Disclaimer: This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.



POLICY & PROCEDURE SERVICE

The [designate position] shall provide the Board, when requested, with a report regarding complaints against campus security officers. This report must disaggregate the complainants by race, gender, religion, or any other characteristic identified by the Board.

1

Revised 4/09, 4/16, 4/20, 4/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 7700 Whistleblower Protection

References:

Education Code Sections 87160-87164;
Government Code Section 53296;
Labor Code Section 1102.5;
Private Attorney General Act of 2004 (Labor Code Section 2698);
29 U.S. Code Section 218C (Affordable Care Act)

NOTE: *This procedure is legally advised. Districts may insert their local practice. The following is suggested language:*

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

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

Filing a Report of Suspected Unlawful Activities

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

Anonymous reports will be investigated to the extent possible. However, employees are strongly encouraged not to report anonymously because doing so impedes the District's ability to thoroughly investigate the claim and take appropriate remedial measures. As set forth fully below, retaliation against individuals who report suspected unlawful activities will not be tolerated.

Normally, a report by a District employee of allegations of a suspected unlawful activity should be made to the reporting employee's immediate supervisor or other appropriate administrator or supervisor within the operating unit. However, if the report involves or implicates the direct supervisor or others in the operating unit, the report may be made to any another District official whom the reporting employee believes to have either responsibility over the affected area or the authority to review the alleged unlawful activity on behalf of the District. **[For multi-college districts: When the alleged unlawful activities involve a college president, the report should be made directly to the Chancellor.]** When the alleged unlawful activity involves the [**CEO**], the report should

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

be made to the president of the board of trustees. When the alleged unlawful activity involves the board of trustees or one of its members, the report should be made to the [**CEO**] who will confer with the president of the board of trustees and/or legal counsel on how to proceed.

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

Once the receiving supervisor or administrator has received and/or prepared a written report of the alleged unlawful activity, he/she/they must immediately forward to the president of the college where the alleged activity has occurred [**multi-college district: or to the Chancellor if the activity involves the District office or is District-wide**]. However, if this process would require submitting the report to an employee implicated in the report, the receiving supervisor or administrator should follow the reporting options outlined, above. The highest-level administrator or trustee who receives the written report pursuant to this paragraph is responsible for ensuring that a prompt and complete investigation is made by an individual with the competence and objectivity to conduct the investigation, and that the assistance of counsel and/or an outside investigator is secured if deemed necessary.

In the course of investigating allegations of unlawful conduct, all individuals who are contacted and/or interviewed shall be advised of the District's no-retaliation policy. Each individual shall be: a) warned that retaliation against the reporter(s) and/or others participating in the investigation will subject the employee to discipline up to and including termination; and b) advised that if he/she/they experiences retaliation for cooperating in the investigation, then it must be reported immediately.

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

Protection from Retaliation

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

Any employee who believes he/she/they has been (1) subjected to or affected by retaliatory conduct for reporting suspected unlawful activity, or (2) for refusing to engage

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

in activity that would result in a violation of law, should report such conduct to the appropriate supervisory personnel (if such supervisory personnel is not the source of or otherwise involved in the retaliatory conduct). Any supervisory employee who receives such a report, or who otherwise is aware of retaliatory conduct, is required to advise their college president, [**multi-college districts: the Chancellor or the Chancellor's designee**]. If the allegations of retaliation, or the underlying allegations of unlawful conduct involve the President [**or Chancellor**], the supervisor shall report to the highest level administrator and/or trustee who is not implicated in the reports of unlawful activity and retaliation.

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

Whistleblower Contact Information

Employees who have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees should contact the California Community Colleges Chancellor's Office or the District's Board of Trustees. Employees can contact the State Personnel Board with complaints of retaliation resulting from whistleblower activities. ~~The State Personnel Board hotline is (916) 653-1403.~~

Other Remedies and Appropriate Agencies

In addition to the internal complaint process set forth above, any employee who has information concerning allegedly unlawful conduct may contact the appropriate government agency.

New 2/06; Revised 2/08, 4/09, 10/13, 4/15, 4/16, 4/21

Disclaimer: This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.



POLICY & PROCEDURE SERVICE

Policy & Procedure Subscription Service

Community College League of California
Liebert Cassidy Whitmore

Legal Update #39

October 2021

OVERVIEW

This is the 39th update to district members of the League's Policy & Procedure Subscriber Service, offered in partnership with the law firm of Liebert Cassidy Whitmore. The update reflects new statutes and regulations, legal opinions, and questions from subscribers that have occurred since Legal Update #38 (disseminated to member districts in April 2021).

As part of the ongoing updates, the Service biannually updates the templates for diversity, equity, and inclusion-related issues. That process is continuing, and the League is redoubling that effort and commits to integrating diversity, equity, inclusion, and accessibility issues into these reviews of the policy/procedure templates.

Revisions to the Board Policy Templates

BP 2310 Regular Meetings of the Board – The Service updated this policy to reflect new Brown Act provisions allowing Governing Boards to conduct virtual meetings during proclaimed states of emergency. (Government Code Section 54953, as amended by Assembly Bill 361)

BP 4230 Grading and Academic Record Symbols – The Service updated this policy to reflect additions to Title 5 Regulations requiring districts to grant students credit for satisfactory completion of International Baccalaureate or College Level Examination Program examinations and requiring districts to ensure that students' academic records clearly annotate credit earned through such examinations. (Title 5 Section 55052.5) To the extent that districts grant students prior credit for successful completion of other prior learning experiences or examinations, such as Advanced Placement examinations, the Service recommends that districts use the same academic record symbol.

BP 4235 Credit for Prior Learning – The Service updated this policy to clarify that students may earn credit for prior learning through satisfactory completion of certain examinations.

BP 5015 Residence Determination – The Service updated this policy to add language regarding exceptions to California residency determinations for certain students with military or



POLICY & PROCEDURE SERVICE

veteran status, for determining eligibility for in-state tuition. (38 U.S. Code Section 3679) The Service also added a legal citation to the U.S. Code.

BP 5700 Intercollegiate Athletics – The Service updated this policy to add language regarding transgender student athletes. This Service also added legal citations to the Education Code regarding student athletes' rights to earn compensation for their name, image, likeness, or athletic reputation (Education Code Section 67456, as amended by Senate Bill 26) and reference to the California Community College Athletic Association Constitution and Bylaws.

BP 6340 Bids and Contracts – The Service updated this policy to add legal citations and language regarding amendments to Title 5 concerning a district's ability to obtain a contract for goods or services through the California Community Colleges Chancellor's Office CollegeBuys Program. (Title 5 Sections 59130 et seq.)

BP 6620 Naming of Buildings – The Service updated this policy to add a note recommending that districts adopt a policy regarding the removal and renaming of buildings, facilities, grounds, and other spaces.

Revisions to the Administrative Procedure Templates

AP 3300 Public Records – The Service updated this procedure to add legally recommended language and citations to Penal Code Sections 832.7 and 832.8 for districts with police departments, regarding the disclosure of certain peace officer or custodial officer personnel records under the California Public Records Act.

AP 3420 Equal Employment Opportunity – The Service updated this procedure to reflect Government Code provisions regarding mandatory and permissible recruiting practices and to reflect all protected classifications identified in the Fair Employment and Housing Act. (Government Code Sections 7400 et seq. and 12940 et seq.) The Service also added legal citations to the same provisions.

AP 3434 Responding to Harassment Based on Sex under Title IX – The Service updated this procedure to delete language that limited a decision maker's reliance on evidence from parties or witnesses who are not subject to cross-examination. (*Victim Rights Law Center et al. v. Cardona*, No. 1:20-cv-111104, 2021 WL 3185743 (D. Mass. July 28, 2021)) The U.S. Department of Education has confirmed that it will not enforce this provision of the Federal Code of Regulations. The Service also clarified language regarding supportive services, confidentiality, and training procedures, in accordance with provisions of the Education Code and Title IX.



POLICY & PROCEDURE SERVICE

AP 4010 Academic Calendar – The Service updated this procedure to add optional language regarding designating Juneteenth as a district holiday. The Service also clarified optional language in this procedure.

AP 4105 Distance and Correspondence Education – The Service updated this procedure to add “Correspondence” Education to the title to reflect new provisions added to Title 5 regarding correspondence education. The Service also added legally required language regarding correspondence education, including the definition from Title 5 regarding “correspondence education” and provisions addressing delivery of correspondence education instruction, addendums to course outlines, and eligibility of full-time status for students who participate in correspondence education. Finally, the Service added legal citations to Education Code Sections 66700 and 70901 et seq. and Title 5 Sections 55260 et seq.

AP 4230 Grading and Academic Record Symbols – The Service updated this procedure to reflect additions to Title 5 Regulations requiring districts to grant students credit for satisfactory completion of International Baccalaureate or College Level Examination Program examinations and requiring districts to ensure that students’ academic records clearly annotate credit earned through such examinations. (Title 5 Section 55052.5) To the extent that districts grant students prior credit for successful completion of other prior learning experiences or examinations, such as Advanced Placement examinations, the Service recommends that districts use the same academic record symbol for such purposes.

AP 4235 Credit for Prior Learning – The Service updated this procedure to reflect additions to Title 5 Regulations requiring districts to grant students credit for satisfactory completion of International Baccalaureate or College Level Examination Program examinations and requiring districts to ensure that students’ academic records clearly annotate credit earned by such examinations. (Title 5 Section 55052.5)

AP 4236 Advanced Placement Credit – The Service updated this procedure to add a legal citation to Title 5 Section 55052 and clarify that if a district grants credit for satisfactory completion of Advanced Placement examination, a student’s academic record will reflect such credit.

AP 5013 Students in the Military – The Service updated this procedure to reflect amendments to Title 38 of the U.S. Code regarding residencies determinations for a student with military or veteran status, for determining eligibility for in-state tuition. (38 U.S. Code Section 3679, as amended by Public Law 116-315)

AP 5015 Residence Determination – The Service updated this procedure to reflect amendments to Title 38 of the U.S. Code regarding residencies determinations for a student with military or veteran status, for determining eligibility for in-state tuition. (38 U.S. Code Section 3679, as amended by Public Law 116-315)



POLICY & PROCEDURE SERVICE

AP 5040 Student Records, Directory Information, and Privacy – The Service updated this procedure to add a legal citation to reflect an amendment to Title 10 of the U.S. Code regarding the disclosure of student information to the military for recruitment purposes.

AP 5530 Student Rights and Grievances -- The Service updated this procedure to address a typo.

AP 5700 Intercollegiate Athletics – This Service updated this procedure to add legally required language regarding student athletes’ rights to earn compensation for their name, image, likeness, or athletic reputation. (Education Code Section 67456, as amended by Senate Bill 26) The Service also added a citation to California Community College Athletic Association Constitution and Bylaws.

AP 6340 Bids and Contracts – The Service updated this procedure to add legal citations and language regarding amendments to Title 5 concerning a district’s ability to obtain a contract for goods or services through the California Community Colleges Chancellor’s Office CollegeBuys Program. The Service also removed a broken link.

AP 6620 Naming of Buildings – The Service updated this procedure to add a note recommending that districts adopt procedures regarding the removal and renaming of buildings, facilities, grounds, and other spaces. If a district adopts a procedure that addresses the removal of names, the Service added recommended language regarding removing names from donor-named buildings, facilities, grounds, or other spaces.

Additional Notes

Amendments to Title 5, adding Sections 55270 et seq. regarding Direct Assessment Competency-Based Education Programs: The Board of Governors recently approved amendments to Title 5 that add provisions regarding a district’s implementation of direct assessment competency-based education programs. The amendments became effective October 3, 2021. The regulations were promulgated to support implementation of programs that “better serve the diversity of California community college students, ensure access to educational pathways and opportunities for academic and career success, and to achieve more equitable student outcomes.” The Regulations require the California Community Colleges Chancellor’s Office to provide guidance regarding the process and timeline for approval of these programs. As of the date of publication of this Fall 2021 Legal Update #39, the California Community Colleges Chancellor’s Office has not published this guidance.

As implementation of direct assessment competency-based education programs are in the pilot stage and the California Community Colleges Chancellor’s Office must provide additional guidance regarding the process for approval of these programs, it is premature to update any



POLICY & PROCEDURE SERVICE

applicable Policy & Procedure Service templates. The Service will continue to monitor these amendments and review the need for updates.

Amendments to Title 5 regarding Associate Degree Graduation Requirements and EEO Requirements: The Service is aware that the Board of Governors recently approved amendments to Title 5, which will mandate that, (1) students who plan to earn an associate degree will be required to take a course in ethnic studies and (2) districts adopt a policy statement setting forth the district's commitment to an equal employment opportunity (EEO) plan that is grounded in principles of diversity, equity, and inclusion. At the time of the Service's publication of this Fall 2021 Legal Update #39, these amendments are not effective law and therefore, updates to the Policy & Procedure Service templates are premature. The Service will continue to monitor these amendments and will review the need for updates.



POLICY & PROCEDURE SERVICE

BP 2310 Regular Meetings of the Board

References:

Education Code Section 72000 subdivision (d);
Government Code Sections 54952.2, 54953 et seq., and 54961

Regular meetings of the Board shall be held [**insert here regular day of the week and frequency of meetings, e.g., “second and fourth Tuesday of each month”**]. Regular meetings of the Board shall normally be held at [**insert address**].

A notice identifying the location, date, and time of each regular meeting of the Board shall be posted at least ten days prior to the meeting and shall remain posted until the day and time of the meeting. All regular meetings of the Board shall be held within the boundaries of the District except in cases where the Board is meeting with another local agency, ~~or~~ is meeting with its attorney to discuss pending litigation if the attorney’s office is outside the District, or is meeting during a proclaimed state of emergency.

All regular and special meetings of the Board shall be open to the public, be accessible to persons with disabilities, and otherwise comply with Brown Act provisions, except as required or permitted by law.

Meetings During Proclaimed States of Emergency

1. Prior to January 1, 2024, the Board may hold a regular meeting, or special or emergency meetings as defined in BP 2320 Special and Emergency Meetings, virtually through voice or video teleconferencing services during a proclaimed state of emergency under the provisions of the Brown Act.

In order for the Board to meet virtually during a proclaimed state of emergency, the Board will make findings by majority vote, as required by the Brown Act (NOTE: **The following is suggested as good practice/optional!**) by way of a Board resolution.

If the Board elects to meet virtually during a proclaimed state of emergency, the District will comply with relevant provisions of the Brown Act regarding the posting of agendas, public access to meetings through call-in or internet-based service options, public participation, and limits on Board action in the event of a meeting disruption due to interruption of teleconferencing services.

During proclaimed states of emergency, the Board is not required to provide a physical location from which members of the public may attend or provide public comment.

Disclaimer: *This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Revised 2/03, 10/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 4230 Grading and Academic Record Symbols

References:

Title 5 Sections 55023 and 55050 et seq.

NOTE: *This policy is legally required.*

Courses shall be graded using the grading system established by Title 5.

The grading system shall be published in the college catalog(s) and made available to students.

NOTE: *If the Board has approved a "plus/minus" grading system and/or the "FW" grade, the following paragraph(s) should be included:*

The grading system shall include the "plus" and "minus" designation in combination with letter grades, except that C minus shall not be used.

The grading system shall include the "FW" grade for unofficial withdrawal.

The grading system shall include the "[Symbol]" for credit earned through successful competition of prior learning examinations, experiences, or assessments, pursuant to standards articulated in the District's administrative procedures and approved by the faculty in the appropriate discipline for which prior learning credit is earned.

Revised 9/01, 8/07, 10/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 4235 Credit for Prior Learning

References:

Title 5 Sections 55050 et seq.

NOTE: *If the District grants credit for prior learning, the following policy applies:*

Credit may be earned by students who satisfactorily pass an assessment or examination.
The [**CEO**] shall establish administrative procedures to implement this policy.

Revised 2/08, 4/20, 10/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 5015 Residence Determination

References:

Education Code Sections 68040, 68086, and 76140;
Title 5 Sections 54000 et seq.;
[38 U.S. Code Section 3679](#)

Except for students seeking to enroll exclusively in career development and college preparation courses, and other courses for which no credit is given, students shall be classified at the time of each application for admission or registration as a resident or nonresident student.

A resident is any person who has been a bona fide resident of California for at least one year on the residence determination date. The residence determination date shall be the day immediately preceding the first day of a semester or summer session for which the student applies to attend. Notwithstanding this standard for determining bona fide California residency, a student with military or veteran status may be deemed to qualify as a California resident for in-state tuition eligibility, in accordance with state and federal law.

Residence classification shall be made for each student at the time applications for admission are accepted or registration occurs and whenever a student has not been in attendance for more than one semester. A student previously classified as a nonresident may be reclassified as of any residence determination date.

The [**CEO**] shall enact procedures to assure that residence determinations are made in accordance with Education Code and Title 5 Regulations.

Revised 9/01, 3/19, [10/21](#)

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 5700 Intercollegiate Athletics

References:

Education Code Sections 66271.6, 66271.8, 67360 et seq., 67456, and 78223;

20 U.S. Code Sections 1681 et seq.;

ACCJC Accreditation Standard II.C.4;

California Community College Athletic Association (CCCAA) Constitution and CCCAA Bylaws

NOTE: This policy is legally required.

The District shall maintain an organized program for ~~men and women~~ students in intercollegiate athletics. The District will offer opportunities for participation in athletics equally to male, ~~and~~ female, and transgender students consistent with state and federal law and California Community College Athletic Association standards.

The [**CEO**] shall assure that the athletics program complies with state and federal law, the California Community College Athletic Association (CCCAA) Constitution, Bylaws, and Sport Championship Handbooks, and appropriate Conference Constitution regarding student athlete participation.

Revised 2/04, 2/07, 6/13, 11/14, 4/15, 10/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 6340 Bids and Contracts

References:

Education Code Sections 81641 et seq.;
Public Contract Code Sections 20650 et seq.;
Government Code Section 53060;
ACCJC Accreditation Standard III.D.16;
2 Code of Federal Regulations Part 200.318;
[Title 5 Sections 59130 et seq.](#)

NOTE: *This policy is legally required.*

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

- Contracts are not enforceable obligations until they are ratified by the Board.
- Contracts for work to be done, services to be performed or for goods, equipment or supplies to be furnished or sold to the District that exceed the amounts specified in Public Contract Code Section 20651 shall require prior approval by the Board.
- When bids are required according to Public Contract Code Section 20651, the Board shall award each such contract to the lowest responsible bidder who meets the specifications published by the District and who shall give such security as the Board requires, or reject all bids.
- When the District determines that, according to Public Contract Code Section 20651.7, it can expect long-term savings through the use of life-cycle cost methodology, the use of more sustainable goods and materials, and reduced administrative costs, the District may select and award the contract based on best value in accordance with AP 6340. The bidder shall give such security as the Board requires and may reject all bids.
- When the [**CEO**], in consultation with [**Chief Business Officer or Chief Facilities Officer or designee**], determines that, the District can obtain a contract for goods or services through the California Community Colleges Chancellor's Office CollegeBuys Program for the Procurement of Goods and Services for Community College Districts at a lower price upon the same terms, conditions and specifications, the [**Chief Business Officer or Chief Facilities Officer or designee**] may proceed with the contract without conducting a formal bidding process.

If the [**CEO**] concludes that the best interests of the District will be served by pre-qualification of bidders in accordance with Public Contract Code Section 20651.5, pre-

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

qualification may be conducted in accordance with procedures that provide for a uniform system of rating on the basis of a questionnaire and financial statements.

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

NOTE: *The following language is optional:*

The District commits to achieving diversity, equity, and inclusion with regard to its vendors. The Board delegates to the [**CEO**] the authority to create a Vendor Diversity Plan to increase diversity, equity, and inclusion in the District's vendors.

Revised 4/14, 4/15, 10/16, 3/19, 4/21, 10/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 6620 Naming of Buildings

References:

No specific legal references

NOTE: *Many districts have requested sample board policy and it is **suggested as good practice**. The following is sample language:*

All recommendations for naming, removing of names from, and renaming buildings, facilities, or grounds shall be submitted to the Board by the **[CEO]** for action.

All recommendations shall comply with the following criteria:

NOTE: *This section has been left blank to permit Districts to incorporate criteria appropriate to their own communities. It may include who may submit proposals (e.g., anyone); criteria for proposals (e.g., no living person, people who have supported the college); limits on removing and renaming buildings, facilities, grounds, or other spaces; discretion of the CEO.*

In recent years, many colleges and universities have established committees to review removing and renaming proposals. Depending on the circumstances in which a building was first named, e.g. historical name versus philanthropic name, additional legal obligations may exist before a name may be removed.

It is recommended that a District's naming, removal, and renaming practices reflect its commitment to fostering an environment supporting diversity, equity, and inclusion principles and practices.

Revised 10/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 3300 Public Records

References:

Government Code Sections 6250 et seq.

NOTE: *For Districts with police departments, it is legally recommended that the District add a reference to the Penal Code.*

Penal Code Sections 832.7 and 832.8

NOTE: *This procedure is legally required. Local practice may be inserted, but it should conform to the following general principles.*

Members of the public may request to inspect or copy public records. A request by a member of the public may be delivered by mail or in person to the [**designate positions or office**].

Any request shall identify with reasonable specificity the records that are sought. If additional information is needed, the [**designate position**] may request it be provided in writing.

Any request to inspect records shall be made sufficiently in advance of the date of inspection to allow staff members time to assemble the records and identify any records that may be exempt from disclosure.

Records that are exempt from disclosure under the Public Records Act or any other provision of law may not be inspected or copied by members of the public. Social security numbers must be redacted from records before they are disclosed to the public.

Members of the public shall be assisted in identifying records or information that may respond to their request. Assistance that will be provided includes: the information technology and physical location in which the records exist; practical suggestions for overcoming denial of access to the records or information; and the estimated date and time when the records will be made available.

Within ten days, [**designate positions or office**] will determine whether ~~or not~~ the records can be produced and will communicate the determination to the member of the public requesting the record(s).

NOTE: *The Public Records Act presumes that all records of a public agency are public, unless specifically exempted by law. There are now well over a hundred exemptions contained in California law, although most will never apply to a community college district.*

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

(See Government Code Sections 6254 et seq. and 6275 et seq.) Any questions about whether a document is exempt should be referred to counsel.

The most common exemptions for community colleges include:

- Student records (Education Code Section 76243)
- Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding the records clearly outweighs the public interest in disclosure. (Government Code Section 6254 subdivision_(a))
- Records pertaining to pending litigation ...or to claims...until the pending litigation or claim has been finally adjudicated or otherwise settled. (Government Code Section 6254 subdivision_(b))
- Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code Section 6254 subdivision_(c))
- Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination [except for standardized tests provided for by Education Code Sections 99150 et seq.]. (Government Code Section 6254 subdivision_(g).)
- The contents of real estate appraisals or engineering or feasibility estimates and evaluations relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained. (Government Code Section 6254 subdivision_(h)).
- Internet posting of home address or telephone numbers of local elected officials. (Government Code Section 6254.21)
- Home addresses, home telephone number, cellular phone number, and date of birth of employees of a school district or county office of education (other than to an agent or family member of the employee, to an officer of another school district when necessary, to an employee organization, or to an agency or employee of a health benefit plan). (Government Code Section 6254.3)
- Personal email addresses (other than to an agent or family member of the employee, to an officer of another school district when necessary, to an employee organization, or to an agency or employee of a health benefit plan) unless the email address is used by the employee to conduct public business, or necessary to identify a person in an otherwise disclosable communication. (Government Code Section 6254.3 subdivision_(b))
- Records regarding alternative investments (i.e. an investment in a private equity fund, venture fund, hedge fund, or absolute return fund; limited partnership, limited liability company or similar legal structure) involving public investment funds, unless already publicly released by the keeper of the information.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- Information security records, if disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, the District's information technology system.
- Identification number, alphanumeric character, or other unique identifying code that a district uses to identify a vendor or contractor, or an affiliate of a vendor or contractor, unless the identification number, alphanumeric character, or other unique identifying code is used in a public bidding or an audit involving the public agency. (Government Code Section 6254.33.)

NOTE: *For Districts with police departments, the following is legally recommended language to comply with the provisions of the Penal Code as it relates to the disclosure of certain peace officer or custodial officer personnel records under the California Public Records Act.*

The District will comply with the provisions of Penal Code Sections 832.7 and 832.8 regarding the disclosure of specified peace officer and custodial officer personnel records when responding to Public Records Act requests.

Revised 2/02, 2/06, 2/08, 2/11, 4/17, 10/17, 10/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 3420 Equal Employment Opportunity

References:

Education Code Sections 87100 et seq.;
Title 5 Sections 53000 et seq. and 59300 et seq.;
ACCJC Accreditation Standard III.A.12;
[Government Code Sections 7400 et seq. and 12940 et seq.](#)

NOTE: *This procedure is **legally required**. Local practice may be inserted here that conforms to the 2013 revisions of Title 5 Sections 53000 et seq. or reference the current District Equal Employment Opportunity (EEO) Plan.*

Due to the dynamic and untested nature of this area of law, this procedure identifies points in the hiring process where consultation with legal counsel may be prudent.

The EEO Plan should be a District-wide, written plan that implements the District's EEO Program, includes the definitions contained in Title 5 Section 53001 and addresses the following:

- Submission of plans and revisions to the California Community Colleges Chancellor's Office for review as required.
- The designation of the District employee or employees who have been delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of this Procedure;
- The procedure for filing complaints and the person with whom such complaints are to be filed;
- A process for notifying all District employees of the provisions of the plan and the policy statement required;
- A process for ensuring that District employees who participate on screening or selection committees receive, prior to their participation, training on the requirements of the applicable Title 5 regulations and of state and federal nondiscrimination laws, the educational benefits of workforce diversity, the elimination of bias in hiring decisions, and best practices in serving on a screening or selection committee;
- A process for providing annual written notice to appropriate community-based and professional organizations concerning the District's plan and the need for assistance from such organizations in identifying qualified applicants for openings within the District;
- A process for gathering information and periodic, longitudinal analysis of the district's employees and applicants, broken down by number of persons from "monitored groups", as defined by Title 5 Section 53001 subdivision (i), who

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- are employed in the District's work force and those who have applied for employment in each of the job categories listed below.
- To the extent data regarding potential job applicants is provided by the Chancellor of the California Community Colleges, an analysis of the degree to which monitored groups are underrepresented in comparison to their representation in the field or job category in numbers of persons from such groups whom the California Community Colleges Chancellor's Office determines to be available and qualified to perform the work required for each such job category and whether or not the underrepresentation is significant;
 - The steps the District will take to promote diversity in its work force;
 - Methods for addressing any discrimination that is detected in the District's hiring practices, and;
 - The Plan shall be a public record.

The District shall make a continuous good faith effort to comply with the requirements of the Plan.

NOTE: *Local practice that complies with Title 5 Section 53004 and Title 5 Section 53006 should be inserted here and must include or address:*

Annual Evaluation

- The District shall annually collect the demographic data of its employees and applicants for employment in order to evaluate progress in implementing the EEO Plan and to provide data needed for required analyses.
- An annual report to the California Community Colleges Chancellor's Office of this demographic data. The report shall identify each employee as belonging to one of the following seven job categories:
 - executive/administrative/managerial
 - faculty and other instructional staff
 - professional non-faculty
 - secretarial/clerical
 - technical and paraprofessional
 - skilled crafts; and
 - service and maintenance.
- The opportunity for each employee to identify his/her/their gender, ethnicity and, if applicable, disability. This opportunity must allow for a person to designate multiple ethnic groups with which he/she/they identifies. However, the person may only be counted in one group for reporting purposes.
- Districts shall review the annually collected demographic data to determine if significant underrepresentation of a monitored group may be the result of non-job-related factors in the employment process. For the purposes of this subdivision, the phases of the employment process include but are not limited

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

to recruitment, hiring, retention, and promotion. The information to be reviewed shall include, but need not be limited to:

- longitudinal analysis of data regarding job applicants to identify whether over multiple job searches, a monitored group is disproportionately failing to move from the initial applicant pool to the qualified applicant pool; and analysis of data regarding potential job applicants, to the extent provided by the Chancellor of the California Community Colleges, which may indicate significant underrepresentation of a monitored group.

NOTE: *Local practice that complies with Title 5 Section 53005 should be inserted here and should include:*

EEO Advisory Committee

- That the District shall establish an EEO Advisory Committee; and
- That the advisory committee shall include a diverse membership whenever possible.
- The advisory committee shall receive training in all of the following: applicable Title 5 regulations and of state and federal nondiscrimination laws; the educational benefits of workforce diversity, the identification and elimination of bias in hiring decisions; and the role of the advisory committee in carrying out of the District's EEO Plan.

NOTE: *The following is suggested as good practice/optional:*

The responsibilities of the Committee shall include but not be limited to the following:

- review and advise on recruitment efforts; job announcements, interview protocols, retention efforts and other aspects of the hiring, retention, and promotion processes that impact the District's ability to attract and retain a diverse faculty and staff;
- advise on implementing the District's obligation to hire faculty and administrators with a demonstrated sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability and ethnic backgrounds of community college students;
- promote communication with community groups and organizations for people with disabilities;
- promote hiring of faculty who have, themselves, graduated from a community college;
- develop communications among departments to foster understandings of the Plan;
- to advise the [**CEO**] regarding special training or staff development needs;
- review the Plan and monitor its progress;

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- recommend changes needed in the Plan; and
- review and approve the annual written report to the [**CEO**], the District's governing board, and the California Community Colleges Chancellor's Office.

Employment Procedures

[**Optional:** *Include language regarding the importance of equitable and inclusive employment procedures to equal employment opportunity. For example: An equitable and inclusive employment process is essential to improve diversity, reduce barriers to employment, and allow potential applicants the opportunity to demonstrate that they meet or exceed the minimum qualifications for employment. The District's employment procedures are driven by diversity, equity, and inclusion.*]

Job Analysis and Validation: The [**designate position**] shall assure that a proper job analysis is performed for every job filled by the District to determine and validate the knowledge, skills, abilities and characteristics an employee must possess to perform the job satisfactorily.

A statement of bona fide essential functions and minimum qualifications shall be developed for all positions.

Job Description: Every job description shall provide a general statement of job duties and responsibilities.

Job specifications shall include functions and tasks; knowledge; skills; ability; and job-related personal characteristics, including but not limited to sensitivity to and understanding of the diverse academic, socioeconomic, cultural, linguistic, disability, and ethnic backgrounds of community college students.

Recruitment: Recruitment must be conducted actively within and outside of the District work force.

Open recruitment is mandated for all new full-time and part-time positions, except under limited circumstances involving interim hires.

Recruitment must utilize outreach strategies designed to ensure that all qualified individuals are provided the opportunity to seek employment with the District.

Recruitment for administrative and faculty positions (full and part-time) may include advertisement in appropriate professional journals, job registries and newspapers of general circulation; distribution of job announcements to the EEO Registry, K-12 districts, two and four year colleges, and graduate schools where appropriate candidates might be enrolled; recruitment at conferences, fairs, and professional meetings; notices to institutions and professional organizations.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Recruitment for classified positions shall include notice to all District personnel; notice to Employment Development Department; and advertising in area newspapers of general circulation.

Applicant Pools: The application for employment shall afford each applicant an opportunity to identify himself/herself/themself voluntarily as to gender, ethnicity and, if applicable, his/her/their disability. This information shall be maintained in confidence and shall be used only for research, validation, monitoring, evaluation of the effectiveness of the Plan, or as authorized by law.

After the application deadline has passed, the initial applicant pool shall be recorded and reviewed by the Chief Human Resources Officer or designee. All initial applications shall be screened to determine which candidates satisfy job specifications set forth in the job announcement. The group of candidates who meet the job specifications shall constitute the “qualified applicant pool.”

Once the qualified applicant pool is formed, the pool must again be analyzed. If the Chief Human Resources Officer or designee finds that the composition of the qualified applicant pool may have been influenced by factors which are not job related, the District [**may or shall**] immediately, and before the selection process continues, consult with legal counsel to determine what, if any, corrective action is required by law.

Screening and Selection: Screening, selecting and interviewing candidates for all positions shall include thorough and fair procedures that are sensitive to issues of diversity.

NOTE: *Procedures to be used must address or include that:*

- Hiring procedures will be provided to the California Community Colleges Chancellor’s Office on request.
- All tests conform to generally applicable legal standards for uniformity.
- A reasonable number of candidates are identified for interview.
- Screening and selection committees are developed that are representative of the District community and campus; include administrators, faculty, and classified staff members; include a diverse membership when possible; do not include applicants or persons who have written letters of recommendation.
- Every screening and selection committee includes an individual trained to monitor conformance with EEO requirements. The [**designate position**] assures that the screening and selection process conforms to accepted principles and practices, including preparation of job related questions in advance; maintains records of screening checklists and rating scales, which shall be signed and kept on file; maintains notes for all interviews and record relevant factual reasons

Disclaimer: *This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

stating why a candidate was not hired or was not invited to interview; and monitors the hiring process for adverse impact.

- Selection shall be based solely on the stated job criteria.
- For faculty and administrative positions, candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position.

If the District determines that a particular monitored group is significantly underrepresented with respect to one or more job categories, the District shall take the following additional steps:

- review its recruitment procedures;
- consult with counsel to determine whether there are other, additional measures that may be undertaken that are required or permitted by law;
- consider various other means of reducing the underrepresentation which do not involve taking monitored group status into account and implement any such techniques that are feasible;
- If significant underrepresentation persists:
 - review each locally-established job qualification to determine if it is job related and
 - consistent with business necessity;
 - discontinue the use of any non-job-related local qualification; and
 - continue using job-related local qualifications only if no alternative standard is reasonably available; and
- consider the implementation of additional measures designed to promote diversity.

NOTE: *Insert local practice regarding the delegation of authority for implementing the District's EEO Plan, which must comply with Title 5 Section 53020, as amended. These procedures must include or address:*

Delegation of Authority

- The designation of a single person as the "EEO Officer" charged with overseeing the day-to-day implementation of the EEO Plan and programs.
- Processes and responsibilities when the EEO Officer is named in a complaint or implicated by the allegations in a complaint.

NOTE: *Insert local practice regarding internal complaints alleging the District violated requirements of the equal employment opportunity regulations and related policy and procedures. The following elements are required to be included in the District's local practice pursuant to Title 5 Section 53026.*

Complaint Procedure

Any person may file a complaint alleging the District violated this policy and procedures. An individuals should file a written complaint with the [**designate position**]. The District

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

shall immediately forward a copy of the complaint to the California Community Colleges Chancellor's Office, which may require that the District provide a written investigative report within ninety (90) days. The District shall also process complaints that allege unlawful discrimination according to the procedures set forth in AP 3430 Prohibition of Harassment and AP 3435 Discrimination and Harassment Complaints and Investigations.

Job Announcements

All job announcements shall contain a statement in substantially the following form: The District is an equal opportunity employer. The policy of the District is to encourage applications from persons who are economically disadvantaged and individuals belonging to significantly underrepresented groups within the District's workforce, including ethnic and racial minorities, women, and persons with disabilities, ~~and Vietnam-era veterans~~. No person shall be denied employment because of ethnicity or race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, or gender, gender identity, gender expression, age, ~~religion~~, marital status, ~~disability~~, sexual orientation, ~~national origin, medical conditions, status as a Vietnam-era veteran, ancestry~~ veteran or military status, or political or organizational affiliation.

NOTE: *The following is suggested as good practice/optional:*

Dissemination and Revision of the Plan

All managers and supervisors shall be given copies of the plan as revised from time to time and any guidelines for implementing the plan. Copies of the plan shall be provided to the Academic Senate and the exclusive representatives of any units of employees.

Statements of nondiscrimination shall be posted at locations where applications for employment are distributed.

Such plans shall be reviewed at least every three years and, if necessary, revised and submitted to the California Community Colleges Chancellor's Office within 90 days of the effective date of the revision or amendment(s). If the California Community Colleges Chancellor's Office determines that the District's policies ~~are not in compliance~~ do not comply with Title 5 Sections 59300 et seq., the California Community Colleges Chancellor's Office may require the District to modify its policies.

Accountability and Corrective Action

The District shall certify annually to the Chancellor of the California Community Colleges that they have timely:

- Recorded, reviewed and reported the data required regarding qualified applicant pools;
- Reviewed and updated, as needed, the Strategies Component of the district's EEO Plan; and

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- Investigated and appropriately responded to formal harassment or discrimination complaints filed pursuant to subchapter 5 (commencing with Section 59300) of chapter 10 of this division.

Revised 2/03, 2/06, 8/06, 9/08, 10/13, 11/14, 4/15, 10/17, 10/20, 4/21, 10/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 3434 Responding to Harassment Based on Sex under Title IX

References:

20 U.S. Code Sections 1681 et seq.;;
34 Code of Federal Regulations Parts 106.1 et seq.;;
Education Code Sections 67380 et seq.6

NOTE: *This procedure is legally required. Local practice may be inserted. The following is an illustrative example.*

Introduction

The District encourages members of the District community to report sexual harassment. This procedure only applies to conduct defined as sexual harassment under Title IX and applicable federal regulations and that meets Title IX jurisdictional requirements. The District will respond to sexual harassment and sexual misconduct that falls outside that definition and outside the jurisdiction of the Title IX federal regulations using California law and applicable District policies and procedures. In implementing these procedures discussed below, the District will also provide supportive measures, training, and resources in compliance with California law, unless they are preempted by the Title IX regulations.

Title IX Coordinator

Questions concerning Title IX may be referred to the District Title IX Coordinator whose contact information is below.

The District's Title IX Coordinator is [**designate by name or position**] and the Title IX Coordinator's contact information is:
Address and office location
Phone number
Email

The Title IX Coordinator is required to respond to reports of sexual harassment or misconduct. The Title IX Coordinator will handle information received with the utmost discretion and will share information with others on a need-to-know basis. For example, the Title IX Coordinator may need to address public safety concerns on campus, comply with state and federal legal requirements, or share information to implement supportive measures.

A report of sexual harassment to the Title IX Coordinator does not necessarily lead to a full investigation, as discussed more fully below. However, the Title IX Coordinator will make an assessment to determine if there is a safety risk to the campus. If the Title IX

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Coordinator finds there is a continued risk, the Title IX Coordinator will file the formal complaint without the Complainant's consent or cooperation.

Title IX Harassment Complaints, Investigations, and Hearings

These Title IX sexual harassment procedures and the related policy protect students, employees, applicants for employment, and applicants for admission.

Jurisdictional Requirements – Application of Procedures

These procedures apply if the conduct meets the following three jurisdictional requirements:

- The conduct took place in the United States;
- The conduct took place in a District “education program or activity.” This includes locations, events, or circumstances over which the District exercised substantial control over both the Respondent and the context in which the harassment occurred, including on-campus and off-campus property and buildings the District owns or controls or student organizations officially recognized by the District own or control.
- The conduct meets the definition of Title IX “sexual harassment.”

Definitions

Advisor: Throughout the grievance process, both the Complainant and Respondent have a right to an Advisor of their choice. If a Party does not have an Advisor at the time of the hearing, the District must provide the Party an Advisor of the District's choice, free of charge. The District may establish restrictions regarding the extent to which the Advisor may participate in the proceedings as long as the restrictions apply equally to both Parties.

NOTE: *The regulations only require the District to provide an Advisor to conduct cross-examination. It is **strongly recommended** the District provide an Advisor for the entire hearing, if the Party does not identify his/her/their own private Advisor so the Advisor is able to observe the direct examination of all witnesses and thus better able to conduct cross-examination.*

Complainant: A Complainant is an individual who alleges he/she/they is the victim of conduct that could constitute sexual harassment.

Consent: Consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. Both Parties must give affirmative consent to sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he/she/they has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest, lack of resistance, or silence does not indicate consent. Affirmative consent must be ongoing throughout a sexual activity and one can revoke his/her/their consent at any

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, is not an indicator of consent.

The Respondent's belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable, based on the facts and circumstances the Respondent knew, or reasonably should have known, at the time of the incident. A Respondent's belief is not a valid defense where:

- The Respondent's belief arose from the Respondent's own intoxication or recklessness;
- The Respondent did not take reasonable steps to ascertain whether the Complainant affirmatively consented; or
- The Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was:
 - asleep or unconscious;
 - unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication; or
 - unable to communicate due to a mental or physical condition.

Decision-Maker: The person [**or group of people – the District may use one or more**] who will oversee the live hearing and make a determination of responsibility. [**The following is optional language: The District may have one Decision-Maker determine whether the Respondent is responsible, and another Decision-Maker determine the appropriate level of penalty for the conduct.**] The Decision-Maker cannot be the Title IX Coordinator or the investigator.

Formal Complaint: A written complaint signed by the Complainant or Title IX Coordinator, alleging sexual harassment and requesting an investigation. If the Title IX Coordinator signs the formal complaint, he/she/they will not become a Party to the complaint.

Parties: As used in this procedure, this means the Complainant and Respondent.

Respondent: A Respondent is an individual reported to be the perpetrator of conduct that could constitute sexual harassment.

Sexual Harassment under Title IX: Conduct that satisfies one or more of the following:

- A District employee conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (*quid pro quo* harassment);

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
- Sexual assault, including the following:
 - **Sex Offenses.** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - **Rape** (except Statutory Rape). The carnal knowledge of a person, without **the consent of the victim, including instances where the victim is incapable** of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
 - **Sodomy.** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
 - **Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.
 - **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
 - **Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse.**
 - **Incest.** Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape – Non-Forcible.** Sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.
 - **Dating violence.** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - **Domestic Violence.** Violence committed:

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or
 - By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.
- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.

Reporting Options

Any individual may report sexual harassment to the District's Title IX Coordinator.

The District strongly encourages prompt reporting of sexual harassment. Prompt reporting allows for the collection and preservation of evidence, including physical evidence, digital media, and witness statements. A delay may limit the District's ability to effectively investigate and respond.

Because individuals may be deterred from reporting incidents of sexual harassment if alcohol, drugs, or other violations of District or campus rules were involved, the District will inform individuals that the primary concern is for student and employee safety and that use of alcohol or drugs never makes a Complainant at fault for sexual harassment. If other rules are violated, the District will address such violations separately from an allegation of sexual violence.

Individuals have the opportunity to decide whether they want to pursue a formal Title IX complaint. Reporting sexual harassment to the Title IX Coordinator does not automatically initiate an investigation under these procedures. A report allows the District to provide a wide variety of support and resources to impacted individuals and to prevent the reoccurrence of the conduct. A Complainant or the Title IX Coordinator filing a formal complaint will initiate an investigation.

If there are parallel criminal and Title IX investigations, the District will cooperate with the external law enforcement agency and will coordinate to ensure that the Title IX process does not hinder legal process or proceedings.

The District will document reports of sexual harassment in compliance with the Clery Act, a federal law requiring data collection of crime within the campus geography. Under the Clery Act, the District does not document personal information; the District reports the type of conduct, and the time, date, and location. (Also see BP/AP 3540 Sexual and Other Assaults on Campus [**or insert local number and title**].)

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

District Employees and Officials with Authority

District Officials with Authority are not confidential resources and are required to report allegations of sexual harassment to the Title IX Coordinator promptly. All other employees are encouraged to report allegations to the Title IX Coordinator but are not required to do so.

The District has designated the following employees as Officials with Authority:

[Designate Officials with Authority – Districts should base this decision on the District’s operational structure and the employee’s specific roles and duties. At a minimum, it is recommended that individuals identified as supervisors under California’s Fair Employee and Housing Act also be identified as Officials with Authority.]

Officials with Authority are required to report all relevant information they know about sexual harassment including the name of the Respondent, the Complainant, any other witnesses, and the date, time, and location of the alleged incident.

Intake and Processing of Report

Receipt of Report

After receiving a report of sexual harassment, the Title IX Officer will contact the Complainant and reporting party to explain rights under this policy and procedure and invite the Complainant to an in-person meeting. The Title IX Officer will discuss supportive measures with the Parties.

Timeframe for Reporting

To promote timely and effective review, the District strongly encourages individuals to report sexual harassment as soon possible because a delay in reporting may affect the ability to collect relevant evidence and may affect remedies the District can offer.

Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered free of charge to the Complainant or the Respondent regardless of whether a formal complaint has been filed. The District will provide the Complainant and Respondent with written notice of options for, available assistance in, and how to request available supportive measures. The District will provide such measures to Complainant and Respondent supportive measures as appropriate and as reasonably available to restore or preserve equal access to the District’s education program or activities. These measures are designed to protect the safety of all Parties, protect the District’s educational environment, or deter sexual harassment. The District will provide supportive

Disclaimer: *This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

measures on a confidential basis and will not disclose that the District is providing supportive measures except to only make disclosures to those with a need to know to enable the District to provide the service. Supportive measures may include changes to academic, living, transportation, and working situation or protective measures include such as counseling, extensions of deadlines, other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Removal of Respondent Pending Final Determination

Upon receiving a report regarding sexual harassment, the Title IX Coordinator will make an immediate assessment concerning the health and safety of the Complainant and campus community as a whole. The District has the right to order emergency removal of a Respondent, or if the Respondent is an employee, place the employee on administrative leave.

Emergency Removal

The District may remove a non-employee Respondent from the District's education program or activity on an emergency basis after it conducts an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

The District may not use emergency removal to address a Respondent's threat of obstructing the sexual harassment investigation or destroying relevant evidence. Emergency removal is only available to address health or safety risks against individuals arising out of sexual harassment allegations, not to address other forms of misconduct that a Respondent might commit pending the processing of a complaint.

The District's [**designate position**] or designee will conduct the individualized safety and risk analysis.

If the [**designate position**] determines emergency removal is appropriate, he/she/they or designee will provide the person the District is removing from campus on an emergency basis with a notice and opportunity to attend a meeting and challenge the basis of his/her/their removal. The [**designate position**] or designee will determine whether the emergency removal from campus order is warranted after considering information provided by the Respondent challenging the emergency removal.

Administrative Leave

The District may place a non-student employee Respondent on administrative leave during the pendency of a grievance process described in the formal complaint process

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

below. The District will follow any relevant policies, procedures, collective bargaining agreements, or state law in placing an employee on administrative leave.

Formal Complaint Grievance Process

Notice to Parties

Upon receipt of a formal complaint, the Title IX Coordinator will provide the following notice in writing, to the Parties:

- Notice of the District's Title IX grievance process;
- Notice of the allegations of alleged sexual harassment with sufficient details known at the time and with sufficient time to prepare a response before any initial interview;
- Statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Notice that the Parties may have Advisor of their choice, who may be, but is not required to be, an attorney;
- Notice that the Parties may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a Party or other source; and
- Inform the Parties of any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the Complainant or Respondent that are not included in the notice provided above, the Title IX Coordinator will provide notice in writing of the additional allegations to the Parties.

Dismissal of Formal Complaint

The District must investigate the allegations in a formal complaint. However, the District must dismiss the formal complaint and will not process the complaint under these procedures if any of the following three circumstances exist:

- If the conduct alleged in the formal complaint would not constitute Title IX sexual harassment as defined in this procedure;
- If the conduct alleged did not occur in the District's education program or activity;
- If the conduct alleged did not occur against a person in the United States.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

The District has discretion to dismiss a formal complaint or any allegation under the following circumstances:

- If at any time during the investigation or hearing: a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations;
- If the Respondent is no longer enrolled or employed by the District; or
- If there are specific circumstances that prevent the District from gathering evidence sufficient to reach a determination regarding responsibility as to the formal complaint or allegations.

If the District dismissed the formal complaint or any allegations, the Title IX Coordinator shall simultaneously provide the Parties with written notice of the dismissal and reason. The District will also notify the Parties of their right to appeal.

The District may commence proceedings under other policies and procedures after dismissing a formal complaint.

Consolidation of Formal Complaints

The District may, but is not required to, consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Equitable Treatment of the Parties

The District's determination of responsibility is a neutral, fact-finding process. The District will treat Complainants and Respondents equitably. The procedures will apply equally to both Parties. The District will not discipline a Respondent unless it determines the Respondent was responsible for sexual harassment at the conclusion of the grievance process.

Statement of Presumption of Non-Responsibility

The investigation is a neutral, fact-finding process. The District presumes all reports are in good faith. Further, the District presumes the Respondent is not responsible for the alleged conduct. The District makes its determination regarding responsibility at the conclusion of the grievance process.

Bias or Conflict of Interest

The District's Title IX Coordinator, investigator, Decision-Maker, or any person designated by the District to facilitate an informal resolution process, will not have potential actual bias or conflict of interest in the investigatory, hearing, sanctioning, or appeal process or bias for or against Complainants or Respondents generally. Actual bias is an articulated prejudice in favor of or against one Party or position; it is not generalized concern about the personal or professional backgrounds, positions, beliefs, or interests of the Decision-

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Maker in the process. The District will ensure that the Title IX Coordinator, investigator, Decision-Maker, and facilitator receive training on:

- The definition of sexual harassment in this procedure;
- The scope of the District's education program or activity;
- How to conduct an investigation;
- The grievance process including conducting hearings, appeals, and informal resolution processes; and
- How to serve impartially, including avoiding: prejudgment of the facts at issue; conflicts of interest; and bias.

Timeline for Completion

The District will undertake its grievance process promptly and as swiftly as possible. The District will complete the investigation and its determination regarding responsibility or the informal resolution process within [**designate number of days – the District determines the length, but this provision will apply to both employees and students, and will include intake, the investigation, the hearing process, and the appeal. It is recommend this be at minimum of 180 days**] calendar days.

When appropriate, the Title IX Coordinator may determine that good cause exists to extend the [**period from previous paragraph**] -calendar day period to conduct a fair and complete investigation, to accommodate an investigation by law enforcement, to accommodate the unavailability of witnesses or delays by the Parties, to account for District breaks or vacations, or due to the complexity of the investigation. The District will provide notice of this extension to the Complainant and Respondent in writing and include the reason for the delay and anticipated timing of completion.

A Party may request an extension from the Title IX Coordinator in writing by explaining the reason for the delay and the length of the continuance requested. The Title IX Coordinator will notify the Parties and document the grant or denial of a request for extension or delay as part of the case recordkeeping.

Role of Advisor

The role of the Advisor is to provide support and assistance in understanding and navigating the investigation process.

The Advisor may not testify in or obstruct an interview or disrupt the process. The Title IX Coordinator has the right to determine what constitutes appropriate behavior of an Advisor and take reasonable steps to ensure compliance with this procedure.

A Party does not have a right to self-representation at the hearing; an Advisor must conduct any cross-examination. The District must provide an Advisor of its choice, free of charge to any Party without an Advisor in order to conduct cross-examination. If an Advisor fails to appear at the hearing, the District will provide an Advisor to appear on

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

behalf of the non-appearing Advisor. To limit the number of individuals with confidential information about the issues, each Party may identify one Advisor.

Confidentiality Agreements

To protect the privacy of those involved, the Parties and Advisors are required to sign a confidentiality agreement prior to attending an interview or otherwise participating in the District's grievance process. The confidentiality agreement restricts dissemination of any of the evidence subject to inspection and review or use of this evidence for any purpose unrelated to the Title IX grievance process. The confidentiality agreement will not restrict the ability of either Party to discuss the allegations under investigation.

Use of Privileged Information

The District's formal complaint procedure does not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally-recognized privilege (e.g., attorney-client privilege, doctor-patient privilege, spousal privilege, etc.), unless the person holding the privilege provides voluntary, written consent to waive the privilege.

Investigations

The Title IX Coordinator is responsible to oversee investigations to ensure timely resolution and compliance with Title IX and this procedure.

Both Parties have the right to have an Advisor present at every meeting described in this section.

Trained Investigators

The District will investigate Title IX formal complaints fairly and objectively. Individuals serving as investigators under this procedure will have adequate training on what constitutes sexual harassment and how the District's grievance procedures operate. The District will also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence and complies with this procedure.

Burden of Gathering Evidence

The District, not the Parties, has the responsibility to gather information and interview witnesses. As part of the District's burden of gathering evidence, the District's investigator will create an investigative report that fairly summarizes relevant evidence, whether it is inculpatory or exculpatory. The investigator shall not make findings or determinations of law or fact.

Notice of Investigative Interview

The District will provide written notice of the date, time, location, participants, and purpose of all investigative interviews to a Party whose participation is invited or expected, with sufficient time for the Party to prepare to participate.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Evidence Review

Both Parties have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a Party or other source.

Prior to the investigator preparing an investigative report, the District will make available to each Party and the Party's Advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The Parties will have at least ten days to submit a written response. The investigator must consider this written response prior to completing the investigative report.

Investigative Report

NOTE: *Title IX regulations require that the report fairly summarizes relevant evidence. The following language is suggested as good practice.*

The results of the investigation of a formal complaint will 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 description of the procedural steps taken during the investigation, including all individuals contacted and interviewed;
- A summary of the testimony of each witness the investigator interviewed;
- An analysis of relevant evidence collected during the investigation, including a list of relevant documents;
- A specific finding as to whether the allegations occurred using a preponderance of the evidence standard;
- A table of contents if the report exceeds ten pages; and
- Any other information deemed appropriate by the District.

The investigator will not make a determination regarding responsibility.

The investigator may redact information not directly related to the allegations or privileged information. However, the investigator will keep a log of information he/she/they do not produce to the Parties. The investigator will provide this log only to the Title IX Coordinator. The Title IX Coordinator will not disclose the log to the Parties but will maintain the log in the Title IX Coordinator's file, in the event it later becomes relevant.

At least ten days prior to a hearing, the District will send the investigative report to each Party and their Advisors, if any, the investigative report in an electronic format or a hard

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

copy, for review and written response. The Parties will have at least ten days to submit a written response.

Hearing

After completing an investigation and prior to completing a determination regarding responsibility, the District will hold a live hearing to provide the Complainant and Respondent an opportunity to respond to the evidence gathered before a Decision-Maker. Neither Party may choose to waive the right to a live hearing, but the Parties can choose whether to participate in the hearing or answer some or all cross-examination questions.

Notice

If the District proceeds to a hearing, the District will provide all Parties written notice of the date, time, location, participants, and purpose of the hearing with sufficient time for the Party to prepare to participate.

Hearing Format

The District may provide a live hearing with all Parties physically present in the same geographic location or, at the District's discretion if either Party requests, the District may provide any or all Parties, witnesses, and other participants the ability to appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other in real time.

The District will make the information reviewed during the Evidence Review available at the hearing for reference and consultation. The District will not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence.

The District will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the Parties for inspection and review.

Decision-Maker

The Decision-Maker will be free from conflict of interest or bias, including bias for or against Complainants or Respondents. **[Optional: In cases where the Complainant or Respondent objects to the Decision-Maker based on a conflict of interest, the Complainant or Respondent may request the Title IX Coordinator select a different Decision-Maker. The Complainant or Respondent must make this request to the Title IX Coordinator in writing at least five business days prior to the hearing.]**

The Decision-Maker may ask the Parties and the witnesses questions during the hearing. The Decision-Maker must objectively evaluate all relevant evidence both inculpatory and exculpatory and must independently reach a determination regarding responsibility without giving deference to the investigative report. The Decision-Maker must receive training on issues of relevance, how to apply the rape-shield protections for Complainants, and any technology to be used at the hearing.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Presenting Witnesses

The District will provide the Complainant and Respondent an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Witnesses, like Parties, are not required to participate in the live hearing process.

Only relevant evidence will be admissible during the hearing. Relevant evidence means evidence, including evidence relevant to the credibility of a Party or witness, having any tendency in reason to prove or disprove any disputed fact material to the allegations under investigation.

Cross-Examination

The District shall permit each Party's Advisor to ask the other Party and any witness relevant questions, including questions challenging credibility. The Party's Advisor must conduct cross-examination directly, orally, and in real time. A Party may never personally conduct cross-examination.

~~If a Party or witness does not submit to cross-examination at the live hearing, the Decision-Maker will not rely on any statement of that Party or witness in reaching a determination regarding responsibility.~~

Before a Complainant, Respondent, or witness answers a question, the Decision-Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Decision-Maker need not provide a lengthy or complicated explanation in support of a relevance determination.

If a Party or witness disagrees with a relevance determination, that individual has the choice of either (1) abiding by the Decision-Maker's determination and answering the question or (2) refusing to answer the question.

The Decision-Maker cannot rely on the statements or testimony of a Party or witness who has refused to answer a question the Decision-Maker had found relevant unless the Decision-Maker reconsiders and changes the ruling before reaching the determination of responsibility. If the Decision-Maker changes the determination of relevance of an unanswered question, the Decision-Maker must explain the decision to reconsider the ruling in the written determination of responsibility.

The Decision-Maker cannot draw an inference about the determination of responsibility based solely on a Party's or witness's absence from the live hearing or refusal to submit to cross-examination or to answer any question.

The Decision-Maker may also ask any Party or witness questions. If a Party or witness refuses to respond to a Decision-Maker's questions, the Decision-Maker is not precluded from relying on that Party or witness' statements.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Determinations of Responsibility

When the Decision-Maker makes a determination of responsibility or non-responsibility, the Decision-Maker will issue a written determination regarding responsibility, no later than [**# of days – recommend at least 20 business days**] after the date that the hearing ends.

When making a determination regarding responsibility, a Decision-Maker will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence. A Decision-Maker may not make credibility determinations based on an individual's status as a Complainant, Respondent, or witness. In evaluating the evidence, the Decision-Maker will use the 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 sexual harassment occurred.

The written determination will include:

- Identification of the allegations potentially constituting Title IX sexual harassment as defined in these procedures;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including who conducted the investigation and gave notifications to the Parties. The determination will also state when, where, and the date the investigator interviewed the Parties and witnesses, conducted site visits, the methods used to gather other evidence. The procedural section should also discuss the dates and how the Parties were provided the opportunity to review and inspect evidence and the date of any hearings held and who attended the hearing;
- Findings of fact supporting the determination. In making these findings, the Decision-Maker will focus on analyzing the findings of fact that support the determination of responsibility or non-responsibility;
- Conclusions regarding the application of the District's code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- A statement of, and rationale for, any disciplinary sanctions the District imposes on the Respondent;
- A statement of whether the District will provide the Complainant with remedies designed to restore or preserve equal access to the District's education program or activity;
- The District need not disclose to the Respondent remedies that do not affect him/her/them as part of the written determination. The District can inform the Respondent that it will provide remedies to the Complainant. However, the District will inform the Complainant of the sanctions against the Respondent;
- The District's procedures and permissible bases for the Complainant and Respondent to appeal.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

The District will provide the written determination to the Parties simultaneously. The determination regarding responsibility becomes final either on the date that the District provides the Parties with the written determination of the result of the appeal, if the Parties file an appeal, or if the Parties do not file an appeal, the date on which an appeal would no longer be timely.

Disciplinary Sanctions and Remedies

The District must have completed the grievance procedures (investigation, hearing, and any appeal, if applicable) before the imposing disciplinary sanctions or any other actions that are not supportive measures against a Respondent. If the Decision-Maker determines the Respondent was responsible for conduct that constitutes sexual harassment, the District will take disciplinary action against the Respondent 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:

- Providing an escort to ensure that the Complainant can move safely between classes and activities;
- Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area;
- Providing counseling services or a referral to counseling services;
- Providing medical services or a referral to medical services;
- Providing academic support services, such as tutoring;
- Arranging for a Complainant, if a student, 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
- 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's discipline.

Possible disciplinary sanctions for student Respondents include written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Possible disciplinary sanctions for employee Respondents include written or verbal reprimand, required training or counseling, reduction in pay [**if negotiated or available through policy or procedure**], demotion [**if negotiated or available through policy or procedure**], suspension, or discharge.

Appeal of Dismissal of a Formal Complaint or of the Determination of Responsibility

A Complainant or Respondent may appeal the District's determination regarding responsibility or the dismissal of a formal complaint or any allegations. A Complainant or

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Respondent must submit a written appeal within [**specify number of days – recommend between five and ten business days**] days from the date of the notice of determination regarding responsibility or from the date of the District's notice of dismissal of a formal complaint or any allegations.

Grounds for Appeal

The [**designate position – this Decision-Maker may not be the same individual who made the decision the appellant is challenging – whether that is determination regarding responsibility or dismissal the investigator, or the decision to dismiss a formal complaint, and may not be Title IX Coordinator or the investigator**] will serve as the Decision-Maker on Appeal. In filing an appeal of the District's determination regarding responsibility or the District's dismissal of a formal complaint, the Party must state the grounds for appeal and a statement of facts supporting those grounds. The grounds for appeal are as follows:

- A procedural irregularity affected the outcome;
- New evidence was not reasonably available at the time the District's determination regarding responsibility or dismissal was made, and this new evidence could affect the outcome; or
- The District's Title IX Coordinator, investigator, or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome.

Appeal Procedure

If the Complainant or Respondent submit an appeal to the District, the District will:

- Notify the other Party in writing within [**specify # of days – suggest five business days**] days of receiving a Party's appeal;
- Allow the non-appealing Parties at least [**specify # of days – suggest ten business days**] days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome;

The appeal Decision-Maker will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within [**specify # of days – suggest 45 days**] business days after the Decision-Maker on appeal receives the response to the appeal or the last day to provide a response. The District will provide the written decision simultaneously to both Parties.

The Decision-Maker on appeal may extend or otherwise modify the deadlines provided above. Either Party may seek an extension by submitting a written request to the appeal Decision-Maker explaining the need for the extension and the proposed length of the extension. The Decision-Maker will respond to the request within 48 hours in writing and will inform the Parties simultaneously whether the extension is granted.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Informal Resolution

If the District determines that a formal complaint is appropriate for informal resolution, it may provide the Parties with the opportunity to participate in an informal resolution process, including mediation, at any time prior to reaching a determination regarding responsibility.

The District will provide the Complainant and Respondent written disclosure of the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the Parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

The District must obtain the Parties' voluntary, written consent to the informal resolution process. If the Parties reach an agreement, the District does not have to complete a full investigation and adjudication of a report of sexual harassment. At any time prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

The informal resolution process is not available to resolve allegations that an employee sexually harassed a student.

Retaliation Prohibited

The District prohibits any intimidation, threats, coercion, or discrimination against any individual who made a report or complaint of sexual harassment, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. Individuals who experience retaliation may file a complaint using the formal complaint process described above.

Dissemination of Policy and Procedures

The District will provide its policy and procedures related to Title IX on its website and in each handbook or catalog provided to applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining with the District.

When hired, employees are required to sign acknowledging that they have received the policy and procedures. The District will place the signed acknowledgment of receipt in each employee's personnel file.

Training

The District will provide a comprehensive trauma-informed training program to Title IX Coordinators, investigators, Decision-Makers, and any individual who facilitates an informal resolution process, on the definition of sexual harassment, the scope of the

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

District's education program or activities, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Any materials used to train the District's Title IX Coordinator, investigators, Decision-Makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

File Retention

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

- The original report or complaint;
- Any actions taken in response to the complaint, including supportive measures;
- The investigative report including all evidence gathered and any responses from the Parties;
- The District's determination regarding responsibility;
- Audio or audiovisual recording or transcript from a hearing;
- Records of any disciplinary sanctions imposed on the Respondent;
- Records of any remedies provided to the Complainant;
- Any appeal and the result;
- Any informal resolution and the result; and
- All materials used to train Title IX Coordinators, investigators, Decision-Makers, and any person who facilitates an informal resolution process. The District will make these training materials publicly available on its website.

The District will make these documents available to the U.S. Department of Education Office for Civil Rights upon request.

NOTE: *The following language is optional.*

Complaint Reporting

The [**CEO**] shall provide the Board of Trustees, upon request, a report of complaints filed pursuant to AP 3434. This report must disaggregate the complaints by complaint type (Student Complainant and Student Respondent, Student Complainant and Employee Respondent, Employee Complainant and Student Respondent, Employee Respondent and Employee Respondent, etc.). This report must also disaggregate the complaints by the Complainant's race, age, gender, religion, or any other characteristic identified by the Board.

New 7/20; Revised 10/20, 4/21, 10/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 4010 Academic Calendar

References:

Education Code Section 79020;
Title 5 Sections 55700 et seq. and 58142

NOTE: *This procedure is **legally required**. Local procedures related to the establishment of the academic calendar may be inserted here, including:*

The number of days that define an academic year **is [(traditionally, 175 days of instruction and evaluation)]**

[Flexible calendar options, if any]

[Processes for determining the academic calendar]

The District's college[s] and offices of the District shall be closed on the following holidays: Holidays, which include

- New Year's Day (January 1)
- Dr. Martin Luther King, Jr. Day (Third Monday in January)
- Lincoln Day (February 12 or see Note below)
- Washington Day (Third Monday in February)
- Memorial Day (Last Monday in May)
- Independence Day (July 4)
- Labor Day (First Monday in September)
- Veterans Day (November 11 or see Note below)
- Thanksgiving Day (Fourth Thursday in November)
- Christmas Day (December 25)

NOTE: *The following **optional language** may be added based on local practice or collectively bargained rights. (Education Code Sections 79020 subdivision (k) and 79020 subdivision (l)).*

- Cesar Chavez Day
- ~~and~~ Native American Day
- Juneteenth (June 19)
- Day after Thanksgiving Day
- Christmas Eve Day
- New Year's Eve Day

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

~~are local options if collectively bargained (Education Code Sections 79020(k) and 79020(l))~~

Other Holidays – The Board of Trustees may declare other days to be holidays and close the colleges and offices when good reason exists. ~~(These holidays traditionally have been New Year's Eve day, the day after Thanksgiving, and Christmas Eve day.)~~

NOTE: Please refer to Education Code Section 79020 for laws regulating the scheduling of Lincoln Day, Veterans Day, and holidays that fall on the weekends.

Revised 10/21

Disclaimer: This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.



POLICY & PROCEDURE SERVICE

AP 4105 Distance and Correspondence Education

References:

Education Code Sections 66700 and 70901 et seq.;

Title 5 Sections 55200 et seq.;

Title 5 Sections 55260 et seq.;

34 Code of Federal Regulations Part 602.17 (U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended);

ACCJC Accreditation Standard II.A.1

NOTE: *This procedural language is **legally required** in an effort to show good faith compliance with the applicable Federal Regulations if the District offers distance education or correspondence education. The Federal Regulations require districts to have processes in place to ensure that the student who registers in a distance education or correspondence education course or program is the same student who participates in and completes the program and receives academic credit. A district will meet this requirement if it follows the language below. Note that the Federal Regulations do not require districts to charge students fees associated with the verification of the student's identify. However, any district that does charge a fee, must notify the student in writing of the estimated amount of those fees in addition to a statement of the processes used to protect the student's privacy.*

Consistent with federal regulations pertaining to federal financial aid eligibility, the District must authenticate or verify that the student who registers in a distance education or correspondence education courses is the same student who participates in and completes the course or program and receives the academic credit. The District will provide to each student at the time of registration, a statement of the process in place to protect student privacy and estimated additional student charges associated with verification of student identity, if any.

The [**Chief Instructional Officer**] shall utilize one or more of these methods to authenticate or verify the student's identity:

NOTE: *Insert local practice here: the following approaches are specifically referenced in the federal regulation as appropriate. The key is to utilize an accepted procedure for verifying a student's identity.*

- secure credentialing/login and password;
- proctored examinations; or

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- new or other technologies and practices that are effective in verifying student identification.

The [**Chief Instructional Officer**] shall establish procedures for providing a statement of the process in place to protect student privacy and estimated additional student charges associated with verification of student identity, if any, to each student at the time of registration.

NOTE: *The following procedure is **legally required** if the District has implemented distance education courses. Local practice may be inserted, but it must include the following minimum requirements contained in Title 5.*

Definitions:

District Education: Distance education means instruction in which the instructor and student are separated by time or distance and interact through the assistance of technology.

Correspondence Education: Correspondence Education means education provided through one or more courses by a community college or district under which the college or district provides instructional materials, by mail or electronic transmission, including examinations on the materials, to students who are separated from the instructor. Interaction between the instructor and student is limited due to separation, is not regular and substantive, and is primarily initiated by the student. Correspondence courses are typically self-paced, although a regular cycle of assignment submissions and delivery of feedback should be established for facilitated learning. If a course is part correspondence and part residential training, it is considered a correspondence course. Correspondence education is not distance education.

Course Approval: Each proposed or existing course offered by distance education shall be reviewed and approved separately. Separate approval is mandatory if any portion of the instruction in a course or a course section is designed to be provided through distance education.

The review and approval of new and existing distance education courses shall follow the curriculum approval procedures outlined in AP 4020 Program and Curriculum Development. Distance education courses shall be approved under the same conditions and criteria as all other courses.

Certification: When approving distance education courses, the [**designate authority**] will certify the following:

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Course Quality Standards: The same standards of course quality are applied to the distance and correspondence education courses as are applied to in-person classes.

Course Quality Determinations: Determinations and judgments about the quality of the distance and correspondence education course were made with the full involvement of the [**designate authority, e.g. faculty, curriculum committee**] approval procedures.

Instructor Contact:

Distance Education: Each section of the course that is delivered through distance education will include regular effective contact between instructor and students, as well as among students, either synchronously or asynchronously, through group or individual meetings, orientation and review sessions, supplemental seminar or study sessions, field trips, library workshops, telephone contact, voice mail, e-mail, or other activities.

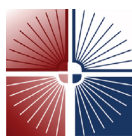
Correspondence Education: Each section of a course conducted through correspondence education will be established through a cycle of assignment submissions and comprehensive, responsive feedback, as determined by [**local practice - designate authority, e.g. faculty, curriculum committee**]. Instructors will be responsible for ensuring that each student will receive ongoing support toward making meaningful academic progress.

Students who participate in correspondence education will have access to student support services, including counseling, library searches, research assistance, and tutoring or other learning support through mail, email, telephone or in-person contact, as determined by [**local practice - designate authority, e.g. faculty, curriculum committee**].

Addendum to Course Outline: An addendum to the official course outline of record shall be made if any portion of the instruction of a new or existing course is provided through distance or correspondence education. The addendum must be approved according to the District's curriculum approval procedures. The addendum **must** address the following:

- How course outcomes will be achieved in a distance or correspondence education mode;
- For distance education, how the portion of instruction delivered via distance education provides regular and effective contact between instructors and students;
- For correspondence education, how the portion of instruction delivered via correspondence education documents and facilitates learning progression through a cycle of assignment submissions and feedback; and,

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- How the portion of instruction delivered via distance education meets the requirements of the Americans with Disabilities Act (ADA) and Section 508 of the Rehabilitation Act of 1973.

Duration of Approval: All distance and correspondence education courses approved under this procedure will continue to be in effect unless there are substantive changes of the course outline.

Faculty Selection and Workload: Instructors of course sections delivered through distance or correspondence education will be selected using the District or college's same procedures for determining other instructional assignments.

Correspondence Education Students: A student is considered to be "enrolled in correspondence courses" if correspondence courses constitute 50 percent or more of the courses in which the student is enrolled during a financial aid award year.

In order for a correspondence education student to be considered a full-time student at the District, at least one-half of the student's coursework must be made up of non-correspondence coursework that meets one-half of the District's requirement for full-time students.

NOTE: Insert local practice here; provisions may include:

- For a program that measures progress in credit hours and uses standard terms (semesters, trimesters, or quarters), 12 semester hours or 12 quarter hours per academic term.
- For a program that measures progress in credit hours and does not use terms, 24 semester hours or 36 quarter hours over the weeks of instructional time in the academic year, or the prorated equivalent if the program is less than one academic year.
- For a program that measures progress in credit hours and uses nonstandard-terms (terms other than semesters, trimesters, or quarters) the number of credits determined by,
 - (1) Dividing the number of weeks of instructional time in the term by the number of weeks of instructional time in the program's academic year; and
 - (2) Multiplying the fraction determined under paragraph (3)(A) of this definition by the number of credit hours in the program's academic year.
- For a program that measures progress in clock hours, 24 clock hours per week. A "clock hour" for correspondence education purposes is defined as sixty (60) minutes of preparation in a correspondence course.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- A series of courses or seminars that equals 12 semester hours or 12 quarter hours in a maximum of 18 weeks.
- The work portion of a cooperative education program in which the amount of work performed is equivalent to the academic workload of a full-time student.

Revised 7/02, 8/03, 8/06, 8/07, 2/08, 7/11, 4/15, 4/17, 10/19, 10/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 4230 Grading and Academic Record Symbols

References:

Title 5 Sections [55051](#), [55052](#), [55052.5](#), 55023, and 55024

NOTE: *This procedure is legally required. Local practice may be inserted, but it must comply with Title 5.*

Grades from a grading system shall be averaged on the basis of the point equivalencies to determine a student's grade point average using only the following evaluative symbols:

Evaluative Symbols:

A – Excellent (Grade Point = 4)

B – Good (Grade Point = 3)

C – Satisfactory (Grade Point = 2)

D – Less than satisfactory (Grade Point = 1)

F – Failing (Grade Point = 0)

P – Passing (At least satisfactory – units awarded not counted in GPA)

NP – No Pass (Less than satisfactory, or failing – units not counted in GPA)

SP – Satisfactory Progress toward completion of the course (Used for noncredit courses only and is not supplanted by any other symbol)

NOTE: *Districts that have adopted “plus-minus” grades would insert those grades. If pluses and minuses are used, the grade point value of a plus shall be computed by adding 0.3 to the value assigned to the letter grade with which it is combined, and the grade point value of a minus shall be computed by subtracting 0.3 from the value assigned to the letter grade with which it is combined, except that no grade point value shall be less than 0 or greater than 4.0.*

NOTE: *Districts that have adopted the “FW” grade symbol (unofficial withdrawal) would insert that symbol under the list of evaluative symbols. The “FW” symbol may not be used if a student has qualified for and been granted a military withdrawal. If “FW” is used, its grade point value is 0.*

Non-Evaluative Symbols:

I – Incomplete: Incomplete academic work for unforeseeable, emergency and justifiable reasons. The condition for the removal of the “I” shall be stated by the instructor in a written record. The record shall contain the conditions for the removal of the “I” and the grade assigned in lieu of its removal. The record must be given to the student with a copy on file with the registrar until the “I” is made up or the time limit has passed. A final grade

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

shall be assigned when the work stipulated has been completed and evaluated, or when the time limit for completing the work has passed. The “I” may be made up no later than one year following the end of the term in which it was assigned. The “I” symbol shall not be used in calculating units attempted nor for grade points.

IP – In Progress: The “IP” symbol shall be used only in courses which extend beyond the normal end of an academic term. It indicates that work is “in progress,” but that assignment of an evaluative symbol (grade) must await its completion. The “IP” symbol shall remain on the student’s permanent record in order to satisfy enrollment documentation. The appropriate evaluative symbol (grade) and unit credit shall be assigned and appear on the student’s permanent record for the term in which the course is completed. The “IP” symbol shall not be used in calculating grade point averages. If a student enrolled in an “open-entry, open-exit” course is assigned an “IP” and does not re-enroll in that course during the subsequent term, the appropriate faculty will assign an evaluation symbol (grade) to be recorded on the student’s permanent record for the course.

RD – Report Delayed: The “RD” symbol may be assigned by the registrar only. It is to be used when there is a delay in reporting the grade of a student due to circumstances beyond the control of the student. It is a temporary notation to be replaced by a permanent symbol as soon as possible. “RD” shall not be used in calculating grade point averages.

W – Withdrawal: The “W” symbol may be used to denote withdrawal in accordance with the requirements of Title 5 Section 55024.

MW – Military Withdrawal: The “MW” symbol may be used to denote military withdrawal in accordance with Title 5 Section 55024.

EW – Excused Withdrawal: The “EW” symbol may be used to denote withdrawal in accordance with Title 5 Section 55024.

[Symbol] – Credit for Prior Learning: The “[Symbol]” symbol may be used to denote credit earned through successful completion of an International Baccalaureate examination, College Level Examination Program examination, Advanced Placement examination, or another experience, examination or assessment of prior learning, if the District determines that such prior learning satisfies the District’s standards for measuring competencies comparable to those achieved in baccalaureate or general education level courses. Standards for satisfactory completion of a prior learning experience, examination or assessment will be approved by the faculty in the appropriate discipline for which prior learning credit is earned.

Revised 9/01, 8/07, 4/17, 4/18, 10/18, 10/21

Disclaimer: *This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 4235 Credit for Prior Learning

References:

Education Code Section 79500;

Title 5 Sections 55050, 55051, ~~and 55052~~, and 55052.5

NOTE: *This procedure is **suggested as good practice/optional**, but it is **legally advised** if the Board adopts a policy to allow credit for prior learning. A District must publish its policies pertaining to credit for prior learning in its college catalog. A District must also review its credit for prior learning policy every three years and report particular findings specified in Title 5 Section 55050 subdivision (l) to the California Community Colleges Chancellor's Office. Additionally, a District must certify to the California Community Colleges Chancellor's Office by December 31, 2020 that it has complied with the requirements of Title 5 Section 55050.*

Credit for Prior Learning may be obtained by one of the following methods: *(Colleges must determine appropriate methods. Colleges must award prior credit for satisfactory completion of International Baccalaureate and College Level Examination Program examinations. Colleges may award credit for other forms of prior learning, with some ~~The following are common practices listed below.~~*)

- Achievement of a score of [**3 or higher**] on an Advanced Placement Examination administered by the College Entrance Examination Board.
- Achievement of a score that qualifies for credit by ~~examination in the~~ College Level Examination Program examination.
- Achievement of a score that qualifies for credit by International Baccalaureate examination.
- Credit by satisfactory completion of an examination administered by the college in lieu of completion of a course listed in the college catalog.
- Achievement of an examination administered by other agencies approved by the college.
- Assessment approved or conducted by proper authorities of the college.

Credit may be awarded for prior experience or prior learning only for individually identified courses with subject matter similar to that of the individual's prior learning, and only for a course listed in the catalog of the community college. Award of credit may be made to electives for students who do not require additional general education or program credits to meet their goals.

Determination of Eligibility to Receive Credit by Examination:

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- The student must be currently registered in the college and in good standing,
- The course is listed in the college catalog,
- Credits acquired by examination are not applicable to meeting of such unit load requirements as Selective Service deferment, Veteran's or Social Security benefits.

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

NOTE: *Additional local procedures may be inserted, which **must** include:*

- Procedures for students to attain credit for prior learning that includes credit by examination, evaluation of Joint Services Transcripts, evaluation of student-created portfolios, evaluation of industry-recognized documentation, and standardized exams.
- The student's academic record clearly indicates that the credit was earned by assessment of prior learning.
- Limits on the number of units that may be applied to the Associate degree.
- Other limits on student and course eligibility for credit by examination.
- Procedures that require that a student, upon completion of his/her/their educational plan pursuant to Education Code Section 78212, shall be referred to the college's appropriate authority for assessment of prior learning if the student is a veteran or an active-duty member of the armed forces, holds industry-recognized credentials, or requests credit for a course based on their prior learning.
- An opportunity for students to accept, decline or appeal decisions related to the award of credit, and in the cases of credit by exam, pursuant to Title 5 Sections 55021 and 55025.

Revised 2/08, 10/17, 4/20, 10/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 4236 Advanced Placement Credit

References:

Education Code Section 79500;
[Title 5 Section 55052](#)

NOTE: *This procedure is **legally required**.*

Any student who passes a College Board Advanced Placement (AP) examination with a minimum score of three in a subject matter will be awarded credit in a general education area with a subject matter similar to that of the AP examination.

NOTE: *Insert locally developed course-to-course awarding of AP credit made by the appropriate discipline faculty.*

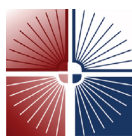
For any AP examination that the District does not offer a course similar in content, the District will award credit in the General Education area shown on the California Community College General Education AP List. If there is no General Education area that fits the AP Examination, the District may award elective credit.

[A student's academic record will be annotated to reflect credit earned through an AP examination.](#)

The District shall post its Advanced Placement Credit procedure on its Internet Web site.

New 10/17, Revised 10/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 5013 Students in the Military

References:

Education Code Sections 68074, 68075, 68075.5, and 68075.7;
Title 5 Sections 55023, 55024, 54041, 54042, 54050, and 58620;
Military and Veterans Code Section 824;
38 U.S. Code Section 3679

NOTE: *This procedure is **suggested as good practice/optional**. The following procedures may also be placed in other administrative procedures as appropriate, e.g., residence determination and grading and drop/add procedures.*

Residence Determinations for Military Personnel and Dependents

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

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

A veteran who was discharged or released from at least 90 days of active service ~~less than three years before the date of enrollment in a course,~~ commencing on or after July 1, 2015, and his/her/their dependents, regardless of the veteran's state of residence is entitled to resident classification.

An individual who is the child or spouse of a person who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces who resides in California is entitled to resident classification.

An individual who is entitled to transferred Post-9/11 GI Bill program benefits by virtue of their relationship to a member of the uniformed services who is serving on active duty is entitled to resident classification.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

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

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

Withdrawal Processes for Members of the Military

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

NOTE: *Districts may reference or include local administrative procedures regarding how such a student would withdraw.*

Revised 8/06, 8/07, 7/11, 3/12, 11/14, 10/15, 10/17, 4/18, 3/19, 10/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 5015 Residence Determination

References:

Education Code Sections 68000 et seq., 68130.5, 68074-68075.7, and 68086;
Title 5 Sections 54000 et seq.;
38 U.S. Code Section 3679

NOTE: *This procedure is **legally required**. Districts may insert their local practices. The following is provided as an illustrative example.*

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

- A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.
- Residence classification is the responsibility of the [**designate, such as Admissions Office**].

Students must be notified of residence determination within 14 calendar days of submission of application.

A student seeking to enroll exclusively in career development and college preparation courses, and other courses for which no credit is given, shall not be subject to this residency classification requirement.

The District shall publish the residence determination date and summary of the rules and regulations governing residence determination and classification in the District catalog or addenda thereto.

Rules Determining Residence

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

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

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

- Every person who is married or 18 years of age, or older, and under no legal disability to do so, may establish residence.
- A person may have only one residence.
- A residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose and to which one returns in seasons of repose.
- A residence cannot be lost until another is gained.
- The residence can be changed only by the union of act and intent.
- A man or a woman may establish his/her/their residence. A woman's residence shall not be derivative from that of her husband.
- The residence of the parent with whom an unmarried minor child maintains his/her/their place of abode is the residence of the unmarried minor child. When the minor lives with neither parent, the minor's residence is that of the parent with whom the last place of abode was maintained, provided the minor may establish his/her/their residence when both parents are deceased and a legal guardian has not been appointed.
- The residence of an unmarried minor who has a parent living cannot be changed by the minor's own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.

Determination of Resident Status

A resident is a student who has been a bona fide resident of the state for one year prior to the residence determination date. A bona fide resident is a person whose residence is in California as determined above except:

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

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- A student who is a minor and who provides evidence of being entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date with the intention of acquiring a residence therein, shall be entitled resident classification until he/she/they has resided in the state the minimum time necessary to become a resident.
- A student who has not been an adult for one year immediately preceding the residence determination date for the semester for which the student proposes to attend an institution shall have the immediate pre-majority-derived California residence, if any, added to the post-majority residence to obtain the one year of California residence.
- A student holding a valid credential authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the college year in which the student enrolls in an institution, shall be entitled to resident classification if each student meets any of the following requirements:
 - He/she/they holds a provisional credential and is enrolled in courses necessary to obtain another type of credential authorizing service in the public schools.
 - He/she/they holds a credential issued pursuant to Education Code Section 44250 and is enrolled in courses necessary to fulfill credential requirements.
 - He/she/they is enrolled in courses necessary to fulfill the requirements for a fifth year of education prescribed by subdivision (b) of Education Code Section 44259.
 - A student holding a valid emergency permit authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the academic year in which the student enrolls at an institution in courses necessary to fulfill teacher credential requirements, is entitled to resident classification only for the purpose of determining the amount of tuition and fees for no more than one year. Thereafter, the student's residency status will be determined under the other provisions of this procedure.
- A student who is a full-time employee of the California State University, the University of California or a community college, or of any state agency or a student who is a child or spouse of a full-time employee of the California State University, the University of California or a community college, or of any state agency may be entitled to resident classification, until the student has resided in the state the minimum time necessary to become a resident.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty and is attendance at, or has been admitted to the District shall be entitled to resident classification. If the member of the armed forces of the United States later transfers on military orders to a place outside this state, or retires as an active member of the armed forces of the United States, the student dependent shall not lose his/her/their resident classification, so long as he/she/they remains continuously enrolled in the District.
- A student who is a member of the armed forces of the United States stationed in this state, except a member of the Armed Forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification only for the purpose of determining the amount of tuition and fees. If the student later transfers on military orders to a place outside this state, the student shall not lose his/her/their resident classification, so long as he/she/they remains continuously enrolled in the District.
- A veteran who was discharged or released from at least 90 days of active service, ~~less than three years before the date of enrollment in a course~~ commencing on or after July 1, 2015, and his/her/their dependents, regardless of the veteran's state of residence is entitled to resident classification.
- An individual who is the child or spouse of a person who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces who resides in California.
- An individual who is entitled to transferred Post-9/11 GI Bill program benefits by virtue of their relationship to a member of the uniformed services who is serving on active duty.
- A student who is a minor and resides with his/her/their parent in a district or territory not in a district shall be entitled to resident classification, provided that the parent has been domiciled in California for more than one year prior to the residence determination date for the semester, quarter or term for which the student proposes to attend.
- A student who is a Native American is entitled to resident classification for attendance at a community college if the student is also attending a school administered by the Bureau of Indian Affairs located within the community college district.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- A student who is a federal civil service employee and his/her/their natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.
- A student who resides in California and is 19 years of age or under at the time of enrollment, who is currently a dependent or ward of the state through California's child welfare system, or was served by California's child welfare system and is no longer being served either due to emancipation or aging out of the system, may be entitled to resident classification until he/she/they has resided in the state the minimum time necessary to become a resident.
- A student who lives with a parent who earns a livelihood primarily by performing agricultural labor for hire in California and other states, and the parent has performed such labor in this state for at least two months per year in each of the two preceding years, and the parent resides in this District and the parent of the student has claimed the student as a dependent on his/her/their state or federal personal income tax return if he/she/they has sufficient income to have personal income tax liability shall be entitled to resident classification.
- A student who demonstrates financial need, has a parent who has been deported or was permitted to depart voluntarily, moved abroad as a result of that deportation or voluntary departure, lived in California immediately before moving abroad, attended a public or private secondary school in the state for three or more years, and upon enrollment, will be in his/her/their first academic year as a matriculated student in California public higher education, will be living in California, and will file an affidavit with the District stating that he/she/they intends to establish residency in California as soon as possible.
- A student who has a special immigrant visa that has been granted status under Section 1244 of Public Law 110-181 or under Public Law 109-163, or is a refugee admitted to the United States under Section 1157 of Title 8 of the United States Code, and who, upon entering the United States, settled in California, shall be exempt from paying the nonresident tuition fee required by Education Code Section 76140 for the length of time he/she/they lives in this state up to the minimum time necessary to become a resident.

Right to Appeal – Students who have been classified as non-residents have the right to a review of their classification (Title 5 Section 54010 subdivision (a)). Any student, following a final decision of residence classification by the [**designate, such as Admission Office**], may make written appeal to the [**designate, such as Chief Student**

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Services Officer] within 30 calendar days of notification of final decision by the college regarding classification.

Appeal Procedure – The appeal is to be submitted to [**designate, such as Admissions Office**] which must forward it to the [**designate, such as Chief Student Services Officer**] within five working days of receipt. Copies of the original application for admission, the residency questionnaire, and evidence or documentation provided by the student, with a cover statement indicating upon what basis the residence classification decision was made, must be forwarded with the appeal.

The [**designate**] shall review all the records and have the right to request additional information from either the student or the Admissions Office.

Within 30 calendar days of receipt, the [**designate**] shall send a written determination to the student. The determination shall state specific facts on which the appeal decision was made.

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

Petitions are to be submitted to the Admissions Office.

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

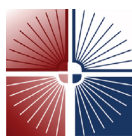
Written documentation may be required of the student in support of the reclassification request.

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

A student shall be considered financially independent for purposes of residence reclassification if the applicant meets **all** of the following requirements:

- Has not and will not be claimed as an exemption for state and federal tax purposes by his/her/their parent in the calendar year the reclassification application is made

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

and in any of the three calendar years prior to the year the reclassification application is made;

- Has not and will not receive more than seven-hundred fifty dollars (\$750) per year in financial assistance from his/her/their parent in the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification; and
- Has not lived and will not live for more than six weeks in the home of his/her/their parent during the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification application.

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

Failure to satisfy all of the financial independence criteria listed above does not necessarily result in denial of residence status if the one year requirement is met and demonstration of intent is sufficiently strong.

Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence than financial dependence in the preceding second and third calendar years. Financial dependence in the current or preceding calendar year shall be overcome only if (1) the parent on whom the student is dependent is a California resident, or (2) there is no evidence of the student's continuing residence in another state.

The [**designate**] will make a determination, based on the evidence and notify the student not later than [**insert number of days here – recommend 14 days**] days of receipt of the petition for reclassification.

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

Non-Citizens – The District will admit any non-citizen who is 18 years of age or a high school graduate.

If non-citizens are present in the United States illegally or with any type of temporary visa, they will be classified as non-residents and charged non-resident tuition unless they meet the exceptions contained below.

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

Any students who are U.S. citizens, permanent residents of the U.S., and aliens who are not nonimmigrants (including those who are undocumented), may be exempt from paying nonresident tuition if they meet one of the following requirements:

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- Total attendance of, or attainment of credits earned while in California equivalent to three or more years of full-time attendance or attainment of credits at any of the following: (a) California high schools; (b) California high schools established by the State Board of Education; (c) California adult schools established by either a county office of education, unified or high school district, or The Department of Corrections and Rehabilitation; (d) campuses of the California community colleges; or (e) a combination thereof; or
- Three or more years of full-time high school coursework in California, and a total of three or more years of attendance in California elementary schools, or a combination of California elementary and secondary schools.

Additionally, the following requirements must be met:

- Graduation from a California high school or attainment of the equivalent thereof; or completed an associate degree from a California Community College; or completed the minimum requirements at a California Community College, or fulfill the minimum transfer requirements established for the University of California or the California State University for students transferring from a campus of the California Community Colleges;
- Registration or enrollment in a course offered by any college in the District for any term commencing on or after January 1, 2002,
- Completion of a questionnaire form prescribed by the Chancellor of the California Community Colleges and furnished by the District of enrollment, verifying eligibility for this nonresident tuition exemption; and
- In the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her/their immigration status or will file an application as soon as he/she/they is eligible to do so.

Documents and information obtained in implementing this exemption are confidential.

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

Revised 2/02, 2/11, 3/12, 11/14, 4/15, 10/15, 10/17, 4/18, 3/19, 10/19, 4/21, 10/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 5040 Student Records, Directory Information, and Privacy

References:

Education Code Sections 66093.3 and 76200 et seq.;
Title 5 Sections 54600 et seq. and 59410;
Civil Code Sections 1788.90 et seq. and 1798.85;
[120 U.S. Code Section 503](#);
20 U.S. Code Section 1232g subdivision (j) (U.S. Patriot Act);
ACCJC Accreditation Standard II.C.8

NOTE: *This procedure is **legally required**. Local practice may be inserted. Definitions of “student records” are contained in Education Code Section 76210. The following is an illustrative example that meets legal requirements.*

A cumulative record of enrollment, scholarship, and educational progress shall be kept for each student.

NOTE: *The following section on “Collection and Retention of Student Information” is the model language provided by the Office of the California Attorney General. Districts must adopt this language or locally created equivalent language to comply with Education Code Section 66093.3 subdivision (h).*

Collection and Retention of Student Information

The District shall treat all students equitably in the receipt of all school services, including, but not limited to, the gathering of student and family information for the institution’s benefit programs.

The [**department**] shall maintain in writing District policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.

The District will provide students and families with annual notice, at the beginning of each school year, of institutional policies for student privacy and the abilities of parents or eligible students to inspect student information.

The District will provide students an opportunity to opt out of disclosure of directory information. Notices must describe the following:

- The kind of information that the school has identified as directory information;

Disclaimer: *This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- The eligible student's ability to refuse to let the school designate the information as directory information, which could be disclosed to outside entities;
- The period of time in which the eligible student has to notify the school in writing that he/she/they does not want the information designated as directory information; and
- That opting out by the noted deadline is the students' only way to prevent the release of directory information.

Any sensitive information, such as a student's, parent's, or guardian's SSN, any AB 540 determinations, or citizenship status information collected by the District or disclosed by the student, should be maintained only for as long as necessary.

If the District possesses information that could indicate immigration status or citizenship status, the District shall not consider the acquired information in admissions decisions or access to educational courses or degree programs.

Students may elect not to provide immigration or citizenship status information to the institution, and this election shall not impede admissions or enrollment in educational programs.

The District shall not create a list of student names linked with immigration status.

District police or security departments shall not inquire into an individual's immigration status for immigration enforcement purposes.

District police or security departments shall not aid any effort to create a registry containing individuals' country of birth or based on any other protected characteristics of victims, witnesses, or suspects of crimes unless required by law for specified purposes.

Release of Student Records: No instructor, official, employee, or Board of Trustees member shall authorize access to student records to any person except under the following circumstances:

- Student records shall be released pursuant to a student's written consent. **[Insert local procedure on obtaining consent or student request]**.
- "Directory information" may be released in accordance with the definitions in Board Policy [**insert local board policy number**].
- [**Insert local procedure for releasing "directory information."**]
- Student records shall be released pursuant to a judicial order or a lawfully issued subpoena. [**Insert local procedure on receiving orders or subpoenas, including definitions of lawfully issued subpoena**]

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- Student records shall be released pursuant to a federal judicial order that has been issued regarding an investigation or prosecution of an offense concerning an investigation or prosecution of terrorism.
- Student records may be released to officials and employees of the District only when they have a legitimate educational interest to inspect the record. **[Insert local procedure on release of records to District officials and employees.]**

Student records may be released to authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, state education officials, or their respective designees or the United States Office of Civil Rights, where that information is necessary to audit or evaluate a state or federally supported educational program or pursuant to federal or state law. Exceptions are that when the collection of personally identifiable information is specifically authorized by federal law, any data collected by those officials shall be protected in a manner that will not permit the personal identification of students or their parents by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for that audit, evaluation, and enforcement of federal legal requirements. **[Insert local procedures or who is responsible for providing such information and defining procedure.]**

Student records may be released to officials of other public or private schools or school systems, including local, county, or state correctional facilities where education programs are provided, where the student seeks or intends to enroll or is directed to enroll. The release is subject to the conditions in Education Code Section 76225. **[Insert local procedures or who is responsible for providing such information and defining procedure.]**

Student records may be released to agencies or organizations in connection with a student's application for, or receipt of, financial aid, provided that information permitting the personal identification of those students may be disclosed only as may be necessary for those purposes as to financial aid, to determine the amount of the financial aid, or conditions that will be imposed regarding financial aid, or to enforce the terms or conditions of financial aid. **[Insert local procedures or who is responsible for providing such information and defining procedures.]**

Student records may be released to organizations conducting studies for, or on behalf of, accrediting organizations, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering financial aid programs, and improving instruction, if those studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of those organizations and the information will be destroyed when no longer needed for the purpose for which it is conducted. **[Insert local procedures or who is responsible for providing such information and defining procedure.]**

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Student records may be released to appropriate persons in connection with an emergency if the knowledge of that information is necessary to protect the health or safety of a student or other persons, subject to applicable federal or state law. [**Insert local procedures or who is responsible for providing such information and defining procedure.**]

The following information shall be released to the federal military for the purposes of federal military recruitment: student names, addresses, electronic mail addresses, telephone listings, dates, and places of birth, levels of education, major(s), degrees received, prior military experience, or the most recent previous educational institutions enrolled in by the students.

NOTE: *The following section on “Access to Student Records for Immigration Enforcement Purposes” is the model language provided by the Office of the California Attorney General. Districts must adopt this language or locally created equivalent language to comply with Education Code Section 66093.3 subdivision (h).*

Access to Student Records for Immigration Enforcement Purposes

The District must obtain a student’s written consent before disclosing educational records, unless the information is relevant for a legitimate educational interest or includes directory information only. Neither exception permits disclosing information for immigration enforcement purposes; no student information shall be disclosed for immigration enforcement purposes without a court order or judicial warrant. Without a court order or a judicial warrant, written consent must be signed and dated by the student, or (if the student is a minor) by the student’s parent(s) or guardian(s), before disclosure of the information, and must specify the records that may be disclosed, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made.

If desired by the student, the District must provide a copy of the records to be released. The party to whom the information is disclosed may not re-disclose the information to any other party without the prior consent of the student or subsequent court order.

District personnel shall develop a written policy for interactions with immigration authorities seeking to review student records. At minimum, such policies shall include the following information:

- Contact information [**name, title, e-mail addresses, and phone numbers**] for the correct person to review and respond to a request for student records.
- Access to sample warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest students or other individuals on campus.

Disclaimer: *This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- District personnel shall provide a set of responses for [**building personnel or residence hall staff**] to use in response to officers seeking access to records for immigration enforcement purposes.

In addition to notifying the [**designated campus official**], District personnel shall take the following action steps in response to an officer other than campus police requesting access to student records:

1. Ask for the officer's name, identification number, and agency affiliation;
2. Record or copy this information;
3. Ask for a copy of any warrants;
4. Inform the officer that you are not obstructing his/her/their efforts but that you need to contact a campus administrator or campus counsel for assistance.

Campus [**police or security**] shall not provide personal information about an individual for immigration enforcement purposes, unless that information is publicly available, or required by a court order or judicial warrant. "Personal information" is defined as any information that identifies or describes an individual, and includes but is not limited to, a student's physical description, home or work address, telephone number, education, financial matters, medical or employment history, and statements made by, or attributed to, the individual. This restriction does not apply to information regarding the immigration or citizenship status of an individual.

Unless the District is served with a judicial subpoena or court order that by its terms prohibits disclosure to the student, the student must be notified of any judicial order or subpoena before the institution complies with the order in accordance with FERPA.

Charge for Transcripts or Verifications of Student Records: A student/former student shall be entitled to two free copies of the transcript of his/her/their record or to two free verifications of various student records. Additional copies shall be made available to the student, or to an addressee designated by him/her/them, at the rate of [**\$ insert amount**] per copy. Students may request special processing of a transcript. The District will not refuse to provide a transcript for a current or former student on the grounds that the student owes a debt; condition the provision of a transcript on the payment of a debt, other than a fee charged to provide the transcript; charge a higher fee for obtaining a transcript, or provide less favorable treatment of a transcript request because a student owes a debt; or use transcript issuance as a tool for debt collection.

Electronic Transcripts

The District may elect to implement a process for the receipt and transmission of electronic student transcripts contingent upon receipt of sufficient funding.

Use of Social Security Numbers

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

The District shall not do any of the following:

- Publicly post or publicly display an individual's social security number;
- Print an individual's social security number on a card required to access products or services;
- Require an individual to transmit his/her/their social security number over the internet using a connection that is not secured or encrypted;
- Require an individual to use his/her/their social security number to access an Internet Web site without also requiring a password or unique personal identification number or other authentication device; or
- Print, in whole or in part, an individual's social security number that is visible on any materials that are mailed to the individual, except those materials used for:
 - Application or enrollment purposes;
 - To establish, amend, or terminate an account, contract, or policy; or
 - To confirm the accuracy of the social security number.

If the District has, prior to January 1, 2004, used an individual's social security number in a manner inconsistent with the above restrictions, it may continue using that individual's social security number in that same manner only if:

- The use of the social security number is continuous;
- The individual is provided an annual disclosure that informs the individual that he/she/they has the right to stop the use of his/her/their social security number in a manner otherwise prohibited;
- The District agrees to stop the use of an individual's social security number in a manner otherwise prohibited upon a written request by that individual;
- No fee shall be charged for implementing this request; and the District shall not deny services to an individual for making such a request.

Revised 2/04, 2/08, 3/12, 4/14, 4/15, 10/17, 3/19, 4/20, 10/20, 10/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 5530 Student Rights and Grievances

References:

Education Code Section 76224 subdivision (a);
ACCJC Accreditation Eligibility Requirement 20;
ACCJC Accreditation Standard IV.D

NOTE: *This procedure is **legally advised**. Local practice may be inserted. The following is an illustrative example.*

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances.

Grievance: A claim by any student who reasonably believes a college decision or action has adversely affected his/her/their status, rights, or privileges as a student. A Grievance includes, but is not limited to, claims regarding:

- Financial aid [**unless the District's financial aid policy contains an appeal procedure**];
- Course grades, to the extent permitted by Education Code Section 76224 subdivision (a), which provides: "When grades are given for any course of instruction taught in a community college district, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final." "Mistake" may include, but is not limited to errors made by an instructor in calculating a student's grade and clerical errors;
- The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.

A Grievance is **not**:

- Student disciplinary actions, which are covered under separate board policies and administrative procedures.
- Police citations (i.e. "tickets"); complaints about citations must be directed to the County Courthouse in the same way as any traffic violation.

Grievant – A student who has filed a Grievance.

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 or the College Grievance Officer.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

[**CEO**] – The [**CEO**] or a designated representative of the [**CEO**].

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 subdivision (a).

Respondent – Any person the Grievant claims to be responsible for the alleged Grievance.

Day – Unless otherwise provided, day shall mean a day during which the college is in session and regular classes are held, excluding Saturdays and Sundays.

Informal Resolution – 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, and shall attempt to solve the problem with the person with whom the student has the Grievance, that person's immediate supervisor, or the local college administration.

The [**CEO**] shall appoint an employee who shall assist students in seeking resolution by informal means. This person shall be called the Grievance Officer. The Grievance Officer and the student may also seek the assistance of the Associated Student Organization in attempting to resolve a Grievance informally.

Informal meetings and discussion between persons directly involved in a Grievance are essential at the outset of a dispute and should be encouraged at all stages. An equitable solution should be sought before persons directly involved in the case have stated official or public positions that might tend to polarize the dispute and render a solution more difficult. At no time shall any of the persons directly or indirectly involved in the case use the fact of such informal discussion, the fact that a Grievance has been filed, or the character of the informal discussion for the purpose of strengthening the case for or against persons directly involved in the dispute or for any purpose other than the settlement of the Grievance.

Any student who believes he/she/they has a Grievance shall file a Statement of Grievance with the Grievance Officer within [**number**] days of the incident on which the Grievance is based, or [**number**] days after the student learns of the basis for the Grievance, whichever is later. The Statement of Grievance must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the Grievance to become official. Within two days following receipt of the Statement of Grievance Form, the Grievance Officer shall advise the student of his/her/their rights and responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance form.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

If at the end of [**number**] days following the student's first meeting with the Grievance Officer, there is no informal resolution of the complaint which is satisfactory to the student, the student shall have the right to request a Grievance hearing.

NOTE: *The following language is optional.*

Grievance Hearing Committee: The [**CEO**] shall at the beginning of each semester or summer session, establish a standing panel of [**number**] members of the college community, including [**number**] students, [**number**] faculty members and [**number**] administrators, from which one or more Grievance Hearing Committees may be appointed. The panel will be established with the advice and assistance of the Associated Students Organization and the Academic Senate, who shall each submit [**number**] names to the [**CEO**] for inclusion on the panel. A Grievance Hearing Committee shall be constituted in accordance with the following:

- It shall include [**number**] students, [**number**] faculty members, and [**number**] college administrator selected from the panel described above.
- No person shall serve as a member of a Grievance Hearing Committee if that person has been personally involved in any matter giving rise to the Grievance, has made any statement on the matters at issue, or could otherwise not act in a neutral manner. Any Party to the Grievance may challenge for cause any member of the hearing committee prior to the beginning of the hearing by addressing a challenge to the [**CEO**] who shall determine whether cause for disqualification has been shown. If the [**CEO**] feels that sufficient ground for removal of a member of the committee has been presented, the [**CEO**] shall remove the challenged member or members and substitute a member or members from the panel described above. This determination is subject to appeal as defined below.
- The Grievance Officer shall sit with the Grievance Hearing Committee but shall not serve as a member nor vote. The Grievance Officer shall coordinate all scheduling of hearings, shall serve to assist all Parties and the Hearing Committee to facilitate a full, fair, and efficient resolution of the Grievance, and shall avoid an adversary role.

Request for Grievance Hearing – Any request for a Grievance hearing shall be filed on a Request for a Grievance Hearing Form within [**number**] days after filing the Statement of Grievance as described above.

Within [**number**] days following receipt of the request for Grievance hearing, the [**CEO**] shall appoint a Grievance Hearing Committee as described above, and the Grievance Hearing Committee shall meet in private and without the Parties present to select a chair and to determine on the basis of the Statement of Grievance whether it presents sufficient grounds for a hearing.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

The determination of whether the Statement of Grievance presents sufficient grounds for a hearing shall be based on the following:

- The statement contains facts which, if true, would constitute a Grievance under these procedures;
- The Grievant is a student as defined in these procedures, which include applicants and former students;
- The Grievant is personally and directly affected by the alleged Grievance;
- The Grievance was filed in a timely manner;
- The Grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment.

If the Grievance does not meet each of the requirements, the Grievance Hearing Committee chair shall notify the student in writing of the rejection of the Request for a Grievance Hearing, together with the specific reasons for the rejection and the procedures for appeal. This notice will be provided within [**number**] days of the date the Grievance Hearing Committee makes its decision.

If the Request for Grievance Hearing satisfies each of the requirements, the College Grievance Officer shall schedule a Grievance hearing. The hearing will begin within [**number**] days following the decision to grant a Grievance Hearing. All Parties to the Grievance shall be given not less than [**number**] days' notice of the date, time and place of the hearing.

NOTE: *A hearing must comply with principles of due process, including the right to confront and cross-examine witnesses. The following procedural language is **legally advised**.*

Hearing Procedure

The decision of the Grievance Hearing Committee chair shall be final on all matters relating to the conduct of the hearing unless there is a vote of a majority of the other members of the panel to the contrary.

The Grievance Officer will provide members of the Grievance Hearing Committee with a copy of the Grievance and any written response provided by the Respondent before the hearing begins.

Each Party to the Grievance may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

Unless the Grievance Hearing Committee determines to proceed otherwise, each Party to the Grievance shall be permitted to make an opening statement. Thereafter, the

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Grievant or Grievants shall make the first presentation, followed by the Respondent or Respondents. The Grievant may present rebuttal evidence after the Respondent(s)' evidence. The burden shall be on the Grievant or Grievants to prove by substantial evidence that the facts alleged are true and that a Grievance has been established as specified above.

Each Party to the Grievance may represent himself/herself/themself, and may also have the right to be represented by a person of his/her/their choice; except that a Party shall not be represented by an attorney unless, in the judgment of the Grievance Hearing Committee, complex legal issues are involved. If a Party wishes to be represented by an attorney, a request must be presented not less than [**number**] days prior to the date of the hearing. If one Party is permitted to be represented by an attorney, any other Party shall have the right to be represented by an attorney. The hearing committee may also request legal assistance through the [**CEO**]. Any legal advisor provided to the hearing committee 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.

Hearings shall be closed and confidential unless all Parties request that it be open to the public. Any such request must be made no less than [**number**] days prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all Parties and the committee agree to the contrary.

The Grievance Officer will record the hearing by tape recording or stenographic recording, and this will 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 Grievance Hearing Committee Chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. The tape recording shall remain in the custody of the District, either at the college or the District office, at all times, unless released to a professional transcribing service. Any Party may request a copy of the tape recording.

All witnesses must testify under oath; the Grievance Hearing Committee Chair will administer the oath. The Grievance Hearing Committee will only admit written statements of witnesses under penalty of perjury if the witness is unavailable to testify. A witness who refuses to be tape-recorded shall be considered to be unavailable.

Within [**number**] days following the close of the hearing, the Grievance Hearing Committee shall prepare and send to the [**CEO**] a written decision. The decision shall include specific factual findings regarding the Grievance and shall include specific conclusions regarding whether the hearing established a Grievance as defined above. The decision shall also include a specific recommendation regarding the relief for the Grievant, if any. The Grievance Hearing Committee will base its decision only on the

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

record of the hearing, and not on matter outside of that record. The record consists of the original Grievance, any written response, and the oral and written evidence produced at the hearing.

Appeal: Any appeal relating of a Grievance Hearing Committee decision that the Statement of Grievance does not present a Grievance as defined in these procedures shall be made in writing to the [**CEO**] within [**number**] days of that decision. The [**CEO**] shall review the Statement of Grievance and Request for Grievance Hearing in accordance with the requirements for a Grievance provided in these procedures, but shall not consider any other matters. The [**CEO**]'s decision whether or not to grant a Grievance hearing shall be final and not subject to further appeal.

[**CEO**]'s Decision

Within [**number**] days following receipt of the Grievance Hearing Committee's decision and recommendation(s), the [**CEO**] shall send to all Parties his/her/their written decision, together with the Hearing Committee's decision and recommendations. The [**CEO**] may accept or reject the findings, decisions, and recommendations of the Hearing Committee. The factual findings of the Hearing Committee shall be accorded great weight; and if the [**CEO**] does not accept the decision or a finding or recommendation of the Hearing Committee, the [**CEO**] shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the [**CEO**] shall be final.

Time Limits

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

Revised 8/07, 4/15, 10/17, 4/20, 7/20, 4/21, 10/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 5700 Intercollegiate Athletics

References:

Education Code Sections 66271.6, 66271.8, 67360 et seq., [67456](#), and 78223;
[20 U.S. Code Sections 1681 et seq., Title IX, Education Amendments of 1972](#);
ACCJC Accreditation Standard II.C.4;
[Community College Athletic Association \(CCCAA\) Constitution and CCCAA Bylaws](#)

NOTE: *This procedure is **legally advised**. Local practice may be inserted here. Rules for participation in intercollegiate athletics should be developed in accordance with Education Code Sections 67360 et seq. [and 67456](#) and BP 5700, which states that the District shall comply with rules and regulations adopted by voluntary associations, one of whose purposes is to govern intercollegiate athletics (e.g. the California Community College Athletic Association (CCCAA)).*

The authority for developing, implementing and monitoring these procedures should be stated, and should reference appropriate assistance required from the Academic Senate.

Athletic Drug Testing

NOTE: *Athletic Drug Testing is not mandated. If the District wishes to consider such a procedure, it may contact the League for sample language.*

Name, Image, Likeness, and Athletic Reputation

Prospective Student Athlete: The District will not provide a prospective student athlete with compensation in relation to the athlete's name, image, likeness, or athletic reputation.

Student Athletes: The District will not prevent a student participating in intercollegiate athletics from either earning compensation as a result of the use of the student athlete's name, image, likeness, or athletic reputation, or from obtaining professional representation by duly licensed athletic agents or attorneys. However, a student athlete may not enter into a contract that provides compensation to the student athlete for their name, image, likeness, or athletic reputation if the contract conflicts with a provision of the student athlete's team contract.

A student who enters into a contract providing compensation for use of the student's name, image, likeness, or athletic reputation must disclose the contract to [**Official to be designated by District, e.g. athletic director/dean**]. If the District determines that a conflict between the student athlete's contract and the student athlete's team contract, the [**Official to be designated by District, e.g. athletic director/dean**] will disclose

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

the conflict to the student or student's legal representative, if any, and identify the contractual provisions that conflict.

Any team contract entered into, modified or renewed on or after September 1, 2021 will not prevent a student athlete from using their name, image, likeness, or athletic reputation for a commercial purpose when the athlete is not engaged in official team activities.

A student athlete's scholarship eligibility will not be impacted as a result of the student earning compensation for their name, image, likeness, or athletic reputation.

The District will not revoke a student-athlete's scholarship that provides the student-athlete with the cost of attendance as a result of the student athlete earning compensation or obtaining legal representation in accordance with state law.

Revised 2/04, 2/07, 6/13, 4/15, 10/20, 10/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 6340 Bids and Contracts

References:

Education Code Sections 81641 et seq.;

Public Contract Code Sections 2600, 2600.5, 20103.7, 20112, 20650 et seq., and 22000 et seq.;

Labor Code Sections 1770 et seq.;

Government Code Section 53060;

ACCJC Accreditation Standard III.D.16;

2 Code of Federal Regulations Part 200.318;

[Title 5 Sections 59130 et seq.](#)

NOTE: *Procedures on bids and contracting are **legally required**. Local practice may be inserted. The following is typical and complies with the legal requirements. However, please note that districts which, by proper resolution and notification to the Controller, have elected to adopt the Uniform Public Construction Cost Accounting Act (UPCCAA), are subject to an alternative set of procedures, described in detail in Public Contract Code Sections 22000 et seq. (See AP 6345 which is the Bids and Contracts Option using UPCCAA)*

Limits

Bids or quotations shall be secured as may be necessary to obtain the lowest possible prices as follows:

- Purchase of goods or services up to the [**limits set out in the Public Contract Code**] will require documented quotes.
- Purchase of goods or services in excess of the [**limits set out in the Public Contract Code**] will require formal advertised bids.

In securing bids or quotations, the District will avoid acquisition of unnecessary or duplicative items. Contracts involving expenditures that require competitive bidding require approval by the Board of Trustees prior to award.

NOTE: *The bid minimums are annually readjusted by the Board of Governors as required by Public Contract Code Section 20651 subdivision (d); effective the 1/1/2118, the adjustment increased the minimum for materials or supplies to \$972,600. The current bid minimum can be found on the CCCCO website. -at- <https://www.cde.ca.gov/fg/ac/co/> <https://www.cde.ca.gov/fg/ac/co/bidthreshold2019.asp>*

Bid Specifications

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Bid specifications shall include a definite, complete statement of what is required and, insofar as practical, shall include pertinent details of size, composition, construction, and/or texture of what is specified, and minimum standards of efficiency, durability, and/or utility required of what is specified. Additionally, when the use of a skilled and trained workforce to complete a contract or project is required, the bid documents and construction contracts shall state that the project is subject to the skilled and trained workforce requirement.

Notice Calling for Formal Advertised Bids

The District shall publish at least once a week for two weeks in a newspaper of general circulation published within the District or if there is no such paper, then in some newspaper of general circulation, circulated in the county, [**and may post on the District's web site or through an electronic portal,**] a notice calling for bids or proposals, stating the work to be done or materials or supplies to be furnished and the time and place when bids will be opened. The District may accept a bid that was submitted either electronically or on paper.

Bid and contract forms shall be prepared and maintained by [**insert designated office or position**]. All applicable statutory provisions and board policies shall be observed in preparation of the forms.

The [**insert designated position**] shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.

All bid notices for work to be done shall contain an affirmative statement requiring compliance with Labor Code Sections 1775 and 1776 governing payment of prevailing wages and Labor Code Section 1777.5 governing employment of apprentices. All bid submissions shall contain all documents necessary to assure compliance with these California Labor Code Sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

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

[**Designate position or office**] shall make available to the prospective bidders bid forms with sets of specifications and drawings and shall provide a convenient place where bidders, subcontractors, and materiel personnel may examine the specifications and drawings.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

[**Designate position or office**] shall provide an electronic copy of the plans and specifications and other contract documents to a contractor plan room service at no charge upon request from that contractor plan room.

When permitted, a deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.

Awarding of Bids and Contracts

The awarding of bids and contracts shall be subject to the following conditions:

- Any and all bids and contract proposals may be rejected by the District.
- All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.
- Bid and contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.
- Selection and Award to Lowest Responsible Bidder:
 - Bid and contract awards shall be made to the lowest responsible bidder substantially meeting the requirements of the specifications.
- Selection and Award Based on Best Value:
 - For the purposes of bid evaluation and selection when the District determines that it can expect long-term savings through the use of life-cycle cost methodology, the use of more sustainable goods and materials, and reduced administrative costs, the District may provide for the selection of the lowest responsible bidder on the basis of best value.
 - "Best value" means the most advantageous balance of price, quality, service, performance, and other elements, as defined by the Board, achieved through methods in accordance with this section and determined by objective performance criteria that may include price, features, long-term functionality, life-cycle costs, overall sustainability, and required services.
 - The District will consider all of the following in a best value selection and award:
 - Price and service level proposals that reduce the District's overall operating costs, including end-of-life expenditures and impact.
 - Equipment, services, supplies, and materials standards that support the District's strategic acquisition and management program direction.
 - A procedure for protest and resolution in the request for proposal.
 - The District may also consider any of the following in a best value selection and award:
 - The total cost to of its purchase, use, and consumption of equipment, supplies, and materials.
 - The operational cost or benefit incurred by the District.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- The added value to the District, as defined in the request for proposal, of vendor-added services.
 - The quality and effectiveness of equipment, supplies, materials, and services.
 - The reliability of delivery and installation schedules.
 - The terms and conditions of product warranties and vendor guarantees.
 - The financial stability of the vendor.
 - The vendor's quality assurance program.
 - The vendor's experience with the provisions of equipment, supplies, materials, and services within the institutional marketplace.
 - The consistency of the vendor's proposed equipment, supplies, materials, and services with the District's overall supplies and materials procurement program.
 - The economic benefits to the local community, including, but not limited to, job creation and retention.
 - The environmental benefits to the local community.
- The District will award a contract to the lowest responsible bidder, whose proposal offers the best value to the District based solely on the criteria set forth in the request for proposal. The District shall document its determination in writing.
 - The District shall issue a written notice of intent to award supporting its contract award and stating in detail the basis of the award. The notice of the intent to award and the contract file must be sufficient to satisfy an external audit.
 - The District shall publicly announce its award, identifying the bidder to which the award is made, the price proposal of the contractor awarded the contract, and the overall combined rating on the request for proposal evaluation factors. The announcement shall also include the ranking of the contractor awarded the contract in relation to all other responsive bidders and their respective price proposals and summary of the rationale for the contract award.
 - The District shall ensure that all businesses have a fair and equitable opportunity to compete for, and participate in, district contracts and shall also ensure that discrimination on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, does not occur in the award and performance of contracts.

Purchase without Advertising for Bids

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

The [**Chief Business Officer or Chief Facilities Officer or designee**] is authorized to make purchases from firms holding public agency contracts without calling for bids where it appears advantageous to do so.

The [**Chief Business Officer or Chief Facilities Officer or designee**] may, without advertising for bids within the same [**county, city, town, or district**], purchase or lease from other public agencies materials or services by authorization of contract or purchase order.

The [**Chief Business Officer or Chief Facilities Officer or designee**] may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services.

The [**Chief Business Officer or Chief Facilities Officer or designee**] may make purchases through the CollegeBuys Program for the Procurement of Goods and Services for Community College Districts, without conducting an independent local bidding process, if the District determines that doing so would result in a lower contract price upon the same terms, conditions and specifications.

The [**Chief Business Officer or Chief Facilities Officer or designee**] is authorized to make purchases with a value between \$5,000 and \$250,000 from a certified small business, microbusiness, or disabled veteran business enterprise.

Duration of Continuing Contracts for Services and Supplies

Continuing contracts for work or services furnished to the District are not to exceed five years. Contracts for materials and supplies are not to exceed three years.

Emergency Repair Contracts without Bid

When emergency repairs or alterations are necessary to continue existing classes or to avoid danger of life or property, the [**designate position**] may make a contract in behalf of the District for labor, materials and supplies without advertising for or inviting bids, subject to ratification by the Board.

Unlawful to Split Bids

It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the Public Contract Code requiring work to be done by contract after competitive bidding.

Record Retention

The District will retain records sufficient to detail the history of procurement. These records include: rationale for the method of procurement, selection of contract type, contractor selection and rejection, and the basis for the contract price.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

NOTE: *The following sections apply if funds from the Kindergarten-University Public Education Facilities Bond Acts of 2002, 2004, or 2006 are used for a public works project.*

Kindergarten-University Public Education Bond Act Projects

For projects funded by 2002, 2004, or 2006 Bond Funds, the [**designate position**] will initiate and enforce, or contract with a third party to initiate and enforce, a labor compliance program for that project under Labor Code Section 1771.7. The program will include:

- Appropriate language concerning the wage requirements of Labor Code Sections 1720 et seq. in all bid invitations and public works contracts.
- A pre-job conference with the contractor and subcontractors to discuss applicable federal and state labor law requirements.
- Project contractors and subcontractors shall be required to maintain and, at designated times, furnish certified copies of weekly payroll containing a statement of compliance signed under penalty of perjury.
- The District shall review, and if appropriate audit, the payroll records of the employees of the contractor and/or subcontractor. The review and audit shall be conducted by [**designate position**] or an independent third party, but not the third party with whom the District contracts to initiate and enforce a labor compliance program under Labor Code Section 1771.7.
- If an investigation establishes that an underpayment of wages has occurred, the District shall withhold any contract payments, equal to the amount of underpayment and any applicable penalties.
- The [**designate position**] shall transmit a written finding that the District has initiated and enforced, or has contracted with a third party to initiate and enforce, the required labor compliance program, to the Director of the Department of Industrial Relations or any successor agency that is responsible for the oversight of employee wage and work hour laws.

NOTE: *The following language is optional.*

Vendor Diversity Plan

The [**CEO**] will create a Vendor Diversity Plan to increase diversity, equity, and inclusion in the District's vendors.

Revised 2/05, 8/06, 2/07, 2/10, 2/11, 6/13, 4/14, 4/15, 10/16, 4/18, 3/19, 4/21, 10/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 6620 Naming of Buildings

References:

No specific legal references

NOTE: ~~A This procedure for naming buildings is suggested as good practice. Local practice may be inserted herebelow.~~

NOTE: ~~If the District adopts a naming, removing (un-naming) and renaming procedure, the following is suggested language for removal of a name from donor-named building, facility, grounds or other space as it:~~

NOTE: ~~The following language is recommended if a district adopts a procedure that addresses naming and removal of names from donor-named buildings, facilities, grounds, and other spaces.~~

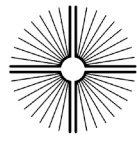
Removal of Names from Donor-Named Buildings, Facilities, and Grounds

~~The District may, in its sole discretion, change a name, or remove a name from a donor-named building, facility, ground or other space if the building, facility, grounds, or other space is destroyed or razed, or must be substantially remodeled or rebuilt for any reason. In that situation, the District will acknowledge the donor's contribution with a plaque in a prominent location in a replacement building, facility, grounds, or elsewhere on the District's campus.~~

~~The District has the absolute right and authority to remove a name from a donor-named building, facility, ground, or other space and rename it as it sees fit, if the donor fails to make the promised donation or gift for any reason. The District also has the absolute right and authority to remove a name from a donor-named building, facility, ground or other space and rename it as it sees fit, if the District determines, in its sole discretion, that the District's continued association with the name, the donor, or the donor's family or business, will damage the District's reputation or goodwill in the community.~~

Revised 10/21

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Policy & Procedure Subscriber Service

Community College League of California
Liebert Cassidy Whitmore

Legal Update #40

April 2022

OVERVIEW

This is the 40th update to district members of the League's Policy & Procedure Subscriber Service, offered in partnership with the law firm of Liebert Cassidy Whitmore. The update reflects new statutes and regulations, legal opinions, and questions from subscribers that have occurred since legal Update 39 (disseminated to member districts in October 2021).

As part of the ongoing updates, the Service biannually updates the templates for diversity, equity, and inclusion-related issues. That process is continuing, and the League is redoubling that effort and commits to integrating diversity, equity, inclusion, and accessibility issues into these reviews of the policy/procedure templates.

Revisions to the Board Policy Templates

BP 2310 Regular Meetings of the Board – The service updated this policy to align to the recent changes in the Brown Act regarding teleconferenced meetings.

BP 2340 Agendas – The Service updated this policy to reflect amended Brown Act provisions on public requests for agenda materials.

BP 2410 Board Policies and Administrative Procedures – The Service updated this policy to clarify that in unusual circumstances the governing board may adopt changes at the same meeting at which they are introduced.

BP 3430 Prohibition of Harassment – The Service updated this policy to add reference to Education Code Section 66262.5 and optional language regarding the prevalence of sexual harassment and sexual violence.

BP 3433 Prohibition of Sexual Harassment under Title IX – The Service updated this policy to add optional language regarding the prevalence of sexual harassment and sexual violence.

BP 5040 Student Records, Directory Information, and Privacy – The Service updated this policy to add legal citations and language concerning a student's ability to request name and gender changes in the student's records.



POLICY & PROCEDURE SERVICE

BP 6540 Insurance – The Service updated this policy to delete a reference to workers' compensation insurance and reflect Education Code Section 72506.

BP 7130 Compensation – The Service updated this policy to clarify that the governing board may request a pay equity compensation study for employees and administrators.

BP 7230 Classified Employees – The Service updated this policy to reflect new legislation that shortened the probationary period and new requirements for layoff and hearing rights for classified employees.

BP 7340 Leaves – The Service updated this policy to include references to Government Code Sections 12945.2 and 12945.21.

BP 7380 Retiree Health Benefits: Academic Employees – The Service updated this policy to add a usage note that the policy does not apply to districts that provide benefits under the Public Employees' Medical & Hospital Care Act.

BP 7600 College Police or Security – The Service updated this policy to add new legal requirements that law enforcement agencies establish a board policy before purchasing, raising funds for, or acquiring military equipment.

Revisions to the Administrative Procedure Templates

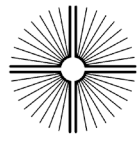
AP 3430 Prohibition of Harassment – The Service updated this procedure to include reference to Education Code Section 66281.8 and clarify the prompt and equitable procedure for investigating harassment complaints.

AP 3434 Responding to Harassment Based on Sex under Title IX – The Service updated this procedure to reflect recent legislation and clarify the procedures for adjudicating student complaints of sexual harassment under Title IX.

AP 3435 Discrimination & Harassment Complaints and Investigation – The Service updated this procedure to reflect recent legislation and clarify grievance procedures for adjudicating student complaints of sexual harassment.

AP 4100 Graduation Requirements for Degrees and Certificates – The Service updated this procedure to reflect new Title 5 Regulations regarding direct assessment competency-based education.

AP 5040 Student Records, Directory Information, and Privacy – The Service updated this procedure to add legal citations and language concerning a student's ability to request name and gender changes in the student's records.



POLICY & PROCEDURE SERVICE

AP 5420 Associated Students Finance – The Service updated this procedure to clarify that an academic employee who is the designated advisor of a student body organization must approve the expenditure of funds for that organization.

AP 5520 Student Discipline Procedures – The Service updated this procedure to reflect recent legislation that complainants or witnesses in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for violations of the student conduct policy unless the violation was egregious.

AP 6355 Job Order Contracts – The Service updated this procedure to reflect recent amendments to the Public Contract Code that extended authorization for districts to enter into job order contracts and requirements that contractors use a workforce that involves apprenticeship occupations in the building and construction trades.

AP 7130 Compensation – The Service updated this procedure to clarify that the governing board may request a pay equity compensation study for employees and administrators.

AP 7235 Probationary Period: Classified Employees – The Service updated this procedure to reflect recent legislation that shortened the probationary period for classified employees and to clarify this change is not applicable to collective bargaining agreements entered into before January 1, 2022.

AP 7237 Layoffs – The Service updated this procedure to add legal citations regarding new requirements for layoffs and hearing rights of classified employees.

AP 7347 Paid Family Leave – The Service updated this procedure to reflect recent changes to the California Family Rights Act that clarified employees may take protected leave to care for a parent-in-law.

AP 7360 Discipline and Dismissal - Academic Employees – The Service updated this procedure to reflect recent clarifications to the requirements for placement on involuntary paid administrative leave.

AP 7380 Retiree Health Benefits: Academic Employees – The Service updated this procedure to add a usage note that the procedure does not apply to districts that provide benefits under the Public Employees' Medical & Hospital Care Act.

AP 7600 College Police or Security – The Service updated this procedure to add new legal requirements that law enforcement agencies obtain approval from the governing board before purchasing, raising funds for, or acquiring military equipment.



POLICY & PROCEDURE SERVICE

BP 2310 Regular Meetings of the Board

References:

Education Code Section 72000 subdivision (d);
Government Code Sections 54952.2, 54953 et seq., and 54961

Regular meetings of the Board shall be held [**insert here regular day of the week and frequency of meetings, e.g., "second and fourth Tuesday of each month"**]. Regular meetings of the Board shall normally be held at [**insert address**].

A notice identifying the location, date, and time of each regular meeting of the Board shall be posted at least ten days prior to the meeting and shall remain posted until the day and time of the meeting. All regular meetings of the Board shall be held within the boundaries of the District except in cases where the Board is meeting with another local agency, is meeting with its attorney to discuss pending litigation if the attorney's office is outside the District, or is meeting during a proclaimed state of emergency.

All regular and special meetings of the Board shall be open to the public, be accessible to persons with disabilities, and otherwise comply with Brown Act provisions, except as required or permitted by law.

Meetings During Proclaimed States of Emergency

1. Prior to January 1, 2024, the Board may hold a regular meeting, or special or emergency meetings as defined in BP 2320 Special and Emergency Meetings, virtually through voice or video teleconferencing services during a proclaimed state of emergency under the provisions of the Brown Act.

In order for the Board to meet virtually during a proclaimed state of emergency under the relaxed teleconference rules in the Brown Act, the Board will make findings by majority vote, as required by the Brown Act (**NOTE: The following is suggested as good practice/optional:**) by way of a Board resolution.

If the Board elects to meet virtually during a proclaimed state of emergency, the District will comply with relevant provisions of the Brown Act regarding the posting of agendas, public access to meetings through call-in or internet-based service options, public participation, and limits on Board action in the event of a meeting disruption due to interruption of teleconferencing services.

During proclaimed states of emergency, the Board is not required to provide a physical location from which members of the public may attend or provide public comment.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Revised 2/03, 10/21, 4/22

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 2340 Agendas

References:

Education Code Sections 72121 and 72121.5;
Government Code Sections 6250 et seq. and 54954 et seq.

NOTE: *The requirement that agendas be posted online applies to districts that maintain a website and goes into effect on January 1, 2019.*

An agenda shall be posted adjacent to the place of meeting as well as on the District's Internet website at least 72 hours prior to the meeting time for regular meetings. The agenda shall include a brief description of each item of business to be transacted or discussed at the meeting. If requested, the agenda shall be provided in appropriate alternative formats so as to be accessible to persons with a disability.

No business may be acted on or discussed which is not on the agenda, except when one or more of the following apply:

- a majority decides there is an "emergency situation" as defined for emergency meetings;
- two-thirds of the members (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action came to the attention of the Board subsequent to the agenda being posted;
- an item appeared on the agenda of and was continued from a meeting held not more than five days earlier.

The order of business may be changed by consent of the Board.

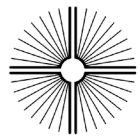
If requested by a member of the public, a copy of the agenda, or documents constituting the agenda packet, shall be provided by mail or email. The [**CEO**] shall establish administrative procedures that provide for public access to agenda information and reasonable annual fees for the service.

Members of the public may place matters directly related to the business of the District on an agenda for a board meeting by submitting a written summary of the item to the [**CEO**]. The written summary must be signed by the initiator. The Board reserves the right to consider and take action in closed session on items submitted by members of the public as permitted or required by law.

NOTE: *The following language is suggested as good practice.*

Agendas shall be developed by the [**CEO**] in consultation with the Board President.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*

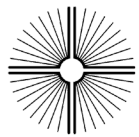
**POLICY & PROCEDURE SERVICE**

Agenda items submitted by members of the public must be received by the office of the [**CEO**] [**time frame, such as two weeks; must be at least 72 hours to assure compliance with the Brown Act**] prior to the regularly scheduled board meeting.

Agenda items initiated by members of the public shall be placed on the Board's agenda following the items of business initiated by the Board and by staff. Any agenda item submitted by a member of the public and heard at a public meeting cannot be resubmitted before the expiration of a 90--day period following the initial submission.

Revised 2/03, 4/17, 4/22

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 2410 Board Policies and Administrative Procedures

References:

Education Code Section 70902;
ACCJC Accreditation Standards IV.C.7, IV.D.4, I.B.7, and I.C.5

NOTE: *Education Code 70902 establishes the policy-making authority of Boards. The following policies are suggested as good practice to define the Board's use of that authority.*

The Board may adopt such policies as are authorized by law or determined by the Board to be necessary for the efficient operation of the District. Board policies are intended to be statements of intent by the Board on a specific issue within its subject matter jurisdiction.

The policies have been written to be consistent with provisions of law, but do not encompass all laws relating to District activities. All District employees are expected to know of and observe all provisions of law pertinent to their job responsibilities.

Policies of the Board may be adopted, revised, added to, or amended at any regular Board meeting by a majority vote. Proposed changes or additions shall normally be introduced not less than one regular meeting prior to the meeting at which action is recommended. In unusual circumstances, the Board may change, amend, or add to Board Policies at the same meeting at which they are introduced.

The Board shall regularly assess its policies for effectiveness in fulfilling the District's mission.

Administrative procedures are to be issued by the [**CEO**] as statements of method to be used in implementing Board Policy. Such administrative procedures shall be consistent with the intent of Board Policy. Administrative procedures may be revised as deemed necessary by the [**CEO**].

The [**CEO**] shall, [**schedule to be determined by the Board; suggest annual or biennial**], provide each member of the Board with [**copies of the administrative procedures**] or [**any revisions since the last time they were provided**]. The Board reserves the right to direct revisions of the administrative procedures should they, in the Board's judgment, be inconsistent with the Board's own policies.

Copies of all board policies and administrative procedures shall be readily available to District employees through the [**CEO**].

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*

POLICY & PROCEDURE SERVICE

| Revised 11/14, 4/22

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 3430 Prohibition of Harassment

References:

Education Code Sections 212.5, 44100, 66252, ~~and 66281.5~~, and 66262.5;
Government Code Sections 12923, 12940 and 12950.1;
Civil Code Section 51.9;
Title 2 Sections 10500 et seq.;
Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e;
Age Discrimination in Employment Act of 1967 (ADEA);
Americans with Disabilities Act of 1990 (ADA)

NOTE: *This policy is legally required.*

All forms of harassment are contrary to basic standards of conduct between individuals. State and federal law and this policy prohibit harassment, and the District will not tolerate harassment. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of unlawful harassment, including that which is based on any of the following statuses: race, religious creed, color, national origin, ethnicity, ancestry, immigration status, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, or because he/she/they is perceived to have one or more of the foregoing characteristics.

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

[Optional: The District recognizes that sex discrimination, including sexual harassment and violence, harms all students, undermines students' physical safety, impedes students' ability to learn, and can reinforce social inequality throughout a student's lifetime. The District will include on its website statistics on the prevalence of sexual harassment and sexual violence in the educational setting, and the differing rates at which students experience sexual harassment and sexual assault in the educational setting based on their race, sexual orientation, disability, gender, and gender identity. The

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

District has a responsibility to make reasonable efforts to respond effectively when sexual harassment is reported to, or observed by, District employees.]

Any student, employee, unpaid intern, or volunteer who believes that he/she/they has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435 Discrimination and Harassment Complaints and Investigations. The District requires supervisors to report all incidents of harassment and retaliation that come to their attention.

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

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

The [**CEO**] shall establish procedures that define harassment on campus. The [**CEO**] shall further establish procedures for employees, students, unpaid interns, volunteers, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures to resolve complaints of harassment and discrimination. State and federal law and this policy prohibit retaliatory acts by the District, its employees, students, and agents.

The District will publish and publicize this policy and related written procedures (including the procedure for making complaints) to administrators, faculty, staff, students, unpaid interns, and volunteers particularly when they are new to the institution. The District will make this policy and related written procedures (including the procedure for making complaints) available in all administrative offices and will post them on the District's website.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion. Unpaid interns who violate this policy and related procedures may be subject to disciplinary measure up to and including termination from the internship or other unpaid work experience program.

Revised 7/02, 2/03, 8/03, 2/05, 3/12, 4/14, 4/15, 10/16, 4/17, 3/19, 7/20, 10/20, 4/22

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 3433 Prohibition of Sexual Harassment under Title IX

References:

Title IX of the Education Amendments Act of 1972;
34 Code of Federal Regulations Part 106

NOTE: *This policy is legally required.*

[Optional: The District recognizes that sex discrimination, including sexual harassment and violence, harms all students, undermines students' physical safety, impedes students' ability to learn, and can reinforce social inequality throughout a student's lifetime. The District will include on its website statistics on the prevalence of sexual harassment and sexual violence in the educational setting, and the differing rates at which students experience sexual harassment and sexual assault in the educational setting based on their race, sexual orientation, disability, gender, and gender identity. The District has a responsibility to make reasonable efforts to respond effectively when sexual harassment is reported to, or observed by, District employees.]

All forms of sexual harassment are contrary to basic standards of conduct between individuals. State and federal law and this policy prohibit sexual harassment and the District will not tolerate sexual harassment. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence.

The District seeks to foster an environment in which all employees, students, applicants for employment, and applicants for admission feel free to report incidents of sexual harassment in violation of this policy and Title IX, without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of sexual harassment in violation of this policy and Title IX or for participating, or refusing to participate, in a sexual harassment investigation. The District will investigate all allegations of Title IX retaliation swiftly and thoroughly. If the District determines that someone has retaliated, it will take reasonable steps within its power to stop such conduct. Individuals who engage in Title IX retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any employee, student, applicant for employment, or applicant for admission who believes he/she/they has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3434 Responding to Harassment Based on Sex under Title IX. The District requires

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

supervisors to report all incidents of harassment and retaliation that come to their attention.

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

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

The [CEO] shall establish procedures that define sexual harassment on campus. The [CEO] shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding sexual harassment in violation of this policy, and procedures to resolve complaints of sexual harassment in violation of this policy. State and federal law and this policy prohibit retaliatory acts against all participants by the District, its employees, students, and agents.

The District will publish and publicize this policy and related written procedures (including the procedure for making complaints) to administrators, faculty, staff, students, applicants for employment, and applicants for admission, particularly when they are new to the institution. The District will make this policy and related written procedures (including the procedures for making complaints) available in all administrative offices and will post them on the District's website.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion. Volunteers or unpaid interns who violate this policy and related procedures may be subject to disciplinary measure up to and including termination from the volunteer assignment, internship, or other unpaid work experience program.

New 7/20; Revised 4/22

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 5040 Student Records, Directory Information, and Privacy

References:

Education Code Sections [66271.4](#) and 76200 et seq.;
Title 5 Sections 54600 et seq.;
20 U.S. Code Section 1232g subdivision (j);
ACCJC Accreditation Standard II.C.8

NOTE: *This policy is legally required.*

The [**CEO**] shall assure that student records are maintained in compliance with applicable federal and state laws relating to the privacy of student records.

The [**CEO**] may direct the implementation of appropriate safeguards to assure that student records cannot be accessed or modified by any person not authorized to do so.

Any currently enrolled or former student of the District has a right of access to any and all student records relating to him/her/them maintained by the District. Upon request by a former student of the District, the District will update and reissue student records to include an updated legal name or gender. These documents include but are not limited to transcripts or a diploma.

Commencing with the 2023–24 graduating class, a graduating student may request the District confer the diploma in the student’s chosen name. The District cannot not require a graduating student to provide legal documentation to demonstrate a legal name or gender change in order to have the student’s chosen name listed on the student’s diploma.

No District representative shall release the contents of a student record to any member of the public without the prior written consent of the student, other than directory information as defined in this policy and information sought pursuant to a court order or lawfully issued subpoena, or as otherwise authorized by applicable federal and state laws.

Students shall be notified of their rights with respect to student records, including the definition of directory information contained here, and that they may limit the information.

Directory information shall include:

- Student participation in officially recognized activities and sports including weight, height, and high school of graduation of athletic team members.

Disclaimer: *This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



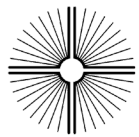
POLICY & PROCEDURE SERVICE

- Degrees and awards received by students, including honors, scholarship awards, athletic awards, and Dean's List recognition.

NOTE: *This is an extremely limited definition of "directory information." Both state and federal laws permit the Board to adopt a definition of "directory information" that includes any of the following: name, address, telephone number, date and place of birth, major field of study, student participation in officially recognized activities and sports including weight, height and high school of graduation of athletic team members, degrees and awards received by students, including honors, scholarship awards, athletic awards and Dean's List recognition, dates of attendance, and the most recent public or private school attended by the student. Such an expansive definition of "directory information" is no longer recommended out of concern for both the family privacy and the safety of students. Applicable law does not give the District discretion to use a more expansive definition of directory information on a selective basis, e.g., in order to make such data available to potential vendors.*

Revised 2/08, 4/15, 4/22

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 6540 Insurance

References:

Education Code Sections 70902, 72502, 72506, and 81601 et seq.

NOTE: *This policy is legally required.*

The [**CEO**] shall be responsible to secure insurance for the District as required by law, which shall include but is not limited to the liabilities described in Education Code Section 72506 as follows:

- Liability for damages for death, injury to persons, or damage or loss of property;
- Personal liability of the members of the Board and the officers and employees of the District for damages for death, injury to a person, or damage or loss of property caused by the negligent act or omission of the member, officer, or employee when acting within the scope of his/her/their office or employment. The [**CEO**] may authorize coverage for persons who perform volunteer services for the District.

~~• Worker's compensation insurance.~~

Insurance also shall include fire insurance and insurance against other perils.

The District may join in a joint powers agreement pursuant to Education Code Section 81603 for the purposes described in this policy.

Revised 4/22

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 7130 Compensation

References:

Education Code Sections 70902 subdivision (b)(4), 72411, 87801, and 88160;
Government Code Section 53200;
34 Code of Federal Regulations Part 668 (U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended)

Salary schedules, compensation, and benefits, including health and welfare benefits, for all classes of employees and each administrator employed pursuant to a contract under Education Code Section 72411 shall be established by the Board.

NOTE: *This policy is legally required in an effort to show good faith compliance with the applicable federal regulations.*

Prohibition of Incentive Compensation

[NOTE: *Except as applicable to foreign students residing in foreign countries who are not eligible to receive federal student assistance,*] The District shall not provide any commission, bonus, or other incentive payment based, directly or indirectly, on the success in securing enrollments or financial aid, to any person or entity engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance. Employees covered by this ban shall be referred to as “covered employees” for purposes of this policy.

NOTE: *The following paragraph is Optional.*

Compensation Study

The [**CEO**] shall provide the Board, when requested, with a compensation-pay equity report study for all classes of employees and each administrator employed pursuant to a contract. This study must disaggregate employees by race, age, gender, religion, or any other characteristic identified by the Board.

Revised 7/11, 4/15, 4/21, 4/22

Disclaimer: *This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*

POLICY & PROCEDURE SERVICE**BP 7230 Classified Employees****References:**

Education Code Sections 88003, 88004, 88009, ~~and 88013~~, and 88120

NOTE: This policy is legally required.

Classified employees are those who are employed in positions that are not academic positions. The employees and positions shall be known as the classified service.

The classified service does not include:

- Substitute and short-term employees who are employed and paid for less than 75 percent of the fiscal year.
- Part-time apprentices and professional experts employed on a temporary basis for a specific project, regardless of length of employment.
- Full-time students employed part-time, and part-time students employed part-time in any college work-study program or in a work experience education program conducted by the District.

The Board shall fix and prescribe the duties of the members of the classified service. (See BP 7110 Delegation of Authority, Human Resources)

Before a short-term employee is employed, the Board, at a regularly scheduled meeting, shall specify the service required to be performed and certify the ending date of the service. The Board may later act to shorten or extend the ending date, but shall not extend it beyond 75 percent of an academic year.

The [**CEO**] shall establish procedures to assure that the requirements of state law and regulations regarding the classified service are met.

NOTE: *Education Code Sections 88013 (non-merit system districts) and 88120 (merit system districts) requires the Board to establish a probationary period for classified employees “which shall not exceed six months or 130 days of paid service, whichever is longer one year.” It is legally advised that boards establish a one yearsix month or 130 day probationary period, as described here. These requirements would not apply if the District has a conflicting provision in to a conflicting collective bargaining agreement entered into before January 1, 2022, until the expiration or renewal of that collective bargaining agreement. This probationary period does not apply to full-time peace officer or public safety dispatchers employed by a District operating a dispatch center certified by the Commission on Peace Officer Standards and Training. These employees are required to serve a probationary period of not less than one year of paid service from their date of appointment to that full-time position to be designated as a permanent employee*

Disclaimer: *This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

~~of the District. These requirements would not apply to a conflicting collective bargaining agreement entered into before January 1, 2022, until the expiration or renewal of that collective bargaining agreement.~~

The probationary period for classified employees shall be ~~one year~~ six months or 130 days of paid service whichever is longer.

Revised 2/03, 4/22

Disclaimer: This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.

POLICY & PROCEDURE SERVICE**BP 7340 Leaves****References:**

Education Code Sections 87763 et seq. and 88190 et seq. and cites below;
Labor Code Sections 245 et seq.

NOTE: This policy is legally required.

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

- illness or injury leaves for all classes of permanent employees (Education Code Sections 87781 and 88192);
- paid sick leave (Labor Code Section 246);
- vacation leave for members of the classified service, administrators, supervisors, and managers;
- leave for service as an elected official or steward of a community college District public employee organization, or of any statewide or national employee organization with which the local organization is affiliated or leave for a reasonable number of unelected classified employees for the purpose of enabling an employee to attend important organizational activities authorized by the public employee organization (Education Code Sections 87768.5 and 88210; Government Code Section 3558.8);
- leave of absence to serve as an elected member of the legislature (Education Code Section 87701);
- pregnancy leave (Education Code Sections 87766 and 88193; Government Code Section 12945);
- leave to bond with a new child (Education Code Sections 87780.1, 87784.5, 88196.1, and 88207.5);
- family care and medical leave (Government Code Sections 12945.1 and 12945.2)
- use of illness leave for personal necessity (Education Code Sections 87784 and 88207);
- industrial accident and illness leave (Education Code Sections 87787 and 88192);
- bereavement leave (Education Code Sections 87788 and 88194);
- jury service or appearance as a witness in court (Education Code Sections 87035 and 87036);
- military service (Education Code Section 87700); and

Disclaimer: This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.



POLICY & PROCEDURE SERVICE

- sabbatical leaves for [**permanent faculty; academic employees, administrators and managers**].

Vacation leave for members of the classified service, educational administrators and classified supervisors and managers shall not accumulate beyond [#] days of paid leave or [#] hours of paid leave. Employees shall be permitted to take vacation in a timely manner to avoid accumulation of excess vacation.

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

Revised 6/13, 4/15, 4/16, 4/17, 3/19, 4/22

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 7380 Retiree Health Benefits: Academic Employees

References:

Education Code Sections 7000 et seq.

NOTE: *This policy is **legally required**, unless the District provides benefits under the Public Employees' Medical & Hospital Care Act (PEMHCA). If a District provides benefits under PEMCHA, enrollment will be based on the enrollment criteria under PEMHCA.*

The District shall permit any former academic employee who has retired from the District to enroll in the health and welfare benefit plan and/or dental care benefit plan currently provided to its current academic employees. In addition, the District shall also permit the enrollment of the surviving spouse of a former academic employee who either retired from the District or was, at the time of his/her/their death, employed by the District as an academic employee and a member of the State Teacher's Retirement System.

Enrollment pursuant to this policy shall be at the retiree or surviving spouse's own expense.

A retired academic employee or surviving spouse may enroll in the District's health and welfare benefit plans only once pursuant to this policy. A retired academic employee or surviving spouse who voluntarily terminates coverage under this policy may be excluded from obtaining coverage again.

The [**CEO**] shall establish procedures as may be deemed necessary to administer this policy in accordance with Education Code Sections 7000 et seq.

Revised 2/08, 4/22

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

BP 7600 College [*Police Department(s)*] or [*Campus Security*]

NOTE: *There are two options for the provision of security services. The first is the establishment of a police department; the second is the establishment of college security (see next sample policy). Generally, a multi-campus district has only one police department, but each campus of a multi-campus district may designate a chief of police.*

Option 1: BP 7600 Police Departments

References:

Education Code Sections 72330 et seq.;
Government Code Sections 3300 et seq. and 7070 et. seq.

NOTE: *The U.S. Department of Education and the U.S. Justice Department issued a “Dear Colleague” letter on September 8, 2016, addressing Campus Policing. In this letter, colleges with police departments are advised to review the Final Report of the President’s Task Force on 21st Century Policing and adopt and implement the recommendations contained in the Final Report as part of local campus policing efforts.*

The Board has established a police department under the supervision of one [**or more**] Chief[**{s}**] of Police, who shall report directly to the [**CEO**]. The purpose of the department is to enforce the law on or near the campus(es) and other grounds or properties owned, operated, controlled or administered by the District or by the State acting on behalf of the District.

District police officers shall be employed as members of the classified service but shall, when duly sworn, be peace officers as defined by law. Prior to employment, they shall satisfy the training requirements set out in Penal Code Sections 830 et seq.

The [**CEO**] shall establish minimum qualifications of employment for the Chief of Police including, but not limited to, prior employment as a peace officer or completion of a peace officer training course approved by the Commission on Peace Officers’ Standards and Training.

The [**CEO**] shall ensure that every member of the police department first employed by the District before July 1, 1999, satisfies the requirements of state law regarding qualifications for continued employment.

Disclaimer: *This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Every member of the police department shall be issued a suitable identification card and badge bearing words “[name]” Community College Police Department.

The [CEO], in cooperation with the Chief(s) [-s] of Police, shall issue such other regulations as may be necessary for the administration of the police department.

NOTE: Government Code Section 7070 requires the police department to submit to the Board a military equipment use policy prior to purchasing, raising funds for, or acquiring military equipment. This requirement is effective January 1, 2022.

Use of Military Equipment

The Chief(s) of Police shall obtain approval from the Board of Trustees to adopt a military equipment use policy prior to purchasing, raising funds for, or acquiring military equipment. The [CEO] Chief(s) of Police shall submit the proposed military equipment policy to the Board of Trustees and make those documents available on the police department website at least 30 days prior to any public hearing concerning the military equipment at issue. The Board of Trustees shall consider the proposed military equipment policy as an agenda item for an open session meeting in accordance with the Brown Act.

NOTE: *The following two paragraphs are Optional.*

Use of Force

The Board directs the Chief(s) of Police to establish operational guidelines regarding reasonable use of force for District police officers. The Board expects every District police officer to carry out their duties, including the use of force, in a fair and unbiased manner and to use reasonable force in any situation and make decisions in a professional, impartial, and reasonable manner and to use of de-escalation techniques whenever possible.

Report Regarding Complaints

The Chief(s) of Police shall provide the Board, when requested, with a report regarding complaints against the police department and police officers. This report must disaggregate the complainants by race, gender, religion, or any other characteristic identified by the Board.

Option 2: BP 7600 Campus Security Officers

Reference:

Education Code Section 72330.5

Disclaimer: *This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

The District shall employ campus security officers, who shall provide services as security guards, or patrol persons on or about the campuses owned or operated by the District.

NOTE: The following two sentences are Optional: The District recognizes that campus security officers play a particularly important role in fostering inclusion, forging cultural awareness, and promoting mutual understanding and respect. The District is committed to employing and supporting qualified campus security officers who are dedicated to eradicating racism, discrimination, and biases from our campuses.

Security officers' duties include, but are not limited to the primary use of de-escalation techniques in protecting persons or property, preventing the theft of District property, and reporting any unlawful activity to the District and local law enforcement.

The [**CEO**] shall establish procedures necessary for administration of campus security. In addition, the [**CEO**] shall enter into an agreement with local law enforcement, which includes provisions that campus security officers shall cooperate with local law enforcement in performing their duties.

Every campus security officer who works more than twenty hours per week shall complete a course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs as required by Education Code Section 72330.5 subdivision (b). If an officer is required to carry a firearm, he/she/they shall also satisfy the training requirements of Penal Code Section 832, and any other legal requirements.

Every campus security officer shall meet other requirements set out in Education Code Section 72330.5.

NOTE: The following two paragraphs are Optional.

Use of Force

The Board directs the [**CEO**] to establish policies regarding reasonable use of force for security officers. The Board expects every security officer to use reasonable force in any situation and make decisions in a professional, impartial, and reasonable manner.

Report Regarding Complaints

The [**CEO**] shall provide the Board, when requested, with a report regarding complaints against campus security officers. This report must disaggregate the complainants by race, gender, religion, or any other characteristic identified by the Board.

Revised 8/07, 4/09, 10/16, 4/21, 4/22

Disclaimer: This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.



POLICY & PROCEDURE SERVICE

AP 3430 Prohibition of Harassment

References:

Education Code Sections 212.5, 44100, ~~and 66281.5~~, and 66281.8;
 Government Code Sections 12940 and 12923;
 Civil Code Section 51.9;
 Title 2 Sections 10500 et seq.;
 Title 5 Sections 59320 et seq.;
 Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e

NOTE: *This procedure is legally required.*

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

This procedure and the related policy protects students, employees, unpaid interns, and volunteers 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, a District bus, or at a class or training program sponsored by the District at another location.

Definitions

General Harassment: Harassment based on 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 of any person, military and 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 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/her/their ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource.

For sexual harassment under Title IX, Complainants must proceed under BP 3433 Prohibition of Sexual Harassment under Title IX, AP 3433 Prohibition of Sexual Harassment under Title IX, and AP 3434 Responding to Harassment Based on Sex under Title IX. For other forms of sexual harassment or gender-based harassment, Complainants should use this procedure.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

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:

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.

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. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.

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.

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

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

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/their 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.

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:

- 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;
- submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- 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
- 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.

This definition encompasses two kinds of sexual harassment:

"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.

"Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's gender alters the conditions of an individual's learning or work environment, unreasonably interferes with an individual's academic or work performance, or creates 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. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it unreasonably interfered with the person's academic or work performance, or created an intimidating, hostile, or offensive learning or working environment.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

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.

Consensual Relationships

Romantic or sexual relationships between supervisors and employees, or between administrators, faculty members, 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 members, 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.

NOTE: *The following language is legally advised.*

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.

Revised 7/02, 2/03, 2/05, 3/12, 4/14, 11/14, 4/15, 10/16, 3/19, 7/20, 4/22

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 3434 Responding to Harassment Based on Sex under Title IX

References:

- 20 U.S. Code Sections 1681 et seq.;
34 Code of Federal Regulations Parts 106.1 et seq.;
Education Code Sections 67380 et seq.

NOTE: This procedure is legally required. Local practice may be inserted. The following is an illustrative example.

Introduction

The District encourages members of the District community to report sexual harassment. This procedure only applies to conduct defined as sexual harassment under Title IX and applicable federal regulations and that meets Title IX jurisdictional requirements.

Title IX Coordinator

Questions concerning Title IX may be referred to the District Title IX Coordinator whose contact information is below.

- The District's Title IX Coordinator is [designate by name or position] and the Title IX Coordinator's contact information is:
Address and office location
Phone number
Email

The Title IX Coordinator is required to respond to reports of sexual harassment or misconduct. The Title IX Coordinator will handle information received with the utmost discretion and will share information with others on a need-to-know basis.

A report of sexual harassment to the Title IX Coordinator does not necessarily lead to a full investigation, as discussed more fully below. However, the Title IX Coordinator will

Disclaimer: This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.



POLICY & PROCEDURE SERVICE

make an assessment to determine if there is a safety risk to the campus. If the Title IX Coordinator finds there is a continued risk, the Title IX Coordinator will file the formal complaint without the Complainant's consent or cooperation.

Title IX Harassment Complaints, Investigations, and Hearings

These Title IX sexual harassment procedures and the related policy protect students, employees, applicants for employment, and applicants for admission.

The investigation and adjudication of alleged sexual harassment under this procedure is not an adversarial process between the Complainant, the Respondent, and the witnesses, but rather a process for the District to comply with its obligations under existing law. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegation or allegations of misconduct.

Jurisdictional Requirements – Application of Procedures

These procedures apply if the conduct meets the following three jurisdictional requirements:

- The conduct took place in the United States;
- The conduct took place in a District "education program or activity." This includes locations, events, or circumstances over which the District exercised substantial control over both the Respondent and the context in which the harassment occurred, including on-campus and off-campus property and buildings the District owns or controls or student organizations officially recognized by the District own or control.
- The conduct meets the definition of Title IX "sexual harassment."

Definitions

Advisor: Throughout the grievance process, both the Complainant and Respondent have a right to an Advisor of their choice. If a Party does not have an Advisor at the time of the hearing, the District must provide the Party an Advisor of the District's choice, free of charge. The District may establish restrictions regarding the extent to which the Advisor may participate in the proceedings as long as the restrictions apply equally to both Parties.

Parties have the right to consult with an attorney, at his/her/their own expense, at any stage of the Complaint process if he/she/they wishes to do so. An attorney may serve as an advisor.

NOTE: *The regulations only require the District to provide an Advisor to conduct cross-examination. It is **strongly recommended** the District provide an Advisor for the entire hearing, if the Party does not identify his/her/their own private Advisor so the Advisor is*

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

able to observe the direct examination of all witnesses and thus better able to conduct cross-examination.

Complainant: A Complainant is an individual who alleges he/she/they is the victim of conduct that could constitute sexual harassment.

Consent: Consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. Both Parties must give affirmative consent to sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he/she/they has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest, lack of resistance, or silence does not indicate consent. Affirmative consent must be ongoing throughout a sexual activity and one can revoke his/her/their consent at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, is not an indicator of consent.

The Respondent's belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable, based on the facts and circumstances the Respondent knew, or reasonably should have known, at the time of the incident. A Respondent's belief is not a valid defense where:

- The Respondent's belief arose from the Respondent's own intoxication or recklessness;
- The Respondent did not take reasonable steps to ascertain whether the Complainant affirmatively consented; or
- The Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was:
 - asleep or unconscious;
 - unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication; or
 - unable to communicate due to a mental or physical condition.

Decision-Maker: The person [**or group of people – the District may use one or more**] who will oversee the live hearing and make a determination of responsibility. [*The following is optional language: The District may have one Decision-Maker determine whether the Respondent is responsible, and another Decision-Maker determine the appropriate level of penalty for the conduct.*] The Decision-Maker cannot be the Title IX Coordinator or the investigator.

Formal Complaint: A written complaint signed by the Complainant or Title IX Coordinator, alleging sexual harassment and requesting an investigation. If the Title IX

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Coordinator signs the formal complaint, he/she/they will not become a Party to the complaint.

Parties: As used in this procedure, this means the Complainant and Respondent.

Respondent: A Respondent is an individual reported to be the perpetrator of conduct that could constitute sexual harassment.

Sexual Harassment under Title IX: Conduct that satisfies one or more of the following:

- A District employee conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (*quid pro quo* harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
- Sexual assault, including the following:
 - **Sex Offenses.** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - **Rape** (except Statutory Rape). The carnal knowledge of a person, without **the consent of the victim, including instances where the victim is incapable** of giving consent ~~because of his/her/their age or~~ because of his/her/their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
 - **Sodomy.** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
 - **Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.
 - **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- **Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse.**
 - **Incest.** Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape – Non-Forcible.** Sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.
- **Dating violence.** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence.** Violence committed:
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or
 - By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.
- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.

Reporting Options

Any individual may report sexual harassment to the District's Title IX Coordinator.

The District strongly encourages prompt reporting of sexual harassment. Prompt reporting allows for the collection and preservation of evidence, including physical evidence, digital media, and witness statements. A delay may limit the District's ability to effectively investigate and respond.

Because individuals may be deterred from reporting incidents of sexual harassment if alcohol, drugs, or other violations of District or campus rules were involved, the District will inform individuals that the primary concern is for student and employee safety and that use of alcohol or drugs never makes a Complainant at fault for sexual harassment. If other rules are violated, the District will address such violations separately from an allegation of sexual violence. An individual who participates as a Complainant or witness 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

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

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 dishonesty.

Individuals have the opportunity to decide whether they want to pursue a formal Title IX complaint. Reporting sexual harassment to the Title IX Coordinator does not automatically initiate an investigation under these procedures. A report allows the District to provide a wide variety of support and resources to impacted individuals and to prevent the reoccurrence of the conduct. A Complainant or the Title IX Coordinator filing a formal complaint will initiate an investigation.

If there are parallel criminal and Title IX investigations, the District will cooperate with the external law enforcement agency and will coordinate to ensure that the Title IX process does not hinder legal process or proceedings.

The District will document reports of sexual harassment in compliance with the Clery Act, a federal law requiring data collection of crime within the campus geography. Under the Clery Act, the District does not document personal information; the District reports the type of conduct, and the time, date, and location. (Also see BP/AP 3540 Sexual and Other Assaults on Campus [or insert local number and title].)

District Employees and Officials with Authority

District Officials with Authority are not confidential resources and are required to report allegations of sexual harassment to the Title IX Coordinator promptly. All other employees are encouraged to report allegations to the Title IX Coordinator but are not required to do so.

The District has designated the following employees as Officials with Authority:

[Designate Officials with Authority – Districts should base this decision on the District’s operational structure and the employee’s specific roles and duties. The California Education Code requires that any individuals with any of the following positions or substantially similar positions or job duties, regardless of the specific title the District may attach to the position be considered Officials with Authority: Title IX coordinator or other coordinator designated to comply with and carry out the District’s responsibilities regarding anti-harassment; residential advisors; housing directors, coordinators, or deans; student life directors, coordinators, or deans; athletic directors, coordinators, or deans; coaches of any student athletic or academic team or activity; faculty and associate faculty, teachers, instructors, or lecturers; graduate student instructors, laboratory directors, coordinators, or principal investigators, internship or externship directors or coordinators; and study abroad program directors or coordinators. At a

Disclaimer: This document is provided as a benefit to Community College League of California’s Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District’s specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.



POLICY & PROCEDURE SERVICE

minimum, it is also recommended that individuals identified as supervisors under California's Fair Employee and Housing Act also be identified as Officials with Authority.]

Officials with Authority are required to report all relevant information they know about sexual harassment including the name of the Respondent, the Complainant, any other witnesses, and the date, time, and location of the alleged incident.

Intake and Processing of Report

Receipt of Report

After receiving a report of sexual harassment, the Title IX Officer will contact the Complainant and reporting party to explain rights under this policy and procedure and invite the Complainant to an in-person meeting. The Title IX Officer will discuss supportive measures with the Parties.

Timeframe for Reporting

To promote timely and effective review, the District strongly encourages individuals to report sexual harassment as soon possible because a delay in reporting may affect the ability to collect relevant evidence and may affect remedies the District can offer.

Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered free of charge to the Complainant or the Respondent regardless of whether a formal complaint has been filed. The District will provide the Complainant and Respondent with written notice of options for, available assistance in, and how to request available supportive measures. The District will provide such measures to Complainant and Respondent as appropriate and as reasonably available to restore or preserve equal access to the District's education program or activities. These measures are designed to protect the safety of all Parties, protect the District's educational environment, or deter sexual harassment. The District will provide supportive measures on a confidential basis and will not disclose that the District is providing supportive measures except to those with a need to know to enable the District to provide the service. Supportive measures may include changes to academic, living, transportation, and working situation or protective measures such as counseling, extensions of deadlines, other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

When requested by a Complainant or otherwise determined to be appropriate, the District shall issue a no-contact directive prohibiting the Respondent from contacting the Complainant during the pendency of the investigation. The District shall not issue a mutual no-contact directive automatically, but instead shall consider the specific circumstances of each report of sexual harassment to determine whether a mutual no-contact directive is necessary or justifiable to protect a Party's safety or well-being, or to respond to interference with an investigation. If the District issues any no-contact directive, the District shall provide the Parties with an explanation of the terms of the directive, including the circumstances, if any, under which violation could be subject to disciplinary action. If the District issues a mutual no-contact directive, the District shall also provide the Parties with a written justification for the directive.

Removal of Respondent Pending Final Determination

Upon receiving a report regarding sexual harassment, the Title IX Coordinator will make an immediate assessment concerning the health and safety of the Complainant and campus community as a whole. The District has the right to order emergency removal of a Respondent, or if the Respondent is an employee, place the employee on administrative leave.

Emergency Removal

The District may remove a non-employee Respondent from the District's education program or activity on an emergency basis after it conducts an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

The District may not use emergency removal to address a Respondent's threat of obstructing the sexual harassment investigation or destroying relevant evidence. Emergency removal is only available to address health or safety risks against individuals arising out of sexual harassment allegations, not to address other forms of misconduct that a Respondent might commit pending the processing of a complaint.

The District's [**designate position**] or designee will conduct the individualized safety and risk analysis.

If the [**designate position**] determines emergency removal is appropriate, he/she/they or designee will provide the person the District is removing from campus on an emergency basis with a notice and opportunity to attend a meeting and challenge the basis of his/her/their removal. The [**designate position**] or designee will determine whether the emergency removal from campus order is warranted after considering information provided by the Respondent challenging the emergency removal.

Administrative Leave

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

The District may place a non-student employee Respondent on administrative leave during the pendency of a grievance process described in the formal complaint process below. The District will follow any relevant policies, procedures, collective bargaining agreements, or state law in placing an employee on administrative leave.

Formal Complaint Grievance Process

Notice to Parties

Upon receipt of a formal complaint, the Title IX Coordinator will provide the following notice in writing, to the Parties:

- Notice of the District's Title IX grievance process;
- Notice of the allegations of alleged sexual harassment with sufficient details known at the time and with sufficient time to prepare a response before any initial interview;
- Statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Notice that the Parties may have Advisor of their choice, who may be, but is not required to be, an attorney;
- Notice that the Parties may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a Party or other source; ~~and~~
- Inform the Parties of any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process;- and
- For student Parties, notice regarding appropriate counseling resources the District has developed and maintains.

If, in the course of an investigation, the District decides to investigate allegations about the Complainant or Respondent that are not included in the notice provided above, the Title IX Coordinator will provide notice in writing of the additional allegations to the Parties.

Dismissal of Formal Complaint

The District must investigate the allegations in a formal complaint. However, the District must dismiss the formal complaint and will not process the complaint under these procedures if any of the following three circumstances exist:

- If the conduct alleged in the formal complaint would not constitute Title IX sexual harassment as defined in this procedure;

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- If the conduct alleged did not occur in the District's education program or activity;
- If the conduct alleged did not occur against a person in the United States.

The District has discretion to dismiss a formal complaint or any allegation under the following circumstances:

- If at any time during the investigation or hearing: a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations;
- If the Respondent is no longer enrolled or employed by the District; or
- If there are specific circumstances that prevent the District from gathering evidence sufficient to reach a determination regarding responsibility as to the formal complaint or allegations.

If the District dismissed the formal complaint or any allegations, the Title IX Coordinator shall simultaneously provide the Parties with written notice of the dismissal and reason. The District will also notify the Parties of their right to appeal.

The District may commence proceedings under other policies and procedures after dismissing a formal complaint.

Consolidation of Formal Complaints

The District may, but is not required to, consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Equitable Treatment of the Parties

The District's determination of responsibility is a neutral, fact-finding process. The District will treat Complainants and Respondents equitably. The procedures will apply equally to both Parties. The District will not discipline a Respondent unless it determines the Respondent was responsible for sexual harassment at the conclusion of the grievance process.

Statement of Presumption of Non-Responsibility

The investigation is a neutral, fact-finding process. The District presumes all reports are in good faith. Further, the District presumes the Respondent is not responsible for the alleged conduct. The District makes its determination regarding responsibility at the conclusion of the grievance process.

Bias or Conflict of Interest

The District's Title IX Coordinator, investigator, Decision-Maker, or any person designated by the District to facilitate an informal resolution process, will not have potential actual

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

bias or conflict of interest in the investigatory, hearing, sanctioning, or appeal process or bias for or against Complainants or Respondents generally. Actual bias is an articulated prejudice in favor of or against one Party or position; it is not generalized concern about the personal or professional backgrounds, positions, beliefs, or interests of the Decision-Maker in the process. The District will ensure that the Title IX Coordinator, investigator, Decision-Maker, and facilitator receive training on:

- The definition of sexual harassment in this procedure;
- The scope of the District's education program or activity;
- How to conduct an investigation;
- The grievance process including conducting hearings, appeals, and informal resolution processes; and
- How to serve impartially, including avoiding: prejudgment of the facts at issue; conflicts of interest; and bias.

Timeline for Completion

The District will undertake its grievance process promptly and as swiftly as possible. The District will complete the investigation and its determination regarding responsibility or the informal resolution process within [**designate number of days – the District determines the length, but this provision will apply to both employees and students, and will include intake, the investigation, the hearing process, and the appeal. It is recommend this be at minimum of 180 days**] calendar days.

When appropriate, the Title IX Coordinator may determine that good cause exists to extend the [**period from previous paragraph**] -calendar day period to conduct a fair and complete investigation, to accommodate an investigation by law enforcement, to accommodate the unavailability of witnesses or delays by the Parties, to account for District breaks or vacations, or due to the complexity of the investigation. The District will provide notice of this extension to the Complainant and Respondent in writing and include the reason for the delay and anticipated timing of completion.

A Party may request an extension from the Title IX Coordinator in writing by explaining the reason for the delay and the length of the continuance requested. The Title IX Coordinator will notify the Parties and document the grant or denial of a request for extension or delay as part of the case recordkeeping. The District shall grant a student Party's reasonable request for an extension of a deadline related to a Complaint during periods of examinations or school closures.

Role of Advisor

The role of the Advisor is to provide support and assistance in understanding and navigating the investigation process.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

The Advisor may not testify in or obstruct an interview or disrupt the process. The Title IX Coordinator has the right to determine what constitutes appropriate behavior of an Advisor and take reasonable steps to ensure compliance with this procedure.

A Party does not have a right to self-representation at the hearing; an Advisor must conduct any cross-examination. The District must provide an Advisor of its choice, free of charge to any Party without an Advisor in order to conduct cross-examination. If an Advisor fails to appear at the hearing, the District will provide an Advisor to appear on behalf of the non-appearing Advisor. To limit the number of individuals with confidential information about the issues, each Party may identify one Advisor.

Confidentiality Agreements

To protect the privacy of those involved, the Parties and Advisors are required to sign a confidentiality agreement prior to attending an interview or otherwise participating in the District's grievance process. The confidentiality agreement restricts dissemination of any of the evidence subject to inspection and review or use of this evidence for any purpose unrelated to the Title IX grievance process. The confidentiality agreement will not restrict the ability of either Party to discuss the allegations under investigation.

Use of Privileged Information

The District's formal complaint procedure does not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally-recognized privilege (e.g., attorney-client privilege, doctor-patient privilege, spousal privilege, etc.), unless the person holding the privilege provides voluntary, written consent to waive the privilege.

Student Complainant Requests for Confidentiality

If a student Complainant requests confidentiality when reporting sexual harassment, which could preclude a meaningful investigation or potential discipline of the Respondent, if found responsible, or that no investigation or disciplinary action be pursued to address alleged sexual harassment, the District shall take the request seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including for the Complainant. The District shall normally grant the request when possible. In determining whether to disclose a Complainant's identity or proceed to an investigation over the objection of the Complainant, the District may consider whether any of the following apply:

- There are multiple or prior reports of sexual misconduct against the Respondent;
- The Respondent reportedly used a weapon, physical restraints, or engaged in battery;
- The Respondent is a faculty or staff member with oversight of students;
- There is a power imbalance between the Complainant and Respondent;
- The Complainant believes that the Complainant will be less safe if the Complainant's name is disclosed or an investigation is conducted; and

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- The District is able to conduct a thorough investigation and obtain relevant evidence in the absence of the Complainant's cooperation.

If the District determines that it can honor the student—Complainant's request for confidentiality, it shall still take reasonable steps to respond to the Complaint, consistent with the request, to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating an investigation or revealing the identity of the Complainant. The District shall also take immediate steps to provide for the safety of the Complainant while keeping the Complainant's identity confidential as appropriate. The District shall notify the Complainant that the request for confidentiality will limit the steps the District will take to respond to the report of sexual harassment.

If the District determines that it must disclose the student—Complainant's identity to the Respondent or proceed with a Formal Complaint, it shall inform the Complainant prior to making this disclosure or initiating the investigation. The District shall also take immediate steps to provide for the safety of the Complainant where appropriate. In the event the Complainant requests that the District inform the Respondent that the Complainant asked the District not to investigate or seek discipline, the District shall honor this request.

Investigations

The Title IX Coordinator is responsible to oversee investigations to ensure timely resolution and compliance with Title IX and this procedure.

Both Parties have the right to have an Advisor present at every meeting described in this section.

Trained Investigators

The District will investigate Title IX formal complaints fairly and objectively. Individuals serving as investigators under this procedure will have adequate training on what constitutes sexual harassment, and how the District's grievance procedures operate, and trauma-informed investigation techniques. The District will also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence and complies with this procedure.

Burden of Gathering Evidence

The District, not the Parties, has the responsibility to gather information and interview witnesses. As part of the District's burden of gathering evidence, the District's investigator will create an investigative report that fairly summarizes relevant evidence, whether it is inculpatory or exculpatory. The investigator shall not make findings or determinations of law or fact.

Student Complainants should be aware that any evidence available but not disclosed during the investigation might not be considered at a subsequent hearing, if a hearing is

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

required under this procedure. [**Optional:** Written evidence submitted by a Party is limited to [# of pages – recommend at least 20 pages] pages or [# of words – recommend at least 10,000 words] words.]

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Evidence of Past Sexual History

An investigator or Decision-Maker shall not consider the past sexual history of the Complainant except in the limited circumstances described below:

- The investigator or Decision-Maker shall not consider the Complainant's prior sexual history unless such questions or evidence is offered to prove that someone other than the Respondent committed the alleged conduct; or
- The investigator or Decision-Maker shall not consider the Complainant's prior sexual behavior unless the questions or evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
 - Where the investigator or Decision-Maker allows consideration of questions or evidence about a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent pursuant to this circumstance, the mere fact that the Complainant and Respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.

Before allowing the consideration of any evidence proffered pursuant to this section, the investigator or Decision-Maker shall provide a written explanation to the Parties as to why consideration of the evidence is consistent with this procedure.

Notice of Investigative Interview

The District will provide written notice of the date, time, location, participants, and purpose of all investigative interviews to a Party whose participation is invited or expected, with sufficient time for the Party to prepare to participate.

Evidence Review

Both Parties have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a Party or other source.

Prior to the investigator preparing an investigative report, the District will make available to each Party and the Party's Advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The Parties will have at least ten days to submit a written response. The investigator must consider this written response prior to completing the investigative report.

Investigative Report

NOTE: *Title IX regulations require that the report fairly summarizes relevant evidence. The following language is **suggested as good practice.***

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

The results of the investigation of a formal complaint will 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 description of the procedural steps taken during the investigation, including all individuals contacted and interviewed;
- A summary of the testimony of each witness the investigator interviewed;
- An analysis of relevant evidence collected during the investigation, including a list of relevant documents;
- A specific finding as to whether the allegations occurred using a preponderance of the evidence standard;
- A table of contents if the report exceeds ten pages; and
- Any other information deemed appropriate by the District.

The investigator will not make a determination regarding responsibility.

The investigator may redact information not directly related to the allegations or privileged information. However, the investigator will keep a log of information he/she/they do not produce to the Parties. The investigator will provide this log only to the Title IX Coordinator. The Title IX Coordinator will not disclose the log to the Parties but will maintain the log in the Title IX Coordinator's file, in the event it later becomes relevant.

At least ten days prior to a hearing, the District will send the investigative report to each Party and their Advisors, if any, the investigative report in an electronic format or a hard copy, for review and written response. The Parties will have at least ten days to submit a written response.

Hearing

After completing an investigation and prior to completing a determination regarding responsibility, the District will hold a live hearing to provide the Complainant and Respondent an opportunity to respond to the evidence gathered before a Decision-Maker. Neither Party may choose to waive the right to a live hearing, but the Parties can choose whether to participate in the hearing or answer some or all cross-examination questions.

Notice

If the District proceeds to a hearing, the District will provide all Parties written notice of the date, time, location, participants, and purpose of the hearing with sufficient time for the Party to prepare to participate.

Hearing Format

The District may provide a live hearing with all Parties physically present in the same geographic location or, at the District's discretion if either Party **or a witness** requests, the

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

District may provide any or all Parties, witnesses, and other participants the ability to appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other in real time.

The District will make the information reviewed during the Evidence Review available at the hearing for reference and consultation. The District will not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence.

The District will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the Parties for inspection and review.

The Decision-Maker shall provide an explanation of the meaning of the preponderance of the evidence standard, and affirm that it shall apply to adjudications under this procedure. The preponderance of the evidence standard is met if the District determines that it is more likely than not that the alleged misconduct occurred, based on the facts available at the time of the decision.

Decision-Maker

The Decision-Maker will be free from conflict of interest or bias, including bias for or against Complainants or Respondents. **[Optional: In cases where the Complainant or Respondent objects to the Decision-Maker based on a conflict of interest, the Complainant or Respondent may request the Title IX Coordinator select a different Decision-Maker. The Complainant or Respondent must make this request to the Title IX Coordinator in writing at least five business days prior to the hearing.]**

The Decision-Maker may ask the Parties and the witnesses questions during the hearing. The Decision-Maker must objectively evaluate all relevant evidence both inculpatory and exculpatory and must independently reach a determination regarding responsibility without giving deference to the investigative report. The Decision-Maker must receive training on issues of relevance, how to apply the rape-shield protections for Complainants, and any technology to be used at the hearing.

Presenting Witnesses

The District will provide the Complainant and Respondent an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Witnesses, like Parties, are not required to participate in the live hearing process.

Only relevant evidence will be admissible during the hearing. Relevant evidence means evidence, including evidence relevant to the credibility of a Party or witness, having any tendency in reason to prove or disprove any disputed fact material to the allegations under investigation.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Generally, the Parties may not introduce evidence, including witness testimony, at the hearing that the Party did not identify during the investigation and that was available at the time of the investigation. However, the Decision-Maker has discretion to accept for good cause, or exclude, such new evidence offered at the hearing.

Cross-Examination

The District shall permit each Party's Advisor to ask the other Party and any witness relevant questions, including questions challenging credibility. The Party's Advisor must conduct cross-examination directly, orally, and in real time. A Party may never personally conduct cross-examination. The other Party shall have an opportunity to object to a question posed. The District may limit such objections to written form, and neither the Decision-Maker nor the District are obligated to respond, other than to include any objection in the record. The Decision-Maker shall have the authority and obligation to discard or rephrase any question that the Decision-Maker deems to be irrelevant. In making these determinations, the Decision-Maker is not bound by, but may take guidance from, the formal rules of evidence.

Before a Complainant, Respondent, or witness answers a question, the Decision-Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Decision-Maker need not provide a lengthy or complicated explanation in support of a relevance determination.

If a Party or witness disagrees with a relevance determination, that individual has the choice of either (1) abiding by the Decision-Maker's determination and answering the question or (2) refusing to answer the question.

~~The Decision-Maker cannot rely on the statements or testimony of a Party or witness who has refused to answer a question the Decision-Maker had found relevant unless the Decision-Maker reconsiders and changes the ruling before reaching the determination of responsibility. If the Decision-Maker changes the determination of relevance of an unanswered question, the Decision-Maker must explain the decision to reconsider the ruling in the written determination of responsibility.~~

If a Party or witness does not submit to cross-examination at the live hearing, the Decision-Maker may admit any statement of that Party or witness in reaching a determination regarding responsibility. The Decision-Maker will give the statements whatever weight the Decision-Maker determines appropriate, bearing in mind that the statements have not been tested by cross-examination. In doing so, the Decision-Maker should consider, and if possible determine, whether the witness or Party made the statement and what the statement proves.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

The Decision-Maker cannot draw an inference about the determination of responsibility based solely on a Party's or witness's absence from the live hearing or refusal to submit to cross-examination or to answer any question.

The Decision-Maker may also ask any Party or witness questions. If a Party or witness refuses to respond to a Decision-Maker's questions, the Decision-Maker is not precluded from relying on that Party or witness' statements.

Determinations of Responsibility

When the Decision-Maker makes a determination of responsibility or non-responsibility, the Decision-Maker will issue a written determination regarding responsibility, no later than [**# of days – recommend at least 20 business days**] after the date that the hearing ends.

When making a determination regarding responsibility, a Decision-Maker will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence. A Decision-Maker may not make credibility determinations based on an individual's status as a Complainant, Respondent, or witness. In evaluating the evidence, the Decision-Maker will use the 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 sexual harassment occurred.

The written determination will include:

- Identification of the allegations potentially constituting Title IX sexual harassment as defined in these procedures;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including who conducted the investigation and gave notifications to the Parties. The determination will also state when, where, and the date the investigator interviewed the Parties and witnesses, conducted site visits, the methods used to gather other evidence. The procedural section should also discuss the dates and how the Parties were provided the opportunity to review and inspect evidence and the date of any hearings held and who attended the hearing;
- Findings of fact supporting the determination. In making these findings, the Decision-Maker will focus on analyzing the findings of fact that support the determination of responsibility or non-responsibility;
- Conclusions regarding the application of the District's code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- A statement of, and rationale for, any disciplinary sanctions the District imposes on the Respondent;

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- A statement of whether the District will provide the Complainant with remedies designed to restore or preserve equal access to the District's education program or activity;
- The District need not disclose to the Respondent remedies that do not affect him/her/them as part of the written determination. The District can inform the Respondent that it will provide remedies to the Complainant. However, the District will inform the Complainant of the sanctions against the Respondent;
- The District's procedures and permissible bases for the Complainant and Respondent to appeal.

The District will provide the written determination to the Parties simultaneously. The determination regarding responsibility becomes final either on the date that the District provides the Parties with the written determination of the result of the appeal, if the Parties file an appeal, or if the Parties do not file an appeal, the date on which an appeal would no longer be timely.

Disciplinary Sanctions and Remedies

The District must have completed the grievance procedures (investigation, hearing, and any appeal, if applicable) before the imposing disciplinary sanctions or any other actions that are not supportive measures against a Respondent. If the Decision-Maker determines the Respondent was responsible for conduct that constitutes sexual harassment, the District will take disciplinary action against the Respondent 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:

- Providing an escort to ensure that the Complainant can move safely between classes and activities;
- Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area;
- Providing counseling services or a referral to counseling services;
- Providing medical services or a referral to medical services;
- Providing academic support services, such as tutoring;
- Arranging for a Complainant, if a student, 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
- 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's discipline.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Possible disciplinary sanctions for student Respondents include written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Possible disciplinary sanctions for employee Respondents include written or verbal reprimand, required training or counseling, reduction in pay [**if negotiated or available through policy or procedure**], demotion [**if negotiated or available through policy or procedure**], suspension, or discharge.

Appeal of Dismissal of a Formal Complaint or of the Determination of Responsibility

A Complainant or Respondent may appeal the District's determination regarding responsibility or the dismissal of a formal complaint or any allegations. A Complainant or Respondent must submit a written appeal within [**specify number of days – recommend between five and ten business days**] days from the date of the notice of determination regarding responsibility or from the date of the District's notice of dismissal of a formal complaint or any allegations.

Grounds for Appeal

The [**designate position – this Decision-Maker may not be the same individual who made the decision the appellant is challenging – whether that is determination regarding responsibility or dismissal the investigator, or the decision to dismiss a formal complaint, and may not be Title IX Coordinator or the investigator**] will serve as the Decision-Maker on Appeal. In filing an appeal of the District's determination regarding responsibility or the District's dismissal of a formal complaint, the Party must state the grounds for appeal and a statement of facts supporting those grounds. The grounds for appeal are as follows:

- A procedural irregularity affected the outcome;
- New evidence was not reasonably available at the time the District's determination regarding responsibility or dismissal was made, and this new evidence could affect the outcome; or
- The District's Title IX Coordinator, investigator, or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome.

Appeal Procedure

If the Complainant or Respondent submit an appeal to the District, the District will:

- Notify the other Party in writing within [**specify # of days – suggest five business days**] days of receiving a Party's appeal;
- Allow the non-appealing Parties at least [**specify # of days – suggest ten business days**] days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome;

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

The appeal Decision-Maker will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within [**specify # of days – suggest 45 days**] business days after the Decision-Maker on appeal receives the response to the appeal or the last day to provide a response. The District will provide the written decision simultaneously to both Parties.

The Decision-Maker on appeal may extend or otherwise modify the deadlines provided above. Either Party may seek an extension by submitting a written request to the appeal Decision-Maker explaining the need for the extension and the proposed length of the extension. The Decision-Maker will respond to the request within 48 hours in writing and will inform the Parties simultaneously whether the extension is granted.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Informal Resolution

If the District determines that a formal complaint is appropriate for informal resolution, it may provide the Parties with the opportunity to participate in an informal resolution process, including mediation, at any time prior to reaching a determination regarding responsibility.

The District will provide the Complainant and Respondent written disclosure of the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the Parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

The District must obtain the Parties' voluntary, written consent to the informal resolution process. If the Parties reach an agreement, the District does not have to complete a full investigation and adjudication of a report of sexual harassment. At any time prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

The informal resolution process is not available to resolve allegations that an employee sexually harassed a student or any allegations of sexual assault.

Retaliation Prohibited

The District prohibits any intimidation, threats, coercion, or discrimination against any individual who made a report or complaint of sexual harassment, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. Individuals who experience retaliation may file a complaint using the formal complaint process described above.

Dissemination of Policy and Procedures

The District will provide its policy and procedures related to Title IX on its website and in each handbook or catalog provided to applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining with the District. The District will also provide its policy and procedures related to Title IX to all volunteers who will regularly interact with students and each individual or entity under contract with the District to perform any service involving regular interaction with students.

When hired, employees are required to sign acknowledging that they have received the policy and procedures. The District will place the signed acknowledgment of receipt in each employee's personnel file.

Training

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

The District will provide a comprehensive trauma-informed training program to Title IX Coordinators, investigators, Decision-Makers, and any individual who facilitates an informal resolution process, on the definition of sexual harassment, the scope of the District's education program or activities, best practices for assessment of a sexual harassment complaint, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, ~~and~~ how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, ~~and~~ bias, and implicit bias and racial inequities, both broadly and in school disciplinary processes. Any materials used to train the District's Title IX Coordinator, investigators, Decision-Makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment. Materials for this training must include statistics on the prevalence of sexual harassment and sexual violence in the educational setting, and the differing rates at which students experience sexual harassment and sexual assault in the educational setting based on their race, sexual orientation, disability, gender, and gender identity.

[For a District that maintains any on-campus student housing facility, include the following language: The District shall ensure that residential life student and nonstudent staff, or their equivalent, annually receive training on how to handle, in a trauma-informed manner, reports made to them of sexual harassment and situations in which they are aware of sexual harassment in student residential facilities.]

NOTE: The following language is legally advised as it helps the District create a rebuttable presumption of knowledge of possible sexual harassment if an Official with Authority failed to report the sexual harassment to the Title IX Coordinator as trained.

The District will provide Officials with Authority with training regarding his/her/their obligation to report sexual harassment and instruction on how to report sexual harassment to the Title IX Coordinator.

File Retention

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

- The original report or complaint;
- Any actions taken in response to the complaint, including supportive measures;
- The investigative report including all evidence gathered and any responses from the Parties;
- The District's determination regarding responsibility;
- Audio or audiovisual recording or transcript from a hearing;
- Records of any disciplinary sanctions imposed on the Respondent;
- Records of any remedies provided to the Complainant;

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- Any appeal and the result;
- Any informal resolution and the result; and
- All materials used to train Title IX Coordinators, investigators, Decision-Makers, and any person who facilitates an informal resolution process. The District will make these training materials publicly available on its website.

The District will make these documents available to the U.S. Department of Education Office for Civil Rights upon request.

NOTE: *The following language is optional.*

Complaint Reporting

The [**CEO**] shall provide the Board of Trustees, upon request, a report of complaints filed pursuant to AP 3434. This report must disaggregate the complaints by complaint type (Student Complainant and Student Respondent, Student Complainant and Employee Respondent, Employee Complainant and Student Respondent, Employee Respondent and Employee Respondent, etc.). This report must also disaggregate the complaints by the Complainant's race, age, gender, religion, or any other characteristic identified by the Board.

New 7/20; Revised 10/20, 4/21, 10/21, 4/22

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 3435 Discrimination and Harassment Complaints and Investigations

References:

Education Code Sections 212.5, 231.5, 66281.5, [66281.8](#), and 67386;
 Government Code Section 12950.1;
 Title 5 Sections 59320, 59324, 59326, 59328, and 59300 et seq.;
 Title 2 Sections 11023 and 11024

NOTE: *This procedure is **legally required**. Local practice may be inserted. The following is an illustrative example.*

NOTE: *In order to comply with Department of Fair Employment and Housing ("DFEH") regulations, Districts adopting this policy should also adopt AP 3410 Nondiscrimination and AP 3430 Prohibition of Harassment.*

NOTE: *DFEH Regulations require any employer whose workforce contains 10 percent or more of persons who speak a language other than English as their spoken language to translate its harassment, discrimination, and retaliation policies into every language that is spoken by at least 10 percent (10%) of the workforce. In order to comply with this requirement, Districts should translate BP 3410 Nondiscrimination, BP 3430 Prohibition of Harassment, AP 3410 Nondiscrimination, AP 3430 Prohibition of Harassment, and AP 3435 Discrimination and Harassment Complaints and Investigations into any applicable languages.*

For sexual harassment under Title IX, Complainants must proceed under BP 3433 Prohibition of Sexual Harassment under Title IX, AP 3433 Prohibition of Sexual Harassment under Title IX, and AP 3434 Responding to Harassment Based on Sex under Title IX. For other forms of sexual harassment or gender-based harassment, Complainants should use this procedure.

Reporting and Filing Complaints

The law prohibits coworkers, supervisors, managers, and third parties with whom an employee comes into contact from engaging in harassment, discrimination, or retaliation. Any person who has suffered harassment, discrimination, or retaliation or who has learned of harassment, discrimination, or retaliation may report harassment, discrimination, or retaliation. Complainants may have the option of filing a Complaint.

All responsible employees are required to report all actual or suspected sexual harassment to the [**designate position**] immediately. A responsible employee is any employee who has the authority to take action to redress sexual harassment or provide

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

supportive measures to students, or who has been given the duty of reporting incidents of sexual harassment to an appropriate District official who has that authority.

Confidential Reporting

An employee who is a therapist, physician, psychotherapist, member of the clergy, sexual assault counselor, domestic violence counselor, or other individual acting in a professional capacity for which confidentiality is mandated by law is exempt from having to report sexual harassment concerns to the Title IX Coordinator or other designated employee, unless otherwise required by law.

An employee who is not considered a responsible employee must inform each student who provides him/her/them with information regarding sexual harassment of the student's ability to report to a responsible employee and direct the student to those specific reporting resources.

Outreach

When a responsible employee reports actual or suspected sexual harassment involving students to the [**designate position**], the [**designate position**] will assess the report of sexual harassment and provide outreach, as appropriate, to each identifiable student who is alleged to be the victim of the reported conduct. The outreach shall include all of the following information:

- The District received a report that the student may have been a victim of sexual harassment;
- A statement that retaliation for filing a complaint or participating in the complaint process, or both, under this procedure is prohibited;
- Counseling resources within the District or in the community;
- Where a crime may have occurred, notice that the student has the right, but not the obligation, to report the matter to law enforcement;
- The District's complaint and investigation procedures established pursuant to this procedure;
- Potential interim measures, such as no-contact directives, housing changes, and academic schedule changes, where applicable;
- The importance of preserving evidence;
- A request for the student to meet with the Title IX coordinator or other designated employee to discuss options for responding to the report;
and
- The manner in which the District responds to reports of sexual harassment and a description of potential disciplinary consequences.

The District shall consider and respond to requests for accommodations relating to prior incidents of student sexual harassment that could contribute to a hostile educational

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

environment or otherwise interfere with a student's access to education where both individuals are, at the time of the request, subject to the District's policies.

Complaints

A Complaint is a written or verbal statement filed with the District that alleges harassment, discrimination, or retaliation in violation of the District's Board Policies, Administrative Procedures, or in violation of state or federal law. Complaints must be filed with the [**designate position**] unless the Party submitting the Complaint alleges discrimination, harassment, or retaliation against the responsible district officer, in which case it should be submitted directly to the [**CEO**].

The District may request, but shall not require the Complainant to submit a Complaint on the form prescribed by the Chancellor of the California Community Colleges. A copy of the form will be available at [**specify location, such as each college student services office, the office of College President, the District human resources department and on college's/district's web sites**]. A Complainant shall report a verbal Complaint to the [**designate position**]. The [**designate position**] shall record the verbal Complaint in writing. The [**designate position**] will take steps to ensure the writing accurately reflects the facts alleged by the Complainant.

A 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 file any 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; and
- The Complainant must file any 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 Complaint does not meet the requirements set forth above, the [**designate position**] will promptly contact the Complainant and specify the defect. If the Complainant is unable to fix the defect in the Complaint, the [**designate position**] shall consider the

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

allegations contained in the Complaint and determine the appropriate course of action. This may include efforts to informally resolve the matter or a fact-finding investigation.

Oversight of Complaint Procedure: The [**designate position**] 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 [**insert by whom**] to other staff or to outside persons or organizations under contract with the District. This shall occur whenever the [**designate officer**] is named in the Complaint or implicated by the allegations in the Complaint.

Who May File a Complaint: Any student, employee, parent of a minor, or an individual with legal authority on behalf of a student or employee who believes the student or employee 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, parent of a minor, or an individual with legal authority on behalf of a student or employee who believes the student or employee has been discriminated against or harassed in violation of these policy and procedures may make a Complaint orally or in writing directed to the [**designate officer**]. Complainants may but are not required to use the form prescribed by the Chancellor of the California Community Colleges. These forms are available from the [**designate officer**] and at the California Community Colleges Chancellor's Office website.

Advisers in Students Student Harassment Complaints

Student Parties in Complaints involving sexual harassment are permitted to have a support person or adviser accompany him/her/them during any stage of the Complaint process described in this procedure. Student Parties in Complaints involving sexual harassment have the right to consult with an attorney, at his/her/their own expense, at any stage of the Complaint process if he/she/they wishes to do so. An attorney may serve as a support person or adviser.

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).

Any District employee who receives a harassment or discrimination complaint shall notify the [**designated officer**] immediately.

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

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

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 school's programs or activities.

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.

Intake and Processing of the Complaint: Upon receiving notification of a harassment or discrimination complaint, the [**designate officer**] shall:

- Consider whether the District can 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 all Parties that he/she/they need not participate in an informal resolution of the Complaint, as described above, and they have the right to end the informal resolution process at any time. **NOTE: Districts ~~should not allow~~ exercise care in using mediation, even on a voluntary basis, to resolve allegations in cases of sexual violence.**
- Advise a student Complainant that he/she/they may file a Complaint with the Office for 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.
- In matters involving student sexual harassment, provide student Parties notice regarding appropriate counseling resources developed and maintained by the District.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- 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 [**designate officer**] should notify the Complainant of his/her/their 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.

Regardless of whether a Complaint has been filed under this procedure, if the District knows, or reasonably should know, about possible sexual harassment involving individuals subject to the District's policies at the time, the District shall promptly investigate to determine whether the alleged conduct more likely than not occurred, or otherwise respond if the District determines that an investigation is not required.

Student Complainant Requests for Confidentiality

If a student Complainant requests confidentiality when reporting sexual harassment, which could preclude a meaningful investigation or potential discipline of the Respondent, or that no investigation or disciplinary action be pursued to address alleged sexual harassment, the District shall take the request seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including for the Complainant. The District shall normally grant the request when possible. In determining whether to disclose a Complainant's identity or proceed to an investigation over the objection of the Complainant, the District may consider whether any of the following apply:

- There are multiple or prior reports of sexual misconduct against the Respondent;
- The Respondent reportedly used a weapon, physical restraints, or engaged in battery;
- The Respondent is a faculty or staff member with oversight of students;
- There is a power imbalance between the Complainant and Respondent;
- The Complainant believes that the Complainant will be less safe if the Complainant's name is disclosed or an investigation is conducted; and
- The District is able to conduct a thorough investigation and obtain relevant evidence in the absence of the Complainant's cooperation.

If the District determines that it can honor the student Complainant's request for confidentiality, it shall still take reasonable steps to respond to the Complaint, consistent with the request, to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating formal action against Respondent or revealing the identity of the Complainant. The District shall also take immediate steps to provide for the safety of

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

the Complainant while keeping the Complainant's identity confidential as appropriate. The District shall notify the Complainant that the steps the District will take to respond to the Complaint will be limited by the Complainant's request for confidentiality.

If the District determines that it must disclose the student Complainant's identity to the Respondent or proceed with an investigation, it shall inform the Complainant prior to making this disclosure or initiating the investigation. The District shall also take immediate steps to provide for the safety of the Complainant where appropriate. In the event the Complainant requests that the District inform the Respondent that the Complainant asked the District not to investigate or seek discipline, the District shall honor this request.

Investigation

The [**designate position**] shall:

- Provide notice to student Parties to a sexual harassment complaint that the District is conducting an investigation. The notice shall include the allegations against the Respondent and the alleged District policy violations under review. If new allegations that arise during the course of the District's investigation that could subject either student Party to new or additional discipline or corrective action, the [**designate position**] shall provide a supplemental notice to the student Parties.
-
- Authorize the investigation of the Complaint, and supervise or conduct a thorough, prompt, and impartial investigation of the Complaint, as set forth below. Where the Parties 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. 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.

Investigation of the Complaint: The District shall promptly investigate every Complaint. 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

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

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. The District shall notify the Complainant that the District will commence an impartial fact-finding investigation of the allegations contained in the Complaint.

As set forth above, where the Parties opt for an informal resolution, the [**designated officer**] 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.

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 using trauma-informed investigation techniques.

The investigation and adjudication of alleged misconduct under this procedure is not an adversarial process between the Complainant, the Respondent, and the witnesses, but rather a process for the District to comply with its obligations under existing law. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegation or allegations of misconduct.

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. Student

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Complainants should be aware that any evidence available but not disclosed during the investigation might not be considered at a subsequent hearing, if a hearing is required under this procedure. [**Optional: Written evidence submitted by a Party is limited to [# of pages – recommend at least 20 pages] pages or [# of words – recommend at least 10,000 words] words.**]

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, and the District shall notify the Complainant and Respondent of the outcome within 90 days of the District receiving the Complaint.

Cooperation Expected: 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. No employee will be retaliated against as a result of lodging a Complaint or participating in any workplace investigation.

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 Complaint;
- A description of the procedural steps taken during the investigation, including all individuals contacted and interviewed;
- A summary of the testimony provided by each witness, including the Complainant and any available witnesses identified by the Complainant in the Complaint;
- An analysis of relevant data or other evidence collected during the course of the investigation, including a list of relevant documents;
- A specific finding as to whether each factual allegation in the Complaint occurred based on the preponderance of the evidence standard;
- A table of contents if the report exceeds ten pages and
- Any other information deemed appropriate by the District.

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

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

protect the rights of student and employee Respondents during the investigation process and any ensuing discipline.

Administrative Determination

In any case not involving employment discrimination, within 90 days of receiving a Complaint, the district shall complete its investigation and forward a copy or summary of the report, and written notice to the Complainant setting forth all of the following:

- The [**CEO**]'s or his/her/their designee's determination as to whether unlawful discrimination occurred with respect to each allegation in the Complaint based on a preponderance of the evidence standard and the basis for that determination including factual findings;
- In the event a discrimination allegation is substantiated, a description of actions taken, if any, to prevent similar acts of unlawful discrimination from occurring in the future;
- The proposed resolution of the Complaint;
- The Complainant's right to appeal to the District's Board of Trustees and the California Community Colleges Chancellor's Office; and
- In matters involving student sexual misconduct, the Respondent's right to appeal to the District's Board of Trustees any disciplinary sanction imposed upon the Respondent.

In any case involving employment discrimination, within 90 days of receiving a Complaint, the District shall complete its investigation and forward a copy or summary of the report and written notice to the Complainant setting forth all the following: [**NOTE: For cases involving employment discrimination, Title 5 only requires that a copy or summary of the report be provided to the Complainant. The District may, but is not required to, provide the report to the respondent in order to have a consistent process for addressing employment and non-employment discrimination claims.**]

- The [**CEO**]'s or his/her/their designee's determination as to whether there discrimination occurred with respect to each allegation in the Complaint based on the preponderance of the evidence standard and the basis for that determination including factual findings;
- If a discrimination allegation is substantiated, a description of actions taken, if any, to prevent similar acts of unlawful discrimination from occurring in the future;
- The proposed resolution of the Complaint; and
- The Complainant's right to appeal to the District's Board of Trustees and to file a Complaint with Department of Fair Employment and Housing.

The District shall also provide the Respondent the following:

- The [**CEO**]'s or his/her/their designee's determination as to whether unlawful discrimination occurred with respect to each allegation in the Complaint based on

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

the preponderance of the evidence standard and the basis for that determination including factual findings;

- The proposed resolution of the Complaint, including any disciplinary action against the Respondent; and
- In matters involving student sexual misconduct not subject to Title IX, the Respondent's right to appeal to the District's Board of Trustees any disciplinary sanction imposed upon the Respondent.

Discipline for Student Sexual Misconduct Not Subject to Title IX

In a Complaint involving student sexual misconduct not subject to Title IX, if a student Respondent is subject to severe disciplinary sanctions, and the credibility of witnesses was central to the investigative findings, the District will provide an opportunity for the student Respondent to cross-examine witnesses indirectly at a live hearing, either in person or by videoconference, ~~and a live hearing~~ conducted by a neutral decision-maker other than the investigator.

In other Complaints involving sexual harassment against a student, the District shall decide whether a hearing is necessary to determine whether any sexual violence more likely than not occurred. In making this decision, the District may consider whether the Parties elected to participate in the investigation and whether each Party had the opportunity to suggest questions to be asked of the other Party and witnesses during the investigation.

The District shall appoint a neutral third party to attend the hearing solely for the purpose of asking any questions to the witnesses. The neutral third party shall not be the student Respondent, the student Respondent's representative, or any individual charged with making a final determination regarding discipline. The student Respondent may submit written questions before and during the cross-examination, including any follow-up questions. Either Party or any witness may request to answer the questions by videoconference from a remote location.

At the hearing, the other Party shall have an opportunity to note an objection to the questions posed. The District may limit such objections to written form, and neither the hearing officer nor the District are obligated to respond, other than to include any objection in the record. The hearing officer shall have the authority and obligation to discard or rephrase any question that the hearing officer deems to be repetitive, irrelevant, or harassing. In making these determinations, the hearing officer is not bound by, but may take guidance from, the formal rules of evidence.

Generally, the Parties may not introduce evidence, including witness testimony, at the hearing that the Party did not identify during the investigation and that was available at the time of the investigation. However, the hearing officer has discretion to accept for good cause, or exclude, such new evidence offered at the hearing.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

The hearing officer shall provide an explanation of the meaning of the preponderance of the evidence standard, and affirm that it shall apply to adjudications under this procedure. The preponderance of the evidence standard is met if the District determines that it is more likely than not that the alleged misconduct occurred, based on the facts available at the time of the decision.

~~The neutral third party asking questions shall not exclude any questions unless there is an objection to the question by any individual charged with making a final determination regarding discipline.~~

Evidence of Past Sexual History

An investigator or hearing officer, if required by this procedure, shall not consider the past sexual history of the Complainant or Respondent except in the limited circumstances described below:

- The investigator or hearing officer shall not consider prior or subsequent sexual history between the Complainant and anyone other than the Respondent for any reason unless directly relevant to prove that physical injuries alleged to have been inflicted by the Respondent were inflicted by another individual;
- The investigator or hearing officer shall not consider the existence of a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent unless the evidence is relevant to how the Parties communicated consent in prior or subsequent consensual sexual relations:
 - Where the investigator or hearing officer allows consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent pursuant to this circumstance, the mere fact that the Complainant and Respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.

Before allowing the consideration of any evidence proffered pursuant to this section, the investigator or hearing officer shall provide a written explanation to the Parties as to why consideration of the evidence is consistent with this procedure.

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 consistent with state and federal law. The action will be prompt, effective, and commensurate with the severity of the offense.

Possible disciplinary sanctions for student Respondents include written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Possible disciplinary sanctions for employee Respondents include written or

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

verbal reprimand, required training or counseling, reduction in pay [if negotiated or available through policy or procedure], demotion [if negotiated or available through policy or procedure], suspension, or discharge.

Remedies for the Complainant might include, but are not limited to:

- providing an escort to ensure that the Complainant can move safely between classes and activities;
- ensuring that the Complainant and alleged perpetrator do not attend the same classes or work in the same work area;
- preventing offending third parties from entering campus;
- providing counseling services or a referral to counseling services;
- providing medical services or a referral to medical services;
- providing academic support services, such as tutoring;
- 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
- 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, address the hostile environment, if one has been created, prevent its recurrence, address its affects, 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.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

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.

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/they may, within 30 days, submit a written appeal to the Board of Trustees.

In a Complaint involving student sexual misconduct not subject to Title IX, a Respondent who is not satisfied with the results of the administrative determination may submit a written appeal to the District's Board of Trustees within 30 days.

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 the Respondent. The Complainant shall also be notified of his/her/their right to appeal this decision.

If the Board does not act within 45 days, the administrative determination shall be deemed approved on the forty-sixth day and shall become the final decision of the District in the matter. The District shall promptly notify the Complainant and the Respondent of the Board's action, or if the Board took no action, that the administrative determination is deemed approved.

In any case not involving workplace discrimination, harassment, or retaliation, the Complainant shall have the right to file a written appeal with the California Community Colleges Chancellor's Office within 30 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.

Remand

The California Community College Chancellor's Office may remand any matter to the District for any of the following reasons: to cure defects in the investigation or in procedural compliance; to consider new evidence not available during the investigation

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

despite the Complainant's due diligence that would substantially impact the outcome of the investigation; or to modify or reverse a decision of the District's Board of Trustees based upon misapplication of an applicable legal standard or an abuse of discretion.

If the California Community College Chancellor's Office remands a matter to the District, the District shall take necessary action and issue a decision after remand within 60 days. In any case not involving employment discrimination, the Complainant may appeal the District's amended determination to the California Community College Chancellor's Office within 30 days by following the appeal procedures above.

Extension of Time

A student Complainant or Respondent may request, in writing, an extension of a deadline related to a Complaint during periods of examinations or school closures. The District shall grant a student Party's reasonable request for an extension of a deadline related to a Complaint during periods of examinations or school closures.

If the District is unable to comply with the 90-day deadline, the District may extend the time to respond by up to 45 additional days. An extension may be taken only once without permission from the California Community Colleges Chancellor's Office, and must be necessary for one of the following reasons:

- a need to interview a party or witness who has been unavailable;
- a need to review or analyze additional evidence, new allegations, or new complaints related to the matter; or
- to prepare and finalize an administrative determination.

The District shall send a written notice to the Complainant and to a Respondent who is aware of an investigation indicating the necessity of an extension, the justification for the extension, and the number of days the deadline will be extended. The District shall send this notice no later than 10 days prior to the initial time to respond.

The District may request additional extensions from the California Community Colleges Chancellor's Office after the initial 45-day extension. The District shall send a copy of the extension request to the Complainant and to a Respondent who is aware of an investigation. The Complainant and Respondent may each file a written objection with the California Community Colleges Chancellor's Office within 5 days of receipt.

Disclosures to the California Community Colleges Chancellor's Office

Upon request of the California Community Colleges Chancellor's Office, the District shall provide copies of all documents related to a discrimination Complaint, including the following: the original Complaint, any investigative report unless subject to the attorney-client privilege, the written notice to the Complainant setting forth the results of the investigation, the final administrative decision rendered by the Board or a statement

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

indicating the date upon which the decision became final, and a copy of the notification to the Complainant of his/her/their appeal rights, the Complainant's appeal of the District's administrative determination, any other non-privileged documents or information the Chancellor requests.

The District shall provide to the California Community Colleges Chancellor's Office an annual report with the following information: the number of employment and non-employment discrimination complaints and informal charges received in the previous academic year; the number of complaints and informal charges resolved in the previous academic year; the number of complaints of unlawful discrimination received in the previous academic year, and the number of those complaints that were sustained in whole or in part; and any other information requested by the Chancellor.

Interim and Supportive Measures

Interim measures are individualized services offered as appropriate to either or both the Complainant and Respondent in an alleged incident of sexual misconduct, prior to an investigation or while an investigation is pending.

Supportive measures are non-disciplinary, non-punitive individualized services offered free of charge to the Complainant or the Respondent regardless of whether a Complaint has been filed.

The District will provide interim or supportive measures to Parties as appropriate and as reasonably available.

Interim and supportive measures may include changes to academic, living, transportation, and working situation or protective measures such as counseling, extensions of deadlines, other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

No-Contact Directives

When requested by a Complainant or otherwise determined to be appropriate, the District shall issue an interim no-contact directive prohibiting the Respondent from contacting the Complainant during the pendency of the investigation. The District shall not issue an interim mutual no-contact directive automatically, but instead shall consider the specific circumstances of each case to determine whether a mutual no-contact directive is necessary or justifiable to protect the noncomplaining party's safety or well-being, or to respond to interference with an investigation. If the District issues a no-contact directive after making decision of responsibility, the no-contract directive shall be unilateral and only apply against the Party found responsible.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Upon the issuance of a mutual no-contact directive, the District shall provide the Parties with a written justification for the directive and an explanation of the terms of the directive. Upon the issuance of any no-contact directive, the District shall provide the Parties with an explanation of the terms of the directive, including the circumstances, if any, under which violation could be subject to disciplinary action.

File Retention

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

- the original Complaint;
- the investigatory report;
- the summary of the report if one is prepared;
- the notice provided to the Parties, of the District's administrative determination and the right to appeal;
- any appeal; and
- the District's final decision.

For any appeal to the California Community Colleges Chancellor's Office, shall provide all relevant, non-privileges documents upon request of the Chancellor.

NOTE: *The following language is legally required.*

Dissemination of Policy and Procedures

District ~~p~~Policy and ~~p~~Procedures related to harassment will include information that specifically addresses sexual violence. District policy and procedures will be provided to all students, all employees, all volunteers who will regularly interact with students, and each individual or entity under contract with the District to perform any service involving regular interaction with students at the District. ~~District policy and procedures related to harassment will also 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.

Training

By January 1, 2021, the District shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees. All new employees must be provided with the training and education within six months of their assumption of his/her/their position. After January 1, 2021, the District shall provide

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

sexual harassment training and education to each employee once every two years. An employee who received this training and education in 2019 is not required to have refresher training until after two years thereafter.

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, a review of "abusive conduct," and harassment based on gender identity, gender expression, and sexual orientation. 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. Supervisor's harassment training must also address potential exposure and liability for employers and individuals, supervisor's obligation to report sexual harassment, discrimination, and retaliation when they become aware of it, appropriate remedial measures to correct harassing behavior.

NOTE: The following language is legally advised as it helps the District create a rebuttable presumption of knowledge of possible sexual harassment if an Official with Authority failed to report the sexual harassment to the Title IX Coordinator as trained. Training for responsible employees must also address the responsible employee's obligation to report sexual harassment and instruction on how to report sexual harassment to the responsible District officer.

The District will also provide comprehensive, trauma-informed training to each employee involved in the District's sexual harassment or discrimination grievance procedure including investigating and adjudicating complaints involving sexual violence, sexual assault, domestic violence, dating violence, and stalking. This training shall include information on trauma-informed investigatory and hearing practices that help ensure an impartial and equitable process, best practices for assessment of a sexual harassment or sexual violence complaint, best practices for questioning of the complainant, respondent, and witnesses, and implicit bias and racial inequities, both broadly and in school disciplinary processes. Materials for this training shall include statistics on the prevalence of sexual harassment and sexual violence in the educational setting, and the differing rates at which students experience sexual harassment and sexual assault in the educational setting based on their race, sexual orientation, disability, gender, and gender identity.

[For a District that maintains any on-campus student housing facility, include the following language: The District shall ensure that residential life student and nonstudent staff, or their equivalent, annually receive training on how to handle, in a trauma-informed manner, reports made to them of sexual harassment or sexual violence, and situations in which they are aware of sexual harassment or sexual violence, in student residential facilities.]

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

The District will maintain appropriate records of the training provided, including the names of the supervisory employees trained, the date of training, sign in sheets, copies of all certificates of attendance or completion issued, the type of training provided, a copy of all written or recorded training materials, and the name of the training provider. If the training is provided by webinar, the District will maintain a copy of the webinar, all written materials used by the training and all written questions submitted during the webinar, and document all written response or guidance the trainer provided during the webinar. The District will retain these records for at least two years.

NOTE: *The following language is **suggested as good practice** and will generally be viewed by a court as helping to reduce District liability.*

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.

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.

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,~~

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

~~the District will address such violations separately from an allegation of sexual violence. An individual who participates as a Complainant or witness 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 dishonesty.~~

NOTE: *The following language is Optional.*

Complaint Reporting

The [**CEO**] shall provide the Board of Trustees, upon request, a report of complaints filed pursuant to AP 3435. This report must disaggregate the Complaints by complaint type (Student Complainant and Student Respondent, Student Complainant and Employee Respondent, Employee Complainant and Student Respondent, Employee Respondent and Employee Respondent, etc.). This report must also disaggregate the Complaints by the Complainant's race, age, gender, religion, or any other characteristic identified by the Board.

Revised 7/02, 2/03, 2/05, 2/06, 3/12, 6/13, 10/15, 4/16, 10/16, 10/17, 10/18, 3/19, 10/19, 7/20, 10/20, 4/21, 4/22

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 4100 Graduation Requirements for Degrees and Certificates

References:

Title 5 Sections 55060 et seq. [and 55270 et seq.](#)

NOTE: *This procedure is legally required. Local practice may be inserted. Procedures must address at least the following:*

For the Associate in Arts or Associate in Science degree, a student must demonstrate competence in reading, in written expression, and in mathematics.

The student must satisfactorily complete at least 60 semester units or 90 quarter units of college work.

A definition of "college work" that provides that courses acceptable toward the associate degree include those that have been properly approved pursuant to Title 5 Section 55002(a), or, if completed at other than a California community college, would reasonably be expected to meet the standards of that section.

The work must include at least 18 semester units or 27 quarter units in general education and at least 18 semester units or 27 quarter units in a major listed in the Community Colleges "Taxonomy of Programs."

The work must include at least 12 semester units or 18 quarter units of study in residence; exceptions to the residence requirement can be made by the Board when an injustice or undue hardship would result.

The general education requirements must include a minimum of work in the natural sciences, the social and behavioral sciences, humanities, and language and rationality.

Students may petition to have noncredit courses counted toward the satisfaction of requirements for an associate degree.

Ethnic studies must be offered.

District policies and procedures regarding general education and degree requirements must be published in the college catalog and must be filed with the California Community Colleges Chancellor's Office.

For a certificate of achievement, a student must successfully complete a course of study or curriculum that consists of [**16 or more semester units or 24 or more quarter units**]

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

] of degree-applicable credit coursework. The certificate of achievement shall be designed to demonstrate that the student has completed coursework and developed capabilities relating to career or general education.

Shorter credit programs that lead to a certificate may be established by the District.

Content and assessment standards for certificates shall ensure that certificate programs are consistent with the mission of [**District**], meet a demonstrated need, are feasible, and adhere to guidelines on academic achievement.

Certificates for which California Community Colleges Chancellor's Office approval is not sought may be given any name or designation deemed appropriate except for certificate of achievement, certificate of completion, or certificate of competency.

[The District may obtain approval of a direct assessment competency-based program from the California Community College Chancellor's office.](#)

Revised 8/06, 8/07, 2/08, 10/18, 4/22

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 5040 Student Records, Directory Information, and Privacy

References:

Education Code Sections 66093.3, [66271.4](#), and 76200 et seq.;
 Title 5 Sections 54600 et seq. and 59410;
 Civil Code Sections 1788.90 et seq. and 1798.85;
 10 U.S. Code Section 503;
 20 U.S. Code Section 1232g subdivision (j) (U.S. Patriot Act);
 ACCJC Accreditation Standard II.C.8

NOTE: *This procedure is **legally required**. Local practice may be inserted. Definitions of "student records" are contained in Education Code Section 76210. The following is an illustrative example that meets legal requirements.*

A cumulative record of enrollment, scholarship, and educational progress shall be kept for each student.

NOTE: *The following section on "Collection and Retention of Student Information" is the model language provided by the Office of the California Attorney General. Districts must adopt this language or locally created equivalent language to comply with Education Code Section 66093.3 subdivision (h).*

Collection and Retention of Student Information

The District shall treat all students equitably in the receipt of all school services, including, but not limited to, the gathering of student and family information for the institution's benefit programs.

The [**department**] shall maintain in writing District policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.

The District will provide students and families with annual notice, at the beginning of each school year, of institutional policies for student privacy and the abilities of parents or eligible students to inspect student information.

The District will provide students an opportunity to opt out of disclosure of directory information. Notices must describe the following:

- The kind of information that the school has identified as directory information;

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- The eligible student's ability to refuse to let the school designate the information as directory information, which could be disclosed to outside entities;
- The period of time in which the eligible student has to notify the school in writing that he/she/they does not want the information designated as directory information; and
- That opting out by the noted deadline is the students' only way to prevent the release of directory information.

Any sensitive information, such as a student's, parent's, or guardian's SSN, any AB 540 determinations, or citizenship status information collected by the District or disclosed by the student, should be maintained only for as long as necessary.

If the District possesses information that could indicate immigration status or citizenship status, the District shall not consider the acquired information in admissions decisions or access to educational courses or degree programs.

Students may elect not to provide immigration or citizenship status information to the institution, and this election shall not impede admissions or enrollment in educational programs.

The District shall not create a list of student names linked with immigration status.

District police or security departments shall not inquire into an individual's immigration status for immigration enforcement purposes.

District police or security departments shall not aid any effort to create a registry containing individuals' country of birth or based on any other protected characteristics of victims, witnesses, or suspects of crimes unless required by law for specified purposes.

Release of Student Records: No instructor, official, employee, or Board of Trustees member shall authorize access to student records to any person except under the following circumstances:

- Student records shall be released pursuant to a student's written consent. **[Insert local procedure on obtaining consent or student request]**.
- "Directory information" may be released in accordance with the definitions in Board Policy **[insert local board policy number]**.
- **[Insert local procedure for releasing "directory information."]**
- Student records shall be released pursuant to a judicial order or a lawfully issued subpoena. **[Insert local procedure on receiving orders or subpoenas, including definitions of lawfully issued subpoena]**

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- Student records shall be released pursuant to a federal judicial order that has been issued regarding an investigation or prosecution of an offense concerning an investigation or prosecution of terrorism.
- Student records may be released to officials and employees of the District only when they have a legitimate educational interest to inspect the record. **[Insert local procedure on release of records to District officials and employees.]**

Student records may be released to authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, state education officials, or their respective designees or the United States Office of Civil Rights, where that information is necessary to audit or evaluate a state or federally supported educational program or pursuant to federal or state law. Exceptions are that when the collection of personally identifiable information is specifically authorized by federal law, any data collected by those officials shall be protected in a manner that will not permit the personal identification of students or their parents by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for that audit, evaluation, and enforcement of federal legal requirements. **[Insert local procedures or who is responsible for providing such information and defining procedure.]**

Student records may be released to officials of other public or private schools or school systems, including local, county, or state correctional facilities where education programs are provided, where the student seeks or intends to enroll or is directed to enroll. The release is subject to the conditions in Education Code Section 76225. **[Insert local procedures or who is responsible for providing such information and defining procedure.]**

Student records may be released to agencies or organizations in connection with a student's application for, or receipt of, financial aid, provided that information permitting the personal identification of those students may be disclosed only as may be necessary for those purposes as to financial aid, to determine the amount of the financial aid, or conditions that will be imposed regarding financial aid, or to enforce the terms or conditions of financial aid. **[Insert local procedures or who is responsible for providing such information and defining procedures.]**

Student records may be released to organizations conducting studies for, or on behalf of, accrediting organizations, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering financial aid programs, and improving instruction, if those studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of those organizations and the information will be destroyed when

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

no longer needed for the purpose for which it is conducted. [**Insert local procedures or who is responsible for providing such information and defining procedure.**]

Student records may be released to appropriate persons in connection with an emergency if the knowledge of that information is necessary to protect the health or safety of a student or other persons, subject to applicable federal or state law. [**Insert local procedures or who is responsible for providing such information and defining procedure.**]

The following information shall be released to the federal military for the purposes of federal military recruitment: student names, addresses, electronic mail addresses, telephone listings, dates, and places of birth, levels of education, major(s), degrees received, prior military experience, or the most recent previous educational institutions enrolled in by the students.

NOTE: *The following section on "Access to Student Records for Immigration Enforcement Purposes" is the model language provided by the Office of the California Attorney General. Districts must adopt this language or locally created equivalent language to comply with Education Code Section 66093.3 subdivision (h).*

Access to Student Records for Immigration Enforcement Purposes

The District must obtain a student's written consent before disclosing educational records, unless the information is relevant for a legitimate educational interest or includes directory information only. Neither exception permits disclosing information for immigration enforcement purposes; no student information shall be disclosed for immigration enforcement purposes without a court order or judicial warrant. Without a court order or a judicial warrant, written consent must be signed and dated by the student, or (if the student is a minor) by the student's parent(s) or guardian(s), before disclosure of the information, and must specify the records that may be disclosed, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made.

If desired by the student, the District must provide a copy of the records to be released. The party to whom the information is disclosed may not re-disclose the information to any other party without the prior consent of the student or subsequent court order.

District personnel shall develop a written policy for interactions with immigration authorities seeking to review student records. At minimum, such policies shall include the following information:

- Contact information [**name, title, e-mail addresses, and phone numbers**] for the correct person to review and respond to a request for student records.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- Access to sample warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest students or other individuals on campus.
- District personnel shall provide a set of responses for [**building personnel or residence hall staff**] to use in response to officers seeking access to records for immigration enforcement purposes.

In addition to notifying the [**designated campus official**], District personnel shall take the following action steps in response to an officer other than campus police requesting access to student records:

1. Ask for the officer's name, identification number, and agency affiliation;
2. Record or copy this information;
3. Ask for a copy of any warrants;
4. Inform the officer that you are not obstructing his/her/their efforts but that you need to contact a campus administrator or campus counsel for assistance.

Campus [**police or security**] shall not provide personal information about an individual for immigration enforcement purposes, unless that information is publicly available, or required by a court order or judicial warrant. "Personal information" is defined as any information that identifies or describes an individual, and includes but is not limited to, a student's physical description, home or work address, telephone number, education, financial matters, medical or employment history, and statements made by, or attributed to, the individual. This restriction does not apply to information regarding the immigration or citizenship status of an individual.

Unless the District is served with a judicial subpoena or court order that by its terms prohibits disclosure to the student, the student must be notified of any judicial order or subpoena before the institution complies with the order in accordance with FERPA.

Charge for Transcripts or Verifications of Student Records: A student/former student shall be entitled to two free copies of the transcript of his/her/their record or to two free verifications of various student records. Additional copies shall be made available to the student, or to an addressee designated by him/her/them, at the rate of [**\$ insert amount**] per copy. Students may request special processing of a transcript. The District will not refuse to provide a transcript for a current or former student on the grounds that the student owes a debt; condition the provision of a transcript on the payment of a debt, other than a fee charged to provide the transcript; charge a higher fee for obtaining a transcript, or provide less favorable treatment of a transcript request because a student owes a debt; or use transcript issuance as a tool for debt collection.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Electronic Transcripts

The District may elect to implement a process for the receipt and transmission of electronic student transcripts contingent upon receipt of sufficient funding.

Use of Social Security Numbers

The District shall not do any of the following:

- Publicly post or publicly display an individual's social security number;
- Print an individual's social security number on a card required to access products or services;
- Require an individual to transmit his/her/their social security number over the internet using a connection that is not secured or encrypted;
- Require an individual to use his/her/their social security number to access an Internet Web site without also requiring a password or unique personal identification number or other authentication device; or
- Print, in whole or in part, an individual's social security number that is visible on any materials that are mailed to the individual, except those materials used for:
 - Application or enrollment purposes;
 - To establish, amend, or terminate an account, contract, or policy; or
 - To confirm the accuracy of the social security number.

If the District has, prior to January 1, 2004, used an individual's social security number in a manner inconsistent with the above restrictions, it may continue using that individual's social security number in that same manner only if:

- The use of the social security number is continuous;
- The individual is provided an annual disclosure that informs the individual that he/she/they has the right to stop the use of his/her/their social security number in a manner otherwise prohibited;
- The District agrees to stop the use of an individual's social security number in a manner otherwise prohibited upon a written request by that individual;
- No fee shall be charged for implementing this request; and the District shall not deny services to an individual for making such a request.

Name and Gender Changes to Former Student Records

If the District receives government-issued documentation, as described below, from a former student demonstrating that the former student's legal name or gender has been changed, the District shall update the former student's records to include the updated legal name or gender. If requested by the former student, the District shall reissue any documents conferred upon the former student with the former student's updated legal

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

name or gender. Documents that shall be reissued by the District upon request include, but are not necessarily limited to, a transcript or a diploma conferred by the institution.

The District shall not charge a higher fee for correcting, updating, or reissuing a document based on a legal name or gender change than the fee it charges for correcting, updating, or reissuing that document generally.

The documentation of a former student sufficient to demonstrate a legal name or gender change includes, but is not necessarily limited to, any of the following:

- State-issued driver's license or identification card;
- Birth certificate;
- Passport;
- Social security card;
- Court order indicating a name change or a gender change, or both.

The District is not required to modify records that the former student has not requested for modification or reissuance.

Commencing with the 2023–24 graduating class, a graduating student may request that the District confer the diploma in the student's chosen name. The District cannot ~~not~~ require a graduating student to provide legal documentation to demonstrate a legal name or gender change in order to have the student's chosen name listed on the student's diploma.

Revised 2/04, 2/08, 3/12, 4/14, 4/15, 10/17, 3/19, 4/20, 10/20, 10/21, 4/22

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 5420 Associated Students Finance

References:

Education Code Sections 76063-76065

Note**NOTE:** *This procedure is legally required if the Board has established an associated students organization in accordance with Education Code Section 76060. Local practice may be inserted. The following is an example:*

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

- Associated Student Organization Fund books, financial records and procedures are subject to annual audit.
- Reports of the annual audit of A. S. funds are submitted to the **[designate authority]**.
- Audit information, except that containing personnel or other confidential information, shall be released to the Associated Students by the **[designate authority]**.
- Associated Student funds shall be deposited with and disbursed by the District's **[designate authority]**.

The funds shall be deposited, loaned or invested in **[insert depository and/or investments, which must be one or more of the following ways authorized by law]:**

- Deposits in trust accounts of the centralized State Treasury System pursuant to Government Code Sections 16305 - 16305.7 or in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation.
- Investment certificates or withdrawable shares in state-chartered savings and loan associations and savings accounts of federal savings and loan associations, if the associations are doing business in this state and have their accounts insured by the Federal Savings and Loan Insurance Corporation and if any money so invested or deposited is invested or deposited in certificates, shares, or accounts fully covered by the insurance.
- Purchase of any of the securities authorized for investment by Government Code Section 16430 or investment by the Treasurer in those securities.
- Participation in funds that are exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code and that are open exclusively to nonprofit colleges, universities, and independent schools.
- Investment certificates or withdrawable shares in federal or state credit unions, if the credit unions are doing business in this state and have their accounts insured by the National Credit Union Administration and if any money so invested or

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

deposited is invested or deposited in certificates, shares, or accounts fully covered by the insurance.

- Loans, with or without interest, to any student body organization established in another community college of the District for a period not to exceed three years.
- Investment of money in permanent improvements to any community college District property including, but not limited to, buildings, automobile parking facilities, gymnasiums, swimming pools, stadia and playing fields, where those facilities, or portions thereof, are used for conducting student extracurricular activities or student spectator sports, or when those improvements are for the benefit of the student body.

All funds shall be expended subject to such procedures as may be established by the Associated Students subject to the approval of each of the following three persons. Approval shall be obtained each time before any funds may be expended:

- the CEO or designee;
- the ~~officer or~~ academic employee of the District who is the designated advisor of the particular student body organization; and
- a representative of the student body organization.

Revised 4/22

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 5520 Student Discipline Procedures

References:

Education Code Sections 66017, 66300, 72122, 76030, and 76030 et seq.;
 Penal Code Section 626.4

NOTE: *This procedure is **legally required**, except as specifically noted. Local practice may be inserted, but it must comply with the standards of due process reflected in this example.*

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees 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.

This administrative procedure is 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, and by Education Code Section 76120, and will not be used to punish expression that is protected.

For discipline resulting from a sexual harassment complaint under Title IX, the procedure in AP 3434 Responding to Harassment Based on Sex under Title IX, must be used.

Definitions

District – The [**insert name of district**].

Student – Any person currently enrolled as a student at any college or in any program offered by the District who was also enrolled at the time of the alleged violation of the Standards of Student Conduct.

Instructor – Any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.

Short-term Suspension – Exclusion of the student by the [**CEO**] for good cause from one or more classes for a period of up to ten consecutive days of instruction.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Long-term Suspension – Exclusion of the student by the [**CEO**] for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.

Expulsion – Exclusion of the student by the Board of Trustees from all colleges in the District for one or more terms.

Removal from class – Exclusion of the student by an instructor for the day of the removal and the next class meeting.

Written or verbal reprimand – An admonition to the student to cease and desist from conduct determined to violate the Standards 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.

Withdrawal of Consent to Remain on Campus – Withdrawal of consent by the [**designate authority**] for any person to remain on campus in accordance with California Penal Code Section 626.4 where the [**designate authority**] has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

Day – Days during which the District is in session and regular classes are held, excluding Saturdays and Sundays.

Short-term Suspensions, Long-term Suspensions, and Expulsions: Before any disciplinary action to suspend, or expel is taken against a student, the following procedures will apply:

- **Notice** – The [**designated position**] will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
 - the specific section of the Standards of Student Conduct that the student is accused of violating.
 - a short statement of the facts supporting the accusation.
 - the right of the student to meet with the [**designated position**] or designee to discuss the accusation, or to respond in writing.
 - the nature of the discipline that is being considered.
- **Time limits** – The notice must be provided to the student within [**number of days**] of the date on which the conduct took place; in the case of continuous, repeated, or ongoing conduct, the notice must be provided within [**number of days**] of the

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

date on which conduct occurred which led to the decision to take disciplinary action.

- **Meeting** – If the student chooses to meet with the [**designated position**], the meeting must occur no sooner than [**number of days**] after the notice is provided. At the meeting, the student must again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation.

Short-term Suspension – Within [**number of days**] after the meeting described above, the [**CEO**] shall, pursuant to a recommendation from the [**designate position**], 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 [**CEO's**] decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The [**CEO's**] decision on a short-term suspension shall be final.

Long-term Suspension – Within [**number of days**] after the meeting described above, the [**CEO**] shall, pursuant to a recommendation from the [**designated position**], decide whether to impose a long-term suspension. Written notice of the [**CEO**] decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of AP 5520 Student Discipline Procedures describing the procedures for a hearing.

Expulsion – Within [**number of days**] days after the meeting described above, the [**CEO**] shall, pursuant to a recommendation from the [**designated position**], decide whether to recommend expulsion to the Board of Trustees. Written notice of the [**CEO's**] decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of AP 5520 Student Discipline Procedures describing the procedures for a hearing.

Hearing Procedures – Request for Hearing.

NOTE: *Timelines may be locally determined. Five days is usually the minimum notice time accepted by courts.*

Within [**number**] days after receipt of the [**CEO's**] decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the [**CEO**] or designee.

Schedule of Hearing – The formal hearing shall be held within [**number**] days after a formal request for hearing is received.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

NOTE: *The Board of Trustees may hear these matters itself, or it may use the services of a hearing officer or a panel. If the hearing panel format is adopted, the following is suggested.*

Hearing Panel – The hearing panel for any disciplinary action shall be composed of **[insert composition, such as one administrator, one faculty member and one student.]**

The **[CEO]**, the president of the Academic Senate, and the Associated Students president shall each, at the beginning of the academic year, establish a list of at least five persons who will serve on student disciplinary hearing panels. The **[CEO]** shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member, or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.

Hearing Panel Chair – The **[CEO]** 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 both other members of the panel to the contrary.

Conduct of the Hearing

NOTE: *The hearing must comply with principles of due process, including the right to confront and cross examine witnesses. The following language is legally advised.*

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.

The facts supporting the accusation shall be presented by a college representative who shall be the **[designate position]**.

The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

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/her/their evidence. The burden shall be on the college representative to prove by the preponderance of the evidence that the facts alleged are true.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

The student may represent himself/herself/themselves, and may also have the right to be represented by a person of his/her/their choice. **[Suggested language: 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 five 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.]**

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 **[number of days]** prior to the date of the hearing.

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.

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 themselves 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.

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.

Within **[number]** days following the close of the hearing, the hearing panel shall prepare and send to the **[CEO]** a written decision. The decision 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 also include a specific recommendation regarding the disciplinary action to be imposed, if any. 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.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

[CEO's] Decision:

Long-term suspension – Within [**number of days**] following receipt of the hearing panel's recommended decision, the [**CEO**] shall render a final written decision. The [**CEO**] may accept, modify, or reject the findings, decisions and recommendations of the hearing panel. If the [**CEO**] modifies, or rejects the hearing panel's decision, the [**CEO**] shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the [**CEO**] shall be final.

Expulsion – Within [**number of days**] following receipt of the hearing panel's recommended decision, the [**CEO**] shall render a written recommended decision to the Board of Trustees. The [**CEO**] may accept, modify, or reject the findings, decisions and recommendations of the hearing panel. If the [**CEO**] modifies, or rejects the hearing panel's decision, he/she/they shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The [**CEO's**] decision shall be forwarded to the Board of Trustees.

Board of Trustees Decision: The Board of Trustees shall consider any recommendation from the [**CEO**] for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

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.)

The student shall be notified in writing, by registered or certified mail to the address last on file with the District, or by personal service, at least three days prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within 48 hours after receipt of the notice, request that the hearing be held as a public meeting.

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.

The Board may accept, modify, or reject the findings, decisions and recommendations of the [**CEO**] or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision, which contains specific factual findings and conclusions. The decision of the Board shall be final.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

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.

Immediate Interim Suspension (Education Code Section 66017): The [**CEO**] may order immediate suspension of a student where he/she/they concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days.

Removal from Class (Education Code Section 76032): Any instructor may order a student removed from his/her/their class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the [**CEO**] and the [**designated position**]. The [**designate position**] shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the [**designated position**] shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the [**designated position**] from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

Withdrawal of Consent to Remain on Campus: The [**designate position**] may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she/they must promptly leave or be escorted off campus. If consent is withdrawn by the [**designate position**] a written report must be promptly made to the [**CEO**].

The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than seven days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.

In no case shall consent be withdrawn for longer than [**number of days, no more than 14 days**] from the date upon which consent was initially withdrawn.

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 (Penal Code Section 626.4).

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

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

No Disciplinary Action against Complainants or Witnesses in Sexual Assault Investigations

An individual who participates as a Complainant or witness 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 dishonesty.

NOTE: *The following paragraph is Optional.*

Student Discipline Data Reporting

The [**CEO**] shall develop and provide to the Board for review [**specify annual or other interval**] report of the number of students who were disciplined pursuant to this procedure. This report must disaggregate the students by race, age, gender, or any other characteristic identified by the Board.

Revised 6/13, 4/14, 4/15, 10/15, 10/20, 4/21, **4/22**

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 6355 Job Order Contracts

References:

Public Contract Code Sections 20665.20 et seq., [20919.23](#), and [20919.33](#)

NOTE: Community college districts may enter into job order contracts until January 1, 2027~~22~~, as an alternative contracting method. A community college district may utilize job order contracting only if the community college district has entered into a project labor agreement or agreements that will apply to all public works awarded through job order contracting and to all other public works of the community college district that exceed a monetary threshold set by the community college district through at least December 31, 2026~~24~~, regardless of what contracting procedure is used to award that work. Procedures on contracting are **legally advised**. Local practice may be inserted. The following language complies with general requirements.

The **[designate position]** shall prepare an execution plan for all modernization projects that may be eligible for job order contracting. The District shall select from that plan a sufficient number of projects to be initiated as job order contracts during each calendar year and shall determine for each selected project that job order contracting will reduce the total cost of that project. Job order contracting shall not be used if the District finds that it will increase the total cost of the project.

An entity awarded a job order contract in excess of twenty-five thousand dollars (\$25,000) shall provide an enforceable commitment to the District that the entity and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the job order contract that falls within an apprenticeship occupation in the building and construction trades. The entity is not required to this requirement if the job order contract is subject to a project labor agreement that will bind all contractors and subcontractors performing work on the job order contract to use a skilled and trained workforce to perform the job order contract.

Bidding

The District shall prepare a set of documents for job order contracts. The documents shall include a unit price catalog and pre-established unit prices, job order contract technical specifications, and any other information deemed necessary to adequately describe the community college district's needs.

Any architect, engineer, consultant, or contractor retained by the District to assist in the development of the job order contract documents shall not be eligible to bid or to participate in the preparation of a bid with any job order contractor.

Disclaimer: This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.



POLICY & PROCEDURE SERVICE

Based on the documents prepared, a community college district shall prepare a request for bid that invites prequalified job order contractors to submit competitive sealed bids in the manner prescribed by the District. The prequalified job order contractors, as determined by a community college district, shall bid one or more adjustment factors to the unit prices listed in the unit price catalog based on the job order contract technical specifications. Awards shall be made to the prequalified bidders that the district determines to be the most qualified based upon pre-established criteria made by the District. The prequalified bidders shall be in compliance with the district's project labor agreement. Compliance shall constitute no more than three major violations on any community college district projects within the last three years. If a contractor has more than three violations within a three-year period ~~of time~~, the District shall seek administrative review of the violations. Violations will include, but are not limited to, the following:

- Failure to register core workers with the appropriate building trade union.
- Failure to assign apprentices in accordance with Labor Code Section 1777.5.
- Failure to comply with subdivision (c) of Public Contract Code Section 20665.25.
- Incorrect assignment of work in accordance with the District's project labor agreement.

The District may award multiple job order contracts through a request for bid. Job order contracts shall be awarded to the most qualified prequalified bidders.

The request for bids may encourage the participation of local construction firms and the use of local subcontractors.

Pre-Qualification

The District shall establish a procedure to prequalify job order contractors using a standard questionnaire that includes, at a minimum, the issues covered by the standardized questionnaire and model guidelines for rating bidders developed by the Department of Industrial Relations pursuant to subdivision (a) of Section 20101.

This questionnaire shall require information including, but not limited to, all of the following:

- If the job order contractor is a partnership, limited partnership, or other association, a listing of all of the partners or association members known at the time of bid submission who will participate in the job order contract.
- Evidence that the members of the job order contractor have the capacity to complete projects of similar size, scope, or complexity, and that proposed key personnel have sufficient experience and training to competently manage the construction of the project, as well as a financial statement that assures the District that the job order contractor has the capacity to complete the project.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- The licenses, registration, and credentials required to perform construction, including, but not limited to, information on the revocation or suspension of any license, credential, or registration.
- Evidence that establishes that the job order contractor has the capacity to obtain all required payment and performance bonding and liability insurance.
- Information concerning workers' compensation experience history, worker safety programs, and apprenticeship programs.
- A full disclosure regarding all of the following that are applicable:
 - Any serious or willful violation of Part 1 (commencing with Section 6300) of Division 5 of the Labor Code or the federal Occupational Safety and Health Act of 1970 (Public Law 91-596), settled against any member of the job order contractor.
 - Any debarment, disqualification, or removal from a federal, state, or local government public works project.
 - Any instance where the job order contractor, or its owners, officers, or managing employees submitted a bid on a public works project and were found to be nonresponsive, or were found by an awarding body not to be a responsible bidder.
 - Any instance where the job order contractor, or its owners, officers, or managing employees defaulted on a construction contract.
 - Any violations of the Contractors' State License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code), excluding alleged violations of federal or state law regarding the payment of wages, benefits, apprenticeship requirements, or personal income tax withholding, or of Federal Insurance Contribution Act (FICA) withholding requirements settled against any member of the job order contractor.
 - Any bankruptcy or receivership of any member of the job order contractor, including, but not limited to, information concerning any work completed by a surety.
 - Any settled adverse claims, disputes, or lawsuits between the owner of a public works project and any member of the job order contractor during the five years preceding submission of a bid under this article, in which the claim, settlement, or judgment exceeds fifty thousand dollars (\$50,000). Information shall also be provided concerning any work completed by a surety during this period.

The information required shall be verified under oath by the entity and its members in the manner in which civil pleadings in civil actions are verified. Information that is not a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) shall not be open to public inspection.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Maximum Amount and Term of Contract

The maximum total dollar amount that may be awarded under a single job order contract shall not exceed five million dollars (\$5,000,000) in the first term of the job order contract and, if extended or renewed, a maximum of ten million dollars (\$10,000,000) over the subsequent two terms of the job order contract.

Job order contracts may be executed for an initial contract term of no more than 12 months, with the option of extending or renewing the job order contract for two 12-month periods. The term of the job order contract shall be for the contract term or whenever the maximum value of the contract is achieved, whichever is less. All extensions or renewals shall be priced as provided in the request for bids. The extension or renewal shall be mutually agreed to by the community college district and the job order contractor.

The District may issue job orders to the job order contractor that has been awarded the job order contract. The job order issued to the job order contractor shall not commence for seven days from the time the job order was issued and the job order contractor shall provide a minimum of seven days' notice for the addition of any subcontractor or substitution of any subcontractor as described in subdivision (e) of Public Contract Code Section 20665.26. The job order shall be based on a project scope of work prepared by the District as well as a proposal from the job order contractor who is awarded the job order contract. No single job order may exceed one million dollars (\$1,000,000).

Job orders may not be split or separated into smaller job orders for any project for the purpose of evading the cost limitation provisions stated above.

All work performed under the job order contract shall be covered by a project labor agreement. Any change or alteration to a job order shall be in compliance with Public Contract Code Section 20118.4.

Contractor's Use of Subcontractors

If the primary job order contractor chooses to use subcontractors, the primary job order contractor is required to verify that the subcontractors possess the appropriate licenses and credentials required to perform construction.

The primary job order contractor may use subcontractors that are not listed at the time the job order is issued if the work to be performed under that job order is less than ten thousand dollars (\$10,000).

If the primary job order contractor chooses to use a subcontractor that is not listed at the time of bid to perform work on a job order, all of the following apply:

- The primary job order contractor shall provide public notice of the availability of work to be subcontracted by trade. The public notice shall include the scope of work; the project location; the name, address, and the telephone number of the

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

primary job order contractor; and the closing date, time, and location for sealed bids to be submitted.

- The primary job order contractor shall take sealed bids from the subcontractors solicited for the proposal. These bids shall be publicly opened at a prescribed time and place by the primary job order contractor. After the bids are opened, the job order contractor shall notify the District which subcontractor was selected.
- The notification shall include every subcontractor for all tiers and shall establish the authorized subcontractor list for the job order. Work shall not commence prior to seven days' notice of the established subcontractor list and the subsequent addition of any subcontractor to the job order.
- The notification shall identify the scope of the work to be performed by each subcontractor to the job order, broken down by craft. If a subcontractor performs multiple crafts, the job order contractor shall identify the work of each craft to be performed.
- If the primary job order contractor chooses to make a substitution to the subcontractor list, the primary job order contractor shall provide a minimum of seven days' notice to the District along with justification as to the need for the substitution. The community college district may request a hearing to evaluate the substitution request, which shall be in accordance with Chapter 4 (commencing with Section 4100) of Part 1 of the Public Contract Code.
- If the District determines that there has been a violation of Chapter 4 (commencing with Section 4100) of Part 1 of the Public Contract Code, including bid shopping by the primary job order contractor, the District may terminate the job order or the contractor may lose authorization to proceed with awarded work subject to the District's administrative due process review, if that review is established pursuant to the District's project labor agreement. If the District determines that a job order contractor has violated any provision set forth in Chapter 4 (commencing with Section 4100) of Part 1 of the Public Contract Code, the District may declare the contractor ineligible for future job orders and may result in a loss of prequalification status for a period of time to be determined by the District.

District's Obligations

The District will prepare for each individual job order developed under a job order contract an independent community college district estimate. The estimate will be prepared prior to the receipt of the contractor's offer to perform work and will be compared to the contractor's proposed price to determine the reasonableness of that price before issuance of any job order. The basis for any adjustments to the District estimate is to be documented. If the contractor's proposal for a given job order is found to be unreasonable, not cost effective, or undesirable, the District is under no obligation to issue the job order to the job order contractor, and may instead utilize any other available procurement procedures.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

The District shall not issue a job order until the job order has been reviewed and approved by the appropriate level of management.

Once a job order has been issued, all documents pertaining to preparation and approval of the job order, including the independent District estimate, shall be available for public review.

The District shall designate one individual to act as a monitor to inspect job sites for labor compliance violations at the request of the designated labor representative in its project labor agreement.

New 4/18: Revised 4/22

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 7130 Compensation

References:

Education Code Sections 87801 and 88160;
 Government Code Section 53200;
 U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended

NOTE: *It is optional to have a procedure on compensation, since compensation must be approved by the Board and salaries for represented employees are established through collective bargaining. Local practice may be inserted. Recommended elements are described below.*

- Annual review of salary schedules for academic employees
- Number of steps
- Number of columns
- Longevity increments
- Annual review of salary schedules for classified employees
- Regular review to assure that classifications have not inadvertently been changed as they relate to one another (particularly in merit system districts)
- Salary setting procedures for administrative staff (if different from above)

NOTE: *This procedure provision below is legally required in an effort to show good faith compliance with the applicable federal regulations.*

Prohibition of Incentive Compensation

Senior managers and executive level employees who are only involved in the development of policy and do not engage in individual student contact or the other covered activities will not generally be subject to the incentive compensation ban.

[The following is optional, where athletic coaches are provided with bonus compensation.] [Although athletic coaches may be covered employees, subject to certain limitations, and, based upon the District's determination on a case-by-case basis [after consulting with exclusive representatives, if any], coaching staff and other athletic personnel may be exempt from the prohibition of incentive compensation.]

The [**CEO**] shall identify any covered employees of the District and determine whether the District's compensation arrangements comport with the prohibition on incentive

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

compensation, and to the extent that they do not, make necessary modifications to comply. Similarly, the [**CEO**] shall identify any covered service providers, evaluate whether the contract pricing structure is consistent with the prohibition on incentive compensation, and if not, determine what modifications the District can make to any applicable contract.

NOTE: *The following language is **Optional**.*

Compensation Study

The [**CEO**] shall provide the Board, when requested, with a ~~compensation study~~ pay equity report for all classes of employees and each administrator employed pursuant to a contract. This study must disaggregate employees by race, age, gender, religion, or any other characteristic identified by the Board.

Revised 7/11, 4/21, 4/22

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 7235 Probationary Period: Classified Employees

Reference:

Education Code Section 88013

NoteNOTE: *This procedure is optional. As noted in BP 7230 titled Classified Employees, we recommend that the Board establish a probationary period of ~~one year~~ six months or 130 days of paid service, whichever is longer, as permitted by statute. This probationary period does not apply to full-time peace officer or public safety dispatchers employed by a District operating a dispatch center certified by the Commission on Peace Officer Standards and Training, who would be required to serve a probationary period of not less than one year of paid service from their date of appointment to that full-time position to be designated as a permanent employee of the District. These requirements would not apply to a conflicting collective bargaining agreement entered into before January 1, 2022, until the expiration or renewal of that collective bargaining agreement. Local practice in addition to board policy, if any, may be inserted.*

Revised 4/22

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 7237 Layoffs

References:

Education Code Sections 87743, [88017](#), 88117, and 88127

NoteNOTE: *The minimum standards for reductions in force are stated in the Education Code, and it is not necessary to adopt additional procedures. Additional procedures, if any, may also be subject to collective bargaining, at least as to the effects of a decision to reduce staffing.*

Revised 4/22

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 7347 Paid Family Leave

References:

Unemployment Insurance Code Sections 3300 – 3307

NOTE: *The following procedure applies only to those districts that contribute to State Disability Insurance Program, and originally took effect in January 2004. Effective January 1, 2021, paid family leave benefits will be expanded to cover time off taken to participate in a qualifying exigency related to covered active duty or a call to covered active duty for an individual's spouse, domestic partner, child, or parent in the Armed Forces of the United States. This procedure is recommended as **good practice**. In those and other districts, paid family leave may become a subject of collective bargaining.*

Employees who contribute to the state's unemployment compensation disability insurance (SDI) program shall be eligible for up to eight weeks of Paid Family Leave (PFL) wage replacement benefits. PFL is funded entirely through employee contributions and payments are equal to those the employee would receive for other SDI leave. PFL does not provide an independent leave right. Employees must apply for PFL benefits directly with the California Employment Development Department (www.edd.ca.gov).

The employee may be eligible for PFL benefits for:

- his/her/their own non-work-related serious health condition (including pregnancy-related disability);
- a child, spouse, parent, parent-in-law grandparent, grandchild, sibling, or domestic partner with a serious health condition;
- to bond with a new child or placement of a child in connection with foster care or adoption; or
- to participate in a qualifying exigency related to the covered active duty or call to covered active duty of the employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States.

"Serious health condition" is defined exactly the same as in the Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA).

An employee seeking PFL benefits:

- is eligible for benefits once in a 12-month period;
- may be required to use up to two weeks of accrued but unused vacation leave before receiving PFL benefits; and

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

-
- may receive PFL benefits while on FMLA/CFRA leave.

An employee is not eligible for PFL benefits if:

- he/she/they is receiving unemployment benefits;
- he/she/they is entitled to receive workers' compensation benefits;
- he/she/they is eligible for SDI or disability benefits from another state;
- another family member is "ready, willing, and able and available" to provide care or participate in a qualifying exigency related to the covered active duty or call to covered active duty of the individual's spouse, domestic partner, child, or parent in the Armed Forces of the United States.

Formatted: Indent: Left: 0.25"

Formatted: Indent: Left: 0.25"

Formatted: Indent: Left: 0.25"

New 2/03, Revised 4/17, 3/19, 4/21, 4/22

Disclaimer: This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.



POLICY & PROCEDURE SERVICE

AP 7360 Discipline and Dismissal - Academic Employees

References:

Education Code Sections 87623, 87669, and 87732

NOTE: This procedure is **optional**. The Education Code is very prescriptive regarding discipline of academic employees, and additional local procedures are usually not necessary unless they evolve as part of collective bargaining. Local practice may be inserted. The following is excerpted from statute.

NOTE: The provision permitting a District to discipline an academic employee for membership in the Communist Party is unlikely to survive a constitutional challenge.

Causes for Discipline

A regular employee or academic employee may be dismissed or penalized for one or more of the following causes:

- Immoral or unprofessional conduct.
- Dishonesty.
- Unsatisfactory performance.
- Evident unfitness for service.
- Physical or mental condition that makes him/her/them unfit to instruct or associate with students.
- Persistent violation of, or refusal to obey, the school laws of the state or reasonable regulations prescribed for the government of the community colleges by the Board of Governors or by the Governing Board of the District.
- Conviction of a felony or of any crime involving moral turpitude.
- Conduct specified in Government Code Section 1028. (i.e., knowing membership in the Communist Party or of any organization which advocates the overthrow of the government of the United States by force or violence.)

Placement on Involuntary Paid Administrative Leave Pending Investigation of Misconduct

An academic employee who is placed on involuntary paid administrative leave and is subject to accusations of misconduct is entitled to be provided with the general nature of the accusations made against him/her/them at least two business days before the employee is placed on leave. At least two business days before he/she/they is placed on involuntary paid administrative leave, the employee shall be notified in writing of the

Disclaimer: This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.



POLICY & PROCEDURE SERVICE

general nature of the allegation or allegations of misconduct upon which the decision to place the employee on leave is based.

The two business day advance notice requirement does not apply in the event of a serious risk of physical danger or other necessity arising from the specific allegations, and the employee may immediately be placed on involuntary paid administrative leave. The employee shall be provided with, at minimum, the general nature of the accusations made against him/her/them within five business days of the employee being placed on leave.

Within 90 working days of placing an employee on involuntary paid administrative leave, the District should complete its investigation of the accused misconduct and initiate disciplinary proceedings against, or reinstate, the employee, unless the period of paid administrative leave is extended by agreement of the employee and the District. This extension may not exceed 30 calendar days. "Working days" under this procedure means Monday through Friday and does not include weekends and state holidays.

NOTE: *Districts have the option to notify or not notify employees regarding background checks conducted as disciplinary or harassment investigations. The following procedure is legally advised.*

Background Checks

Background checks may be conducted as part of disciplinary or harassment investigations. (Civil Code Sections 1786 et seq. (Investigative Consumer Reporting Agencies Act); 15 U.S. Code Sections 1681 et seq. (Fair Credit Reporting Act).)

Advanced notice of discipline/harassment investigations [**shall/shall not**] be provided to those under investigation. If the investigation results in action that adversely affects the employee, the employee shall receive oral, written, or electronic notice of:

- the adverse action;
- the name, address, and telephone number of the third party agency that furnished the report;
- the employee's right to obtain a free copy of the report; and
- the employee's right to dispute the accuracy or completeness of any of the information in the report.

Notice and Appeal

The District shall not act upon any charges of unprofessional conduct or unsatisfactory performance unless during the preceding term or half college year prior to the date of the filing of the charge, and at least 90 days prior to the date of the filing, the employee against whom the charge is filed has been given written notice of the unprofessional conduct or

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

unsatisfactory performance, specifying the nature of the conduct with specific instances of behavior and with particularity to permit the employee an opportunity to correct his/her/their faults and overcome the grounds for the charge. The written notice shall include the most recent evaluation of the employee.

If the Board decides it intends to dismiss or penalize a contract or regular employee, a written statement, signed and verified, shall be delivered to the employee setting forth the complete and precise decision of the Board and the reasons for the decision.

The written statement shall be delivered by serving it personally on the employee or by mailing it by United States registered mail to the employee at his/her/their address last known to the District.

If the employee objects to the decision on any ground, the employee shall give written notice of the objection to the Board, the [**CEO**] [**and the president of the college at which the employee serves**] of his/her/their objection within 30 days of the date of the service of the notice.

Within 30 days of receipt of the employee's demand for a hearing, the employee and the [**appropriate District representative**] shall attempt to agree upon an arbitrator to hear the matter. When there is agreement as to the arbitrator, the [**appropriate District representative**] shall enter into the records of the Governing Board written confirmation of the agreement signed by the employee and an authorized representative of the District. Upon entry of such confirmation, the arbitrator shall assume complete and sole jurisdiction over the matter.

If within 30 days of the receipt of the employee's demand for hearing, no written agreement has been reached between the employee and the District regarding appointment of an arbitrator, the District will certify the matter to the California State Office of Administrative Hearings and request the appointment of an administrative law judge.

Upon appointment, the arbitrator or the Administrative Law Judge shall conduct the proceedings in accordance with the California Administrative Procedures Act, except that the right of discovery shall not be limited to those matters set forth in Government Code Section 11507.6 but shall include the rights and duties of any party in a civil action brought in a superior court. In all cases, discovery shall be completed prior to one week before the date set for hearing.

The arbitrator or Administrative Law Judge shall determine whether there is cause to dismiss or penalize the employee. If the arbitrator finds cause, the arbitrator shall determine whether the employee shall be dismissed, the precise penalty to be imposed, and whether the decision should be imposed immediately or be postponed.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

No witness shall be permitted to testify at the hearing except upon oath or affirmation. No testimony shall be given or evidence introduced relating to matters that occurred more than four years prior to the date of the filing of the notice. Evidence of records regularly kept by the District concerning the employee may be introduced, but no decision relating to the dismissal or suspension of any employee shall be made based on charges or evidence of any nature relating to matters occurring more than four years prior to the filing of the notice.

The decision of the arbitrator or Administrative Law Judge will be made in writing and provided to all parties.

Revised 2/03, 9/12, 4/18, 4/22

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

AP 7380 Retiree Health Benefits: Academic Employees

References:

Education Code Sections 7000 et seq.

NOTE: This procedure is legally required. Local practice may be inserted. BP 7380 titled Retiree Health Benefits: Academic Employees contains the minimum necessary to meet statutory requirements, and may be repeated here, with additional procedures on how retirees opt for retiree health benefits. This procedure is not required if the District provides benefits under the Public Employees' Medical & Hospital Care Act (PEMHCA) because enrollment will be based on the enrollment criteria set forth under PEMHCA.

Revised 4/22

Formatted: Font: Bold

Disclaimer: This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.



POLICY & PROCEDURE SERVICE

AP 7600 College [*Police or Security*]

References:

Education Code Sections 72330 et seq.;
Government Code Sections 3300 et seq. [and 7070 et seq.](#)

NOTE: *This procedure is legally advised. If the District has a police department it should review the model here labeled "Option A". If the District has a security force, it should review the model here labeled "Option B."*

Option A

College Police

The [**designate position**] is delegated the responsibility to establish minimum qualifications of employment for the College Chief of Police including but not limited to the conditions contained in Board Policy (see BP 7600 College Police).

Every member of the police department first employed by the District before July 1, 1999 must, in order to retain his/her/their employment, meet the requirements of Education Code Section 72330.2, including but not limited to:

- Submission of one copy of his/her/their fingerprints which shall be forwarded to the Federal Bureau of Investigation,
- A determination that the employee is not a person prohibited from employment by a California community college district, and
- If the employee is required to carry a firearm, is not a person prohibited from possessing a firearm.

Every member of the college police shall be supplied with, and authorized to wear, a badge bearing words " [**Name**] _____ Community College District Police." Every member of the college police shall be issued a suitable identification card.

Salaries for college police shall be established after appropriate negotiations with their exclusive representative. If no such unit is established, salaries shall be recommended by the [**designate position**].

The [**designate position**], in cooperation with the Chief of Police, shall issue such other regulations as may be necessary for the administration of the college police.

- Schedules and shifts,
- Call back procedures,

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

- Weapons practices, especially drawing weapons,
- Use of vehicles,
- Pursuit practices,
- Discipline procedures, and/or
- Training.

The College Police shall cooperate with local law enforcement in accordance with an agreement to be entered into in accordance with the requirements of Education Code Section 67381. The agreement shall address, but not be limited to, the following:

- Operational responsibilities for investigations of the following violent crimes: willful homicide, forcible rape, robbery, aggravated assault,
- Geographical boundaries of the operational responsibilities, and
- Mutual aid procedures.

NOTE: Government Code Section 7286 requires districts that have a police department, to have a "policy" (in the non-technical sense of the word) regarding use of force. This requirement is effective January 1, 2021. Districts should include a use of force guide in their local District's police department manual or operational guideline.*

*The Policy & Procedure Service has information available about the minimum elements required for such a use of force guideline or inserting into the District's police department manual. This guide may be subject to collective bargaining.

NOTE: The following language is **Optional**.

Report Regarding Complaints

The Chief(s) of Police shall provide the Board of Trustees, when requested, with a report regarding complaints against the police department and police officers. This report must disaggregate the complainants by race, gender, religion, or any other characteristic identified by the Board.

NOTE: Government Code Section 7070 requires the police department to submit to the Board a military equipment use policy prior to purchasing, raising funds for, or acquiring military equipment. This requirement is effective January 1, 2022.

Use of Military Equipment

The Chief(s) of Police shall obtain approval from the Board of Trustees to adopt a military equipment use policy prior to purchasing, raising funds for, or acquiring military equipment. The Chief(s) of Police shall submit the proposed military equipment policy to the Board of Trustees and make those documents available on the police department website at least 30 days prior to any public hearing concerning the military equipment at

Disclaimer: This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.



POLICY & PROCEDURE SERVICE

issue. The Board of Trustees shall consider the proposed military equipment policy as an agenda item for an open session meeting in accordance with the Brown Act.

If the police department receives approval for the military equipment use policy, it shall submit to the Board of Trustees an annual military equipment report for each type of military equipment approved by the Board of Trustees within one year of approval, and annually thereafter for as long as the military equipment is available for use. The police department shall also make each annual military equipment report available on its internet website for as long as the military equipment is available for use. The Board of Trustees shall annually review the policy and either disapprove a renewal of the authorization of the military equipment use policy or amend the policy if it determines that the military equipment does not comply with the standards set forth state law.

Option B

Campus Security Officers

The campus security officers shall cooperate with local law enforcement in accordance with an agreement to be entered into in accordance with the requirements of Education Code Section 67381. The agreement shall address, but not be limited to, the following:

- Operational responsibilities for investigations of the following violent crimes: willful homicide, forcible rape, robbery, aggravated assault,
- Geographical boundaries of the operational responsibilities, and
- Mutual aid procedures.

Every campus security officer employed or continuing in employment shall meet the requirements set out in Education Code Section 72330.5, including but not limited to:

- Completion of the latest course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs,
- Submission of two copies of his/her/their fingerprints which shall be forwarded to the Department of Justice and Federal Bureau of Investigation,
- A determination that the employee is not a person prohibited from employment by a California community college district, and
- If the employee is required to carry a firearm, is not a person prohibited from possessing a firearm.

Members of campus security shall be employed as members of the classified service of the District.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE

Salaries for campus security officers shall be established after appropriate negotiations with their exclusive representative. If no such unit is established, salaries shall be recommended by the [**CEO**].

The [**designate position**] shall issue such other procedures as may be necessary for the administration of the campus security officers, which may include:

- Schedules and shifts,
- Call back procedures,
- Use of vehicles,
- Weapons practices, especially drawing weapons,
- Pursuit practices,
- Discipline procedures,
- Training,
- Use of force, and
- Responsibilities to coordinate with local law enforcement.

NOTE: *The following language is Optional.*

Report Regarding Complaints

The [**designate position**] shall provide the Board of Trustees, when requested, with a report regarding complaints against campus security officers. This report must disaggregate the complainants by race, gender, religion, or any other characteristic identified by the Board of Trustees.

Revised 4/09, 4/16, 4/20, 4/21, 4/22

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*