



San Bernardino Community College District
POLICIES & PROCEDURES ADVISORY
COMMITTEE (PPAC)
February 13, 2023
3:00 pm-4:30 pm Pacific Time

MEETING AGENDA

*Policies & Procedures Advisory Committee (PPAC)
Monday, February 13, 2023, 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

Kristina Hannon & Jose Torres, Co-Chairs

II. Approval of Minutes

- A. Confirmation of Quorum
- B. December 12, 2022

III. Level 1 | Info Only

(approval of items for BOT 1st Read and constituent FYI with notification to Chancellor's Council)

- 2210 Officers (BOT Request)
- 6320 Investments (Annual Review | No Changes)

IV. Level 2 | Minor Review

(approval of items for constituent review and anticipated feedback of no changes or minor edits)

- 5030 Fees (Annual Review in Response to State Guidance)

V. Level 2 | Constituent Feedback

(constituent review did not produce any additional changes; items will be forwarded to March BOT with notice to Chancellor's Council)

- 3420 Equal Employment Opportunity
- 3430 Prohibition of Harassment
- 3433 Prohibition of Sexual Harassment Under Title IX
- 3434 Responding to Harassment Based on Sex Under Title IX
- 3435 Discrimination and Harassment Resolution Procedures

VI. Level 3 | Extensive Review

Approval of items to be sent to constituent groups for review and 10+1 Academic Senate process.

- No new items

VII. Level 3 | Constituent & Academic Senate Feedback

(update only; no action necessary)

- 4020 Program Curriculum and Course Development (Pending Chapter Lead Response to Feedback)
- 5035 Withholding of Student Records (Pending Chapter Lead Response to Feedback)

VIII. Updates

(no action necessary)

- A. P&Ps on February 9 BOT Agenda for 1st Read
 - No Items
- B. P&Ps on February 9 BOT Agenda for 2nd Read & Final Approval
 - 5030 Fees (with changes made after BOT 1st Read)
- C. Annual Review List

IX. Future Topics

Any PPAC Member requests for the next agenda?

X. Next Meeting Date & Adjournment

The next meeting is scheduled for Monday, March 13, 2023, at 3 p.m.



Policies & Procedures Advisory Committee
 Meeting Minutes – December 12, 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

Kristina Hannon opened the meeting at approximately 3:00 p.m.

II. Approval of Minutes

A. Confirmation of Quorum

Quorum was confirmed.

B. Approval of Minutes from November 14, 2022

Christopher Crew made a motion to approve the minutes from November 14, which Rejoice Chavira seconded. The motion passed unanimously.

III. Level 1 | Info Only *(approval of items for BOT 1st Read and constituent FYI with notification to Chancellor's Council)*

There were no items presented for review under this topic.

IV. Level 2 | Minor Review *(approval of items for constituent review and anticipated feedback of no changes or minor edits)*

- 3420 Equal Employment Opportunity
- 3430 Prohibition of Harassment
- 3433 Prohibition of Sexual Harassment Under Title IX
- 3434 Responding to Harassment Based on Sex Under Title IX
- 3435 Discrimination and Harassment Resolution Procedures

Members reviewed and discussed the items presented and the timeline for the approval process.

- *For 3430, Ryan Bartlett requested clarification for the term sex-discrimination. Kristina advised this is could be something that happens to a person who was possibly assigned one sex at birth, who may be transitioning. He also felt that we may want to add a statement that harm to employees is included with the statement regarding harm to students. He advised that these questions also apply to 3433.*
- *Christopher suggested using the term “sex-based discrimination.”*
- *Davena Burns-Peters asked if Academic Senate would be considered a constituent group during the review process for this P&P. Kristina said that there is a reference to academic freedom, which might activate this item for Academic Senate constituent review. Davena advised that the timeline established was not sufficient for such a review. Kristina clarified that any of the P&Ps that turned out to require an Academic Senate motion of support, the*

timeline would be adjusted accordingly. Davena advised she would follow up with these items to determine if that will be necessary.

- *Ray Carlos mentioned that these P&Ps will be coming back as a result of pending sweeping changes being developed under President Biden's administration.*
- *Ryan suggested a more specific interpretation of the phrase "reasonable efforts" in BP 3433.*

Committee members discussed the importance of feedback in balancing the required legal language with the need for P&Ps to be understandable.

Davena made a motion to move the P&Ps forward with the established timeline while recognizing that if the Academic Senates need additional time for any areas that need 10+1, it will be addressed at the next meeting. Christopher seconded the motion, which was approved by a majority vote with Brandi Bailes and Ryan abstaining.

V. Level 2 | Constituent Feedback

- 5030 Fees (with feedback notes)

PPAC members discussed student feedback comments at length, especially regarding the term "at-cost." It was commented that Student Health Services doesn't determine the cost of the TB test, that the suppliers of the test determine cost. In addition, Ray had a comment about the charge for replacement student IDs which he will forward to the PPAC clerical support person to forward to the Chapter Owner for research. He commented that SBVC does not charge replacement fees for the Student ID. This policy will be presented to the BOT for first read.

VI. Level 3 | Extensive Review *(approval of items to be sent to constituent groups for review and 10+1 Academic Senate process)*

- 5035 Withholding of Student Records

It was agreed to by consensus to move this item to a Level 3 review.

VII. Level 3 | Constituent & Academic Senate Feedback

- 4020 Program, Curriculum & Course Development (10+1)

Davena and Brandi shared constituent input. Changes were made to P&P 4020 based on Academic Senate feedback, as attached. Timelines will be adjusted to allow for Academic Senates to review revised P&P. This version will go to the Chapter Owner for review, and then be sent out for additional constituent review and returned to the February PPAC agenda.

VIII. BOT 2nd Read & Final Approval *(no action required; item attached only if changes were made by BOT during 1st Read)*

- 3225 Institutional Effectiveness
- 7700 Whistleblower Protection
- 2712 Conflict of Interest Code
- 2350 Speakers

IX. Future Agenda Items

- A. Updated 2022-23 Review Schedule
- B. Any PPAC member requests for next agenda?

There were no items brought for future agendas.

X. Next Meeting Date & Adjournment

The meeting adjourned at approximately 4:30 p.m. The next meeting is scheduled for February 13, 2023, at 3 p.m.

Not Yet Approved

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.

<u>yes</u>	1) 50% + one of appointed voting members (not 50% of members plus vacancies).
<u>yes</u>	2) One faculty member from each campus
<u>yes</u>	3) Two persons from each site (CHC, SBVC, DSO)
<u>yes</u>	4) Three of four constituent groups represented (faculty, classified, student, management)
1	Executive Vice Chancellor, Co-Chair Jose Torres
2	Vice Chancellor, Human Resources & Police Services Kristina Hannon <i>present</i>
3	Management, CHC (appointed by college president) Keith Wurtz <i>absent</i>
4	Management, SBVC (appointed by college president) Ray Carlos <i>present</i>
5	Faculty, CHC (appointed by Academic Senate President) Brandi Bailes <i>present</i>
6	Faculty, SBVC (appointed by Academic Senate President) Davena Burns-Peters <i>present</i>
7	Classified, CHC (appointed by Classified Senate President) Kevin Palkki <i>absent</i>
8	Classified, SBVC (appointed by Classified Senate President) Nathan Yearyea <i>present</i>
9	ASG President or designee, CHC Enggie Ocampo <i>present</i>
10	ASG President or designee, SBVC Dyami Ruiz-Martinez <i>present</i> Nelva Ruiz-Martinez
11	Black Faculty & Staff Association Stephanie Lewis <i>present</i>
12	Latino Faculty, Staff, & Administrators Association Carmen Rodriguez <i>absent</i>
13	CTA (appointed by CTA) Ryan Bartlett <i>present</i>
14	CSEA (appointed by CSEA President) Cassie Thomas <i>present</i>
15	Management Association Christopher Crew <i>present</i>
16	Confidential Group Kelly Goodrich <i>present</i>
17	Asian Pacific Islanders Association Rejoice Chavira <i>present</i>

Attachment: Revised Version of P&P 4020



P&P 4020 PROGRAM, CURRICULUM AND COURSE DEVELOPMENT (10+1)

Reason for Changes

Legal Update 38 | The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

Academic Senate Feedback | [In Turquoise Below](#)

(For more info on SBCCD's process for Board Policies and Administrative Procedures, visit <https://sbccd.edu/ap2410>.)

Review Level: 3 Extensive Review (Subject to 10+1)	Review Level Approved by PPAC: 11/14/2022	Constituent Review Anticipated: 12/31/2022
Chapter Owner Review of Feedback 1/15/2023	Constituent Response to Feedback: 2/3/2023	PPAC Final Review: 2/13/2023
BOT 1st Read: 3/9/2023	BOT 2nd Read: 4/13/2023	

BP 4020 PROGRAM, CURRICULUM AND COURSE DEVELOPMENT
With Changes Redlined

~~*(Replaces current SBCCD BP 4020)*~~

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 Chancellor shall establish procedures for the development and review of all curricular offerings, including their establishment, modification, or discontinuance.

Furthermore, these procedures, following the guidelines of Title 5, 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.
- consideration of job market and other related information for career and technical education programs.

~~The Board encourages the development and offering of 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 Board acknowledges that District discipline/instructional faculty, the college curriculum committees, and the college Academic Senates have the shared responsibility to ensure that curriculum review committee members and discipline experts work together to provide Inclusion, Diversity, Equity, Anti-Racism, and Accessibility (IDEAA) frameworks and principles in curriculum review and approval processes for credit and noncredit, including programs and curricula in ethnic studies that encompass instruction and infusion of perspectives of African American, Asian American, Native American, and Latin-X [\[or Mexican American or other term\]](#) people. Administrators and classified professionals throughout the District who support the curriculum process must also work with discipline/instructional faculty to support equity-minded practices.

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

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

P&P 4020 PROGRAM, CURRICULUM AND COURSE DEVELOPMENT (10+1)**BP 4020 PROGRAM, CURRICULUM AND COURSE DEVELOPMENT****With Changes Redlined**

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 Chancellor shall establish procedures:

- which prescribe the definition of "credit hour" consistent with applicable federal regulations, as they apply to community college districts.
- to assure that curriculum at the District complies with the definition of "credit hour" or "clock hour," where applicable.
- 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.

References:

Education Code Sections 70901(b), 70902(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 Sections 600.2, 602.24, 603.24, and 668.8; ACCJC Accreditation Standards II.A and II.A.9

AP 4020 PROGRAM, CURRICULUM AND COURSE DEVELOPMENT**With Changes Redlined**

~~(Replaces current SB Replaces current SBCCD AP 4020)~~

Note: This procedure is legally required in an effort to show good faith compliance with the applicable federal regulations

~~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.~~

District Discipline/instructional faculty, the college curriculum committees, and the college Academic Senates have the shared responsibility to ensure that curriculum review committee members and discipline experts work together to provide Inclusion, Diversity, Equity, Anti-Racism, and Accessibility (IDEAA) frameworks and principles in curriculum review and approval processes for credit and noncredit, including programs and curricula in ethnic studies that encompass instruction and infusion of perspectives of African American, Asian American, Native American, and Latin-X [or Mexican American or other term] people. Administrators and classified professionals throughout the District who support the curriculum process must also work with discipline/instructional faculty to support equity-minded practices.

P&P 4020 PROGRAM, CURRICULUM AND COURSE DEVELOPMENT (10+1)**AP 4020 PROGRAM, CURRICULUM AND COURSE DEVELOPMENT****With Changes Redlined**

Curriculum development procedures for each college are developed by the campus curriculum committees under the purview of the academic senates. The respective curriculum handbooks prepared and revised by each campus committee are posted on the college's curriculum committee webpage.

- 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.

Curriculum development procedures for each college in the District are documented in the respective curriculum handbooks prepared by each campus.

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.

END OF RECOMMENDATION

P&P 2210 Officers

Reason for Changes

- Chapter Owner Request

(For more info on SBCCD's process for Board Policies and Administrative Procedures, visit <https://sbccd.edu/ap2410>.)

Review Level:

1 | FYI Only (Non 10+1)

Review Level Approved by PPAC:

2/9/2023 (anticipated)

BOT 1st Reading:

3/9/2023

BOT 2nd Reading & Approval:

4/13/2023

BP 2210 Officers

Anticipated PPAC Review Level - Level 1 Review – FYI Only

~~(Replaces current SBCCD BP 2100)~~

At the annual organizational meeting (See BP 2305 titled Annual Organizational Meeting), the Board of Trustees shall elect officers from among its members. The terms of officers shall be for one year, beginning the following January 1 through December 31.

Duties of the Chair of the Board:

1. Preside over all meetings of the Board;
2. Call emergency and special meetings of the Board as required by law;
3. Consult with the Chancellor on the Board meeting agendas;
4. Communicate with individual Board members about their responsibilities;
5. Participate in the orientation process for new Board members as outlined in the Board Orientation Handbook; The Chair is ultimately responsible for the orientation process of new board members and student trustees.
6. Assure Board compliance with policies on Board education, Board self-evaluation, and evaluation of the Chancellor;
7. Represent the Board at official events or ensure Board representation.
8. The Board Chair may contact District legal counsel regarding business of the District as necessary and the Board Chair will provide a report to the Board and Chancellor.
9. The Chair has the right to vote on all issues and to participate in the discussions. (Note: This is an exception to Robert's Rules of Order.)
10. The Board Chair shall establish ad hoc committees to comply with Board Policies and deadlines.
11. When applicable, the Board Chair will orient the incoming Board Chair in duties and responsibilities.
- ~~12. The Board Chair will attend a New Board Chair Workshop hosted by the California Community College League in January.~~

Duties of the Vice Chair of the Board:

1. To perform in the absence of the Chair, all the duties of the Chair;
2. To attest the signature of the Chair or other members of the Board on contracts, agreements, deeds, leases, and other legal documents not delegated to the Chancellor or other officers of the District;
3. To attest to the signature of the Chair or other members of the Board on all other documents of the District when the attestation is a legal requirement.

P&P 2210 Officers**BP 2210 Officers**

Anticipated PPAC Review Level - Level 1 Review – FYI Only

Duties of the Clerk of the Board:

1. To perform in the absence of the Chair, or the Vice Chair all the duties of the Chair;
2. To attest the signature of the Chair or other members of the Board on contracts, agreements, deeds, leases, and other legal documents not delegated to the Chancellor or other officers of the District;
3. To attest to the signature of the Chair or other members of the Board on all other documents of the District when the attestation is a legal requirement;
4. To certify copies of records of the District as required.
5. Monitor calendar deadlines pertinent to the Board and report them to the Board Chair and the Board.

Board Secretary

The Chancellor of the District shall serve as the Secretary to the Board.

Duties of the Secretary to the Board:

1. Notify members of the Board of regular, special, emergency, and adjourned meetings;
2. Prepare and post the Board meeting agendas;
3. Have prepared for adoption minutes of the Board meetings;
4. Attend all Board meetings and closed sessions unless excused, and in such cases to assign a designee;
5. Conduct the official correspondence of the Board;
6. Certify as legally required all Board actions;
7. Sign, when authorized by law or by Board action, any documents that would otherwise require the signature of the Secretary or the Clerk of the Board.

The Board does not have an official system of rotation or officers; it elects the officers each year from among all its members.

Reference:

Education Code Section 72000

AP 2210 Officers

No AP

END OF RECOMMENDATION

P&P 6320 Investments

Reason for Changes (For more info on SBCCD's process for Board Policies and Administrative Procedures, visit <https://sbccd.edu/ap2410>.)

- **BOT annual review as mandated in the BP**

Review Level: 1 FYI Only (Non 10+1)	Review Level Approved by PPAC: 2/9/2023 (anticipated)	BOT 1st Reading: 3/9/2023	BOT 2nd Reading & Approval: 4/13/2023
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BP 6320 Investments

Annual review of BP; no changes recommended.

It is the policy of the San Bernardino Community College District to invest public funds in a manner providing the highest investment return with the maximum security while meeting the daily cash flow demands of the District, and conforming to all applicable federal, state and local laws governing the investment of public funds.

This Policy shall be reviewed annually by the Board of Trustees.

The Chancellor is responsible for ensuring that the funds of the District that are not required for the immediate needs of the District are invested properly and in harmony with the requirements of the California Community Colleges Budget and Accounting Manual established pursuant to *Education Code* Section 84030. Investments shall be in accordance with law, including *Government Code* Sections 53600 which states:

"The Legislature hereby finds that the solvency and creditworthiness of each individual local agency can impact the solvency and creditworthiness of the state and other local agencies within the state. Therefore, to protect the solvency and creditworthiness of the state and all of its political subdivisions, the Legislature hereby declares that the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern."

Investments shall be made based on the following criteria:

1. **The preservation of principal shall be of primary importance.** Safety of principal shall be the foremost objective of the investment program. Investments of the District shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To obtain this objective, diversification is required so that potential losses on individual securities do not exceed income generated from the remainder of the portfolio.
2. **The investment program must remain sufficiently flexible to permit the District to meet all operating requirements.** The District's investment portfolio shall remain sufficiently liquid to meet all operating requirements, which may reasonably be anticipated.
3. **Transactions should be avoided that might impair public confidence.** Pursuant to *Government Code* Section 53646, District funds shall be invested with the judgment and care which persons of prudence, discretion, and intelligence exercise in management of their own affairs, not for speculation, but for investment, considering the probable safety of capital as well as the probable income to be derived. The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio.
4. **Return on Investment.** The District's investment portfolio shall be structured with the objective of attaining a rate of return throughout budgetary and economic cycles, commensurate with investment risk constraints and cash flow characteristics of the portfolio.

References:

Education Code Sections 39315, 39317, 81345, 84030; Government Code Sections 50665 *et seq.*, 53387 *et seq.*, 53600 *et seq.*, 53635.2, 53464, 53651, 53820

P&P 6320 Investments

AP 6320 Investments

FYI only to support annual review of BP

All funds of the San Bernardino Community College District (SBCCD) deposited with the San Bernardino County Treasurer shall be invested in accordance with Government Code Section 27000.5, in accordance with Board Policy 6320, and under the direction of San Bernardino County's investment Advisory Committee.

Ethics and Conflict of Interest

Officers and employees of SBCCD involved in the investment process shall refrain from personal business activity that may conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials who manage public investments shall file a statement of economic interest disclosing his or her investments, interests in real property and income in accordance with Government Code 87200.

Acceptable and Prohibited Investments

District funds may be invested in any of the following:

1. Any eligible security as set forth in sub-sections a, b, c, e, g, h, and n of Government Code Section 53651, namely:
 - a. United States Treasury notes, bonds, bills or certificates of indebtedness, or obligations for which the faith and credit of the United States are pledged for the payment of principal and interest, including the guaranteed portions of small business administration loans, so long as the loans are obligations for which the faith and credit of the United States are pledged for the payment of principal and interest.
 - b. Notes or bonds or any obligations of a local public agency, or any obligations of a public housing agency for which the faith and credit of the United States are pledged for the payment of principal and interest.
 - c. Bonds of California or of any local agency or district of the State of California having the power, without limit as to rate or amount, to levy taxes or assessments to pay the principal and interest of the bonds upon all property within its boundaries subject to taxation or assessment by the local agency or district, and in addition, limited obligation bonds pursuant to Government Code Sections 50665 et seq.; senior obligation bonds pursuant to Government Code Sections 53387 et seq.; and revenue bonds and other obligations payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the state, local agency or district, or by a department, board, agency, or authority thereof.
 - d. Registered warrants of California.
 - e. Notes, tax anticipation warrants, or other evidence of indebtedness issued pursuant to Government Code Sections 53820 et seq.
 - f. State of California notes.
 - g. Any bonds, notes, warrants, or other evidences of indebtedness of a nonprofit corporation issued to finance the construction of a school building pursuant to a lease or agreement with a school district entered into in compliance with the provisions of Education Code Sections 39315 or 81345, and also any bonds, notes, warrants, or other evidences of indebtedness issued to refinance those bonds, notes, warrants, or other evidences of indebtedness, as specified in Education Code Section 39317.
2. Local Agency Investment Fund with the Treasurer's Office of the State of California.
3. A financial institution that is insured by Federal Deposit Insurance Corporation pursuant to Government Code Section 53635.2.
4. San Bernardino County Treasurer's Office, whenever required by law.

P&P 6320 Investments**AP 6320 Investments**

FYI only to support annual review of BP

Authorized Personnel

The Chancellor, Executive Vice Chancellor, or designee shall request approval from the Board to invest surplus funds. Both the Chancellor or designee and the Executive Vice Chancellor must jointly authorize investment decisions such as:

- Transfers of funds to the appropriate agency or financial institution for investment purposes,
- Asset allocation and rebalancing; and
- Liquidation of investments.

Safekeeping and Custody

All security transactions entered into by SBCCD shall be conducted on a delivery-versus-payment basis. Securities will be held by a third party custodian designated by the Chancellor and Executive Vice Chancellor and evidenced by safekeeping receipts with a written custodial agreement. The securities will be held directly in the name of the San Bernardino Community College District as beneficiary.

Recording and Reconciliation

Investment statements shall be provided to Fiscal Services for review, recording of investment activity, and reconciliation. Journal entries to record investment activity and the reconciliation of the investment statement shall be prepared by an accountant or designee, and approved by the Director of Fiscal Services or designee.

Reporting

The Chancellor, pursuant to Government Code Section 53646, shall submit a quarterly investment portfolio status report to the Board of Trustees. Said report shall detail:

- Investment types
- Names of issuers
- Maturity dates
- Par and dollar amounts invested in each security, investment, and money
- Weighted average maturity of investments
- Any funds being managed by contracted parties
- Market value as of date of report and source of valuation
- Description of compliance with investment policy
- Current market value of funds managed by a consultant

References:

Government Code Sections 53600 et seq., 87200

END OF RECOMMENDATION

P&P 5030 Fees

Reason for Changes (For more info on SBCCD's process for Board Policies and Administrative Procedures, visit <https://sbccd.edu/ap2410>.)

Chapter Lead response to annual State guidance on student fees received January 25, 2023 (this version anticipates BOT final approval of previous language change on 2/9/2023)

Review Level: 2 Minor Edit (Non 10+1)	Review Level Approved by PPAC: 2/9/2023	Constituent Review: Due 2/27/2023	PPAC Info Item: 3/9/2023
BOT 1st Read: 3/9/2023	BOT 2nd Read: 4/13/2023		

BP 5030 Fees
FYI Only – No Changes Recommended

The Board of Trustees authorizes the following fees. All fees must comply with Education Code and Title 5 regulations. The Chancellor is responsible for establishing procedures for the collection, deposit, waiver, refund, and accounting for fees as required by law. The procedures shall also assure those who are exempt from or for whom the fee is waived are properly enrolled and accounted for. Fee amounts shall be published in the college catalogs or class schedules (Schedule of Classes).

Enrollment Fee (Education Code Section 76300)
Each student shall be charged a fee for enrolling in credit courses as required by law.

Course Auditing Fees (Education Code Section 76370)
Persons auditing a course shall be charged a fee (see AP 5030). The fee amount shall be adjusted proportionally based upon the term length. Students enrolled in classes to receive credit for 10 or more semester credit units shall not be charged this fee to audit three or fewer units per semester.

Parking Fee (Education Code Section 76360)
Students shall be required to pay a fee (see AP 5030).

To encourage ride sharing, a student may certify in writing at the time of payment of the fee that he/she regularly has two or more passengers commuting with him/her.

Instructional Materials (Education Code Section 76365; Title 5 Sections 59400 et seq.)
Students may be required to provide required instructional and other materials for a credit or non-credit course, provided such materials are of continuing value to the student outside the classroom and provided that such materials are not solely or exclusively available from the District. (See BP/AP 5031 titled Instructional Materials Fees)

Physical Education Facilities (Education Code Section 76395)
Where the District incurs additional expenses because a physical education course is required to use non-district facilities, students enrolled in the course may be charged a fee for participating in the course. Such fee shall not exceed the student's calculated share of the additional expenses incurred by the District.

Student Representation Fee (Education Code Section 76060.5)
Students will be charged a fee (see AP 5030) to be used to provide support for student governmental affairs representation. A student may refuse to pay the fee and shall submit such refusal on a form provided by the District to collect fees.

Student Transportation Costs (Education Code Section 76361)
Students shall be charged a fee (see AP 5030) for the purpose of recovering transportation costs incurred by the District for services provided by common carriers to students. These fees will only be paid by students who use the transportation services, unless a vote of the students in accordance with the Education Code establishes otherwise.

P&P 5030 Fees**BP 5030 Fees**

FYI Only – No Changes Recommended

Transcript Fees (Education Code Section 76223)

The District shall charge a reasonable amount for furnishing copies of any student record to a student or former student. The Chancellor is authorized to establish the fee (see AP 5030), which shall not to exceed the actual cost of furnishing copies of any student record. No charge shall be made for furnishing up to two transcripts of students' records, or for two verifications of various records. There shall be no charge for searching for or retrieving any student record.

International Students Application Processing Fee (Education Code Section 76142)

The District shall charge students who are both citizens and residents of a foreign country a fee to process his/her application for admission. This processing fee and regulations for determining economic hardship may be established by the Chancellor. The fee shall not exceed the lesser of 1) the actual cost of processing an application and other documentation required by the U.S. government; or 2) one hundred dollars (\$100), which shall be deducted from the tuition fee at the time of enrollment.

Fee Refunds

The Board of Trustees authorizes refunds to be made according to administrative procedures established by the Chancellor. All refunds must comply with Education Code and Title 5 regulations, and the refund schedule shall be published in the college catalogs and class schedules.

References:

Education Code Sections 66025.3, 68120, 70902(b)(9), 76300, 76300.5, 76370, 76360, 76365, 76395, 76060.5, 76361, 76223, and 76142

Title 5 Sections 51012, 58520, 58629, and 59400 et seq

California Community College Chancellor's Office (CCCCO) Student Fee Handbook
ACCJC Accreditation Standard I.C.6

AP 5030 Fees

With Changes Redlined

Required fees include:

- Enrollment (Education Code Section 76300 and 76300.5; Title 5 Sections 58500 and 58509)
As prescribed by state law.
- Nonresident tuition with these permissive exemptions (Education Code Sections 76140 and 76140.5):
As prescribed by state law and established by the Board of Trustees no later than March 1 for the succeeding fiscal year.
 - 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);

P&P 5030 Fees**AP 5030 Fees****With Changes Redlined**

- All students, other than non immigrant aliens under 8 U.S. Code Section 1101(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 Section 54805)

Fees authorized by law include:

- Non-District physical education facilities (Education Code Section 76395)
- 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))

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- 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)
- 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)

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- Breakage (CCCCO Student Fee Handbook)
- Test proctoring (CCCCO Student Fee Handbook)

Collection and Refund of Fees

- A. Associated Students Discount Sticker
\$9.50 - CHC
\$7.50 - SBVC
\$4.00 - Replacement for lost card
- B. Breakage/Lost Property Fee
Replacement cost of item(s) broken or lost
- C. Campus Center Fee
\$1.00/unit (not to exceed \$10 per fiscal year)
- D. Capital Outlay Fee
As allowed by law and approved by the Board of Trustees prior to March 1 for the succeeding fiscal year.
- E. Catalog
\$6.00 - purchased on campus
- F. Credit by Examination
\$20.00 plus class unit fee
- G. Document Fee Handling
\$40.00 per hour for personnel time to find, retrieve, copy and re-file requested documents;
minimum charge of 1 hour
\$0.15 per side copy cost
Fees must be paid prior to document release
- H. Enrollment Fee
\$46.00/unit
- I. Insufficient Funds Check
\$15.00
- J. International Student Application
\$25.00 (nonrefundable)
- K. Key Deposit/Replacement
\$15.00 plus cost of rekeying if needed (metal/electronic key)
- L. Learning Center Reproduction Fees, SBVC
\$0.20 - Laser printout: text, black and white printer
\$0.50 - Laser printout: graphics, black and white printer (over ½ page)
\$1.00 - Laser printout: graphics and/or text, color
\$2.00 - Scan text or graphics to disk, per scan

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AP 5030 Fees
With Changes Redlined

- M. Library Fines – SBVC/CHC
 - \$0.10 - Books: per day for 50 days; after 50 days, bill \$5 fine plus the replacement value \$0.25 - Reserve Books/Multimedia: per hour to a maximum of the replacement value of the reserve materials; after 14 days, bill \$5 fine plus the replacement value
 - \$0.50 - Videos: per day for 50 days; after 50 days, bill \$5 fine plus the replacement value
 - \$0.10 - Per page for laser printout of Internet, CD ROM, Periodicals
 - \$2.00 - replacement for lost library card
- N. Parking Permit Fees
 - ~~\$108.00~~ - annual permit
 - ~~\$42.00~~~~\$45.00~~ - one semester (~~\$20-BOGG~~~~\$25 Promise Grants~~ student)
 - \$24.00 - summer session
 - \$3.00 - daily
- O. Parking Violation Fees
 - \$ 50.00 - illegal parking
 - \$ 50.00 - decal violation
 - \$275.00 - handicap violation
- P. Refund Processing Charge
 - A fee of \$10.00 will be charged for each refund transaction, not to exceed \$10.00 per student per semester as defined in the Fee Refund Policy.
- Q. Replacement – Diploma/Certificate
 - \$10.00
- R. Student Health and Accident Insurance
 - ~~\$23.00~~~~\$26.00~~ - per semester (includes \$1.50 accident insurance)
 - ~~\$20.00~~~~\$20.00~~ - summer session (includes \$1.50 accident insurance)
 - \$1.50 - accident insurance only
- S. Student Representation
 - \$2.00
- T. Supplemental Health Services Fee
 - At Cost - TB skin test (one-step test)
 - At cost - All Vaccines
 - \$25.00 - Physical Exams
 - \$50.00 - DMV Physical Exams
 - At cost - Prescription medications
 - At cost - In-house Lab Tests
 - At cost - Lab Test sent to external lab
 - At cost - Optional Medical Procedures
 - At cost - Optional Medical Supplies
 - \$ 8.00 - Vision screening (Titmus vision tester)
 - \$ 2.00 per item - Duplication of medical records
 - \$10.00 - Hearing Screening (Audiometer)
 - At cost - Birth Control Pills

Commented [kg1]: To allow adequate funding for parking lot upkeep and maintenance. Proposed fees are in alignment with state maximums of \$70/semester and \$34/summer; as well as comparable CCDs (COD \$25/\$0, MSJC \$34/\$15, RCC \$50/25, and Chaffey \$55/\$25). Suggest elimination of language no longer applicable.

Per the state mandate, the maximum for Promise Grants students is \$30/semester; this proposed change brings the SBCCD fee to \$25/semester.

Commented [kg2]: To align with recommended state fee allowance and mitigate estimated deficit spending of \$24,281 in 2023-24 budget.

P&P 5030 Fees

AP 5030 Fees
With Changes Redlined

U. Testing Fees

- At cost - Paramedic National Registry Testing
- \$ 25.00 - Retest per skill
- \$ 10.00 - CPR card
- Repeat course from Career Tech Department
- 0.5 units - \$12.00
- 1.0 units - \$23.00
- 2.0 units - \$46.00
- 3.0 units - \$70.00

V. Transcripts/Verification

- No cost - First two transcripts
- \$10.00 - Additional transcripts
- \$20.00 - Immediate requests for transcripts
- \$5.00 plus cost - Online transcripts

W. Transportation Fee

- Students registering for Spring or Fall semester to pay:
- \$9.00 for 6 or more credits/semester
- \$8.00 for less than 6 credits/semester
- \$6.00 for 6 or more credits/summer
- \$5.00 for less than 6 credits/summer

X. Crafton Hills College Recreation Fee

- Students registering for CHC for Spring, Fall, or Summer semesters have the option to pay for the use of the aquatic and fitness centers:
- \$8.00 per semester

Fee Refunds

A. Designated Fees

This regulation covers the following fees:

1. Enrollment fee
2. Nonresident tuition
3. Parking fee
4. Health fee
5. Accident Insurance fee
6. Student Services Card fee
7. Student Center fee
8. Student Representation Fee
9. Capital Outlay Fee
10. Student Transportation Fee

P&P 5030 Fees**AP 5030 Fees****With Changes Redlined****B. Conditions**

If a refund is requested for parking or student services card fees, the parking decal or the student services card must be attached to the refund request.

C. Military Service Exception

If a student who is a member of an active or reserve military service receives orders compelling a withdrawal from courses, the District shall, upon petition and a copy of received orders of the affected student, refund the entire enrollment fee unless academic credit is awarded.

D. Refund Schedule

This refund schedule applies to all fees listed in Paragraph A, above.

1. Fees collected in error

Fees collected in error will be refunded in their entirety.

2. Class canceled by the college

If a class is canceled by the college, enrollment and/or non-resident tuition fees will be refunded in their entirety. If that cancellation results in a student's withdrawal from the college, refunds of the appropriate fees listed in Paragraph "A" will apply.

3. Withdrawal from the College

a. Enrollment Fee/Nonresident Tuition

If a student withdraws during the first two weeks of a full-term class or during the first 10% of a short-term class, enrollment fees or nonresident tuition fees will be refunded.

b. Parking Fee, Health Fee, Accident Insurance Fee, Student Services Card Fee, Student Center Fee, Student Representation Fee, Capital Outlay Fee, Student Transportation Fee.

In order to be eligible for a refund, a student must withdraw prior to the first day of the term for a full-term class or prior to the first day of instruction for a short-term class.

4. Unit Reduction

If a change of program within the first two weeks of a full-term class or during the first 10% of a short-term class results in a reduction in the number of units taken, the enrollment fee or non-resident fee will be refunded at the per unit cost of the reduction.

5. A student who withdraws from a class or the college after the second week of instruction for a full-term class or the first 10% of a short-term class is not eligible for any refund.

E. Refund Processing Fee

A charge of \$10 will be collected for each refund transaction not to exceed \$10 per student per semester, except for canceled classes or overpayment.

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 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.

P&P 5030 Fees

AP 5030 Fees
With Changes Redlined

References:

Education Code Sections 66025.3, 68120, 70902(b)(9), 76300, and 76300.5
Title 5 Sections 51012, 58520, and 58629
California Community College Chancellor's Office (CCCCO) Student Fee Handbook
ACCJC Accreditation Standard I.C.6

END OF RECOMMENDATION

P&P 3420 EQUAL EMPLOYMENT OPPORTUNITY

Reason for Changes

- Legal Update 38 – The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.
- Legal Update 39 – 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.
- Correction of website for SBCCD plan.

(For more info on SBCCD’s process for Board Policies and Administrative Procedures, visit <https://sbccd.edu/ap2410>.)

Review Level: 2 Legal Edit (Non 10+1)	Review Level Approved by PPAC: 12/12/2022	Constituent Review: Due 1/31/2023	PPAC Info Item: 2/13/2023
BOT 1st Reading: 3/9/2023	BOT 2nd Reading & Approval: 4/13/2023		

BP 3420 EQUAL EMPLOYMENT OPPORTUNITY With Changes Redlined

The Board of Trustees 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. 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 Chancellor 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. The Chancellor shall develop hiring procedures driven by diversity, equity, and inclusion and consistent with the Board’s intent described above.

Also see BP/AP 3410 titled Nondiscrimination and BP/AP 7100 titled Commitment to Diversity

AP 3420 EQUAL EMPLOYMENT OPPORTUNITY With Changes Redlined

The District shall make a continuous good faith effort to comply with the requirements of the Equal Employment Opportunity Plan. <http://www.sbccd.org/~media/Files/SBCCD/District/HR%20%20Documents/SBCCD%20EEO%20Plan.pdf><https://www.google.com/url?client=internal-element-cse&cx=009561585056126512430:dz7ibolkrhk&q=https://sbccd.edu/district-services/human-resources/documents/2021-2024-equal-employment-opportunity-plan-ba-2021-05-13.pdf&sa=U&ved=2ahUKEwiK-JCIm-P7AhX1BUQIHQYBAwwQFnoECAUQAQ&usq=AOvVaw29szP-PtlnXeFinLbPN1jc>

Employment Procedures

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 Vice Chancellor Human Resources and Police Services 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.

P&P 3420 EQUAL EMPLOYMENT OPPORTUNITY

AP 3420 EQUAL EMPLOYMENT OPPORTUNITY

With Changes Redlined

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.

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 voluntarily as to gender, ethnicity and, if applicable, his/her 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 Vice Chancellor Human Resources and Police Services 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 Vice Chancellor Human Resources and Police Services or designee finds that the composition of the qualified applicant pool may have been influenced by factors which are not job related, the District *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. Procedures to be used must address or include that:

- Hiring procedures will be provided to the State 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 Vice Chancellor Human Resources and Police Services 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 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.

P&P 3420 EQUAL EMPLOYMENT OPPORTUNITY

AP 3420 EQUAL EMPLOYMENT OPPORTUNITY

With Changes Redlined

- 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.

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.

Complaint Procedure

The District must identify to the public and to the State Chancellor’s Office an individual described in Title 5 as the “responsible District officer,” responsible for receiving complaints. Informal charges of unlawful discrimination should be brought to the attention of the responsible District officer. The responsible District officer shall oversee the informal resolution process. The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract. An outside investigator must be used when the responsible District officer is named in the complaint or implicated by the allegations in the complaint.

When a person brings charges of unlawful discrimination the officer must:

- Undertake efforts to resolve the charge informally;
- Advise the complainant that he/she need not participate in an informal resolution of the complaint;
- Notify the complainant of the procedures for filing a formal complaint;
- Notify the complainant that he/she may file a complaint with the Office of Civil Rights of the U.S. Department of Education.
- If the complainant, a student or an employee, files a formal complaint, the responsible District officer must also forward a copy of the complaint to the State Chancellor’s Office.

A formal complaint not involving employment, must be processed if it is filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation.

P&P 3420 EQUAL EMPLOYMENT OPPORTUNITY

AP 3420 EQUAL EMPLOYMENT OPPORTUNITY

With Changes Redlined

A formal complaint alleging discrimination in employment must be filed within 180 days of the date of the alleged unlawful discrimination, unless the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the initial 180 days.

The complaint must be filed by someone who alleges that he/she has personally suffered unlawful discrimination, or by someone who has learned about unlawful discrimination in his/her official capacity.

When a proper complaint is received, the District will begin an impartial fact-finding investigation, and notify the complainant and the State Chancellor's Office that it is doing so.

When the investigation is done, the results must be set forth in a written report. The written report must include a description of the circumstances giving rise to the complaint, a summary of the testimony of each witness, an analysis of any relevant data or other evidence collected during the investigation, a specific finding as to whether discrimination did or did not occur with respect to each allegation in the complaint, and any other appropriate information.

In any case that does not involve employment discrimination, the District must provide the State Chancellor's Office with a copy of the investigative report within ninety days from the date the District received the complaint. The District must also provide the complainant with a copy or summary of the investigative report within ninety days from the date the District received the complaint. The State Chancellor's Office and the complainant must also be provided with a written notice setting forth the determination of the Vice Chancellor Human Resources and Police Services as to whether discrimination did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and notice of the complainant's right to appeal to the District's Governing Board and the State Chancellor's Office.

In any case that involves employment discrimination, the District must provide the complainant with a copy or summary of the report, and with written notice setting forth the determination of the Vice Chancellor Human Resources and Police Services as to whether discrimination did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and the complainant's right to appeal to the District's Governing Board and to file a complaint with the Department of Fair Employment and Housing.

If the complainant is not satisfied with the results of the administrative determination, the complainant must be given the opportunity to submit a written appeal to the governing board within fifteen days from the date of the notice of the administrative determination. The Board must review the original complaint, the investigative report, the administrative determination, and the appeal and must issue a final District decision within forty-five days of receiving the appeal.

In any case not involving employment discrimination, a copy of the final District decision must be promptly forwarded to the complainant and the State Chancellor's Office. The complainant must be notified of his/her right to appeal. In any case involving employment discrimination, a copy of the final District decision must be promptly forwarded to the complainant. The complainant must be notified of his/her right to file a complaint with the Department of Fair Employment and Housing.

Where the Board does not act within forty-five days the administrative determination must be deemed approved and must become the final District decision. The District shall promptly notify the complainant and in cases not involving employment discrimination, the State Chancellor's Office, that the Board took no action and the administrative determination becomes the final District decision. In cases not involving employment discrimination, the complainant must be informed of his/her right to appeal the District's decision to the State Chancellor's Office. In cases involving employment discrimination, the complainant shall be notified of his/her right to file a complaint with the Department of Fair Employment and Housing.

In cases not involving employment discrimination, the complainant must be given the right to file a written appeal with the State Chancellor's Office within 30 days after the Board issues the final District decision, permits the administrative decision to become final or from the date that notice of the District's final decision was provided to the complainant pursuant to Section 59338(b) or (d), whichever is later.

The District should retain and make available the original complaint, and copies of the final decision or a statement indicating the date on which the administrative determination became final, the notice given to complainant, the complainant's appeal of the District's administrative determination, the investigative report and any other information the State Chancellor's Office may require.

P&P 3420 EQUAL EMPLOYMENT OPPORTUNITY**AP 3420 EQUAL EMPLOYMENT OPPORTUNITY****With Changes Redlined**

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.

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 ~~State-California Community Colleges~~ Chancellor's Office within 90 days of the effective date of the revision or amendment(s). If the ~~State-California Community Colleges~~ Chancellor's Office determines that the District's policies are ~~do not in compliance~~ comply with Title 5 Sections 59300 et seq., the ~~State-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 State Chancellor 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.

References:

20 U.S.C. Section 1681 et seq.; Education Code Sections 87100 et seq.; Title 5 Sections 53000 et seq. and Sections 59300 et seq.; ACCJC Accreditation Standard III.A.12

END OF RECOMMENDATION

P&P 3430 PROHIBITION OF HARASSMENT

Reason for Changes

- Legal Update 40 – 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.
- Update of CCCCCO website.

(For more info on SBCCD's process for Board Policies and Administrative Procedures, visit <https://sbccd.edu/ap2410>.)

Review Level: 2 Legal Edit (Non 10+1)	Review Level Approved by PPAC: 12/12/2022	Constituent Review: Due 1/31/2023	PPAC Info Item: 2/13/2023
BOT 1st Reading: 3/9/2023	BOT 2nd Reading & Approval: 4/13/2023		

BP 3430 PROHIBITION OF HARASSMENT

With Changes Redlined

This policy prohibits District employees, students, and student organizations from engaging in unlawful discrimination and harassment including sexual misconduct. Allegations that an employee, student or student organization has violated the Discrimination and Harassment Policy will be resolved consistent with AP 3430: Prohibition of Harassment.

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 discrimination and harassment, including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, pregnancy, gender, gender identity, gender expression, age, sexual orientation, military and veteran status, or because an individual is perceived to have one or more of the foregoing characteristics. Sexual violence (e.g.: non-consensual sexual intercourse and non-consensual sexual contact) and interpersonal/relationship violence are always violations of the sex and gender-based discrimination and harassment policies and stalking often can be as well.

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 discrimination or harassment or for participating in a related 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. ~~Retaliation is defined below.~~

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 has a responsibility to make reasonable efforts to respond effectively when sexual harassment is reported to, or observed by, District employees.

Any individual who believes that they have been harassed, discriminated against, or retaliated against in violation of this policy may report such incidents by following the procedures described in AP 3435. The District requires supervisors to report all incidents of discrimination, harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to admission, 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.

P&P 3430 PROHIBITION OF HARASSMENT

BP 3430 PROHIBITION OF HARASSMENT

With Changes Redlined

To this end the Chancellor or designee 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.

~~This policy applies to behaviors that take place on campus and at school-sponsored events and may also apply off-campus and to actions online when the Title IX Coordinator/Institutional Equity Officer determines that the off-campus conduct affects a substantial school interest or impacts the educational mission of the District.~~

A substantial school interest includes:

- ~~a. Any action that constitutes criminal offense as defined by federal or state law. This includes, but is not limited to, single or repeat violations of any local, state or federal law committed in the municipality where the school is located;~~
- ~~b. Any situation where it appears that the responding party may present a danger or threat to the health or safety of self or others;~~
- ~~c. Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or~~
- ~~d. Any situation that is detrimental to the educational interests of the school.~~

~~Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc. occurring completely outside of the District's control will only be subject to this policy when those online behaviors can be shown to cause a substantial on campus disruption. Off-campus discriminatory or harassing speech by employees may be regulated by the District only when such speech is made in an employee's official or work-related capacity. The District's policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom.~~

~~The District reserves the right to address offensive conduct and/or harassment that does not rise to the level of discrimination, or that is of a generic nature not on the basis of a protected status. Addressing such issues may not result in the imposition of discipline under District policy, but will be addressed through civil confrontation, remedial actions, education and/or effective conflict resolution mechanisms.~~

~~Questions about this policy should be directed to the Title IX Coordinator/Institutional Equity Officer.~~

~~The Chancellor shall ensure that the institution undertakes education and training activities to counter discrimination and harassment and to prevent, minimize, and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.~~

The Chancellor or designee shall establish procedures that define harassment on campus. The Chancellor or designee 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.

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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.

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)

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Procedures for handling complaints of unlawful discrimination under title 5 sections 59300 ET SEQ.

(Replaces current SBCCD AP 3430)

Introduction and Scope

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

This procedure and the related policy protects students and employees 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.

These are procedures for filing and processing complaints of unlawful discrimination at San Bernardino Community College District. These procedures incorporate the legal principles contained in nondiscrimination provisions of the California Code of Regulations, title 5, sections 59300 et seq. as well as other state and federal substantive and procedural requirements.

A copy of relevant procedures on unlawful discrimination will be displayed in a prominent location in the Office of Human Resources, San Bernardino Valley College President's Office, Crafton Hills College President's Office and other areas where notices regarding the institution's rules, regulations, procedures, and standards of conduct are posted.

Authority: 20 U.S.C. § 1681 et seq.; Ed. Code, §§ 66270, 66271.1, 66281.5; Gov. Code, §§ 11135-11139.5; Cal. Code Regs., tit. 5, § 59326. Reference: Cal. Code Regs., tit. 5, §§ 59300 et seq.; 34 C.F.R. § 106.8(b).

The San Bernardino Community College District hereby implements the provisions of California Government Code sections 11135 through 11139.5, the Sex Equity in Education Act (Ed. Code, § 66250 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), Board Approved February 2010

U.S.C. § 794), section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794d), the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12100 et seq.) and the Age Discrimination Act (42 U.S.C. § 6101).

Authority: Cal. Code Regs., tit. 5, § 59300; Ed. Code §§ 66250 et seq., 66271.1, 66700, and 70901; Gov. Code § 11138.

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Reference: Ed. Code §§ 66250 et seq. and 72011; Gov. Code, §§ 11135-11139.5; Penal Code §§ 422.6 and 422.55; 20 U.S.C. § 1681; 29 U.S.C. §§ 794 and 794d; 42 U.S.C. §§ 6101, 12100 et seq. and 2000d; 36 C.F.R. § 1194.

Responsible District Officer

The San Bernardino Community College District has identified the Vice Chancellor Human Resources and Police Services to the State Chancellor's Office and to the public as the single District officer responsible for receiving unlawful discrimination complaints filed pursuant to title 5, section 59328, and for coordinating their investigation and resolution. Informal charges of unlawful discrimination should be brought to the attention of the Vice Chancellor Human Resources and Police Services, who shall oversee the informal resolution process pursuant to section 59327. The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract with the District. Such delegation procedures will be used whenever the Vice Chancellor is named in the complaint or is implicated by the allegations in the complaint.

Administrators, faculty members, other District employees, and students shall direct all complaints of unlawful discrimination to the Vice Chancellor Human Resources and Police Services.

Authority: Cal. Code Regs., tit. 5, § 59324; 34 C.F.R. § 106.8.

Informal/Formal Complaint Procedure

(see Complaint Procedure Checklist at the end of the procedure)

When a person brings charges of unlawful discrimination to the attention of the Vice Chancellor of Human Resources and Police Services, he/she will:

- Undertake efforts to informally resolve the charges;
- Advise the complainant that he or she need not participate in informal resolution;
- Notify the person bringing the charges of his or her right to file a formal complaint and explain the procedure for doing so;
- Assure the complainant that he or she will not be required to confront, or work out problems with, the person accused of unlawful discrimination;
- Advise the complainant that he or she may file a nonemployment-based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency's jurisdiction.
- If the complaint is employment-related, the complainant should also be advised that he or she may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) and/or the California Department of Fair Employment and Housing (DFEH) where such a complaint is within that agency's jurisdiction.

Efforts at informal resolution need not include any investigation unless the responsible District officer determines that an investigation is warranted by the seriousness of the charges. Selecting an informal resolution does not extend the time limitations for filing a formal complaint. Efforts at informal resolution may continue after the filing of a formal written complaint, but after a complaint is filed an investigation is required to be conducted pursuant to title 5, section 59334, and will be completed unless the matter is informally resolved and the complainant dismisses the complaint. Even if the complainant does dismiss the complaint, the responsible district officer may require the investigation to continue if he or she determines that the allegations are serious enough to warrant an investigation. Any efforts at informal resolution after the filing of a written complaint will not exceed the 90-day period for rendering the administrative determination pursuant to title 5, section 59336.

In employment-related cases, if the complainant also files with the Department of Fair Employment and Housing or with the U.S. Equal Employment Opportunity Commission, a copy of that filing will be sent to the State Chancellor's Office requesting a determination of whether a further investigation under title 5 is required. Unless the State Chancellor's Office determines that a separate investigation is required, the District will discontinue its investigation under title 5 and the matter will be resolved through the Department of Fair Employment and Housing or the U.S. Equal Employment Opportunity Commission.

The District will allow for representation where required by law and may allow for representation for the accused and complainant in

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other circumstances on a case by case basis.

Authority: Cal. Code Regs., tit. 5, §§ 59327, 59328, 59334, 59336, and 59339; NLRB v. Weingarten, Inc. (1975) 420 U.S. 251.

Filing of Formal Written Complaint

If a complainant decides to file a formal written unlawful discrimination complaint against the District, he or she must file the complaint on a form prescribed by the State Chancellor. These approved forms are available from the District and also at the State Chancellor's website, as follows:

<https://www.cccco.edu/About-Us/Chancellors-Office/Divisions/General-Counsel/Programs/College-District-Discrimination-Appeals><http://www.cccco.edu/SystemOffice/Divisions/Legal/Discrimination/tabid/294/Default.aspx>

The completed form must be filed with the District representative or mailed directly to the State Chancellor's Office of the California Community Colleges. Complainants may contact the Vice Chancellor of Human Resources and Police Services for assistance in filling out the form, if necessary.

Once a complaint is filed, the individual(s) accused of engaging in prohibited discriminatory conduct shall be advised of that filing and the general nature of the complaint. This should occur as soon as possible and in a manner that is appropriate under the circumstances. The District will also advise the accused that an assessment of the accuracy of the allegations has not yet been made, that the complaint will be investigated, that the accused will be provided an opportunity to present his/her side of the matter, and that any conduct that could be viewed as retaliatory against the complainant or any witnesses must be avoided.

Authority: Cal. Code Regs., tit. 5, §§ 59311 and 59328.

Threshold Requirements Prior to Investigation of a Formal Written Complaint

When a formal written complaint is filed it will be reviewed to determine if the complaint meets the following requirements:

- The complaint must be filed on a form prescribed by the State Chancellor's Office.
- The complaint must allege unlawful discrimination prohibited under title 5, section 59300.
- The complaint must be filed by one who alleges that he or she has personally suffered unlawful discrimination or by one who has learned of such unlawful discrimination in his or her official capacity as a faculty member or administrator.
- In any complaint alleging discrimination in employment, the complaint shall be filed within 180 days of the date the alleged unlawful discrimination occurred, except that this period will be extended by no more than 90 days following the expiration of that 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of 180 days.

Authority: Cal. Code Regs., tit. 5, § 59328.

Defective Complaint

If a complaint is found to be defective it will be immediately returned to the complainant with a complete explanation of why an investigation will not be initiated under California Code of Regulations, title 5, section 59300 et seq. The notice will inform the complainant that the complaint does not meet the requirements of section 59328, and shall specify in what requirement the complaint is defective. A copy of the notice to the complainant will also be sent to the State Chancellor's Office.

Authority: Cal. Code Regs., tit. 5, §§ 59328, 59332.

Administrative Determination

In any case not involving employment discrimination, within 90 days of receiving an unlawful discrimination complaint filed under title 5, sections 59300 et seq., the responsible District officer will complete the investigation and forward a copy of the investigative report to the State Chancellor, a copy or summary of the report to the complainant, and written notice setting forth all the following to both the complainant and the State Chancellor:

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- the determination of the chief executive officer or his/her designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
- a description of actions taken, if any, to prevent similar problems from occurring in the future;
- the proposed resolution of the complaint; and
- the complainant's right to appeal to the District governing board and to file a complaint with the Department of Fair Employment and Housing.

The District will keep these documents on file for a period of at least three years after closing the case, and make them available to the State Chancellor upon request.

The San Bernardino Community College District recognizes the importance of and is therefore committed to completing investigations and resolving complaints as quickly as possible, consistent with the requirements for a thorough investigation.

Authority: Cal. Code Regs., tit. 5, § 59336.

Complainant's Appeal Rights

Complainants have appeal rights that they may exercise if they are not satisfied with the results of the District's administrative determination. At the time the administrative determination and summary is mailed to the complainant, the responsible District officer or his/her designee shall notify the complainant of his or her appeal rights as follows:

- First level of appeal: The complainant has the right to file an appeal to the District's governing board within 15 days from the date of the administrative determination. The District's governing board will review the original complaint, the investigative report, the administrative determination, and the appeal.
- The District's governing board will issue a final District decision in the matter within 45 days after receiving the appeal. Alternatively, the District's governing board may elect to take no action within 45 days, in which case the original decision in the administrative determination will be deemed to be affirmed and shall become the final District decision in the matter. A copy of the final decision rendered by the District's governing board will be forwarded to the complainant and to the State Chancellor's Office.

Complainants must submit all appeals in writing.

Authority: Cal. Code Regs., tit. 5, §§ 59338 and 59339.

Extensions

If for reasons beyond its control, the District is unable to comply with the 90-day or 150-day deadlines specified above for submission of materials to the complainant and the State Chancellor's Office, the Vice Chancellor of Human Resources and Police Services will file a written request that the State Chancellor grant an extension of the deadline. Where an extension is deemed necessary by the District, it must be requested from the State Chancellor regardless of whether the case involves employment discrimination. The request will be submitted no later than 10 days prior to the expiration of the deadlines established by title 5 in sections 59336 and/or 59340 and will set forth the reasons for the request and the date by which the District expects to be able to submit the required materials.

A copy of the request for an extension will be sent to the complainant, who will be advised that he or she may file written objections with the State Chancellor within 5 days of receipt. The State Chancellor may grant the request unless delay would be prejudicial to the investigation. If an extension of the 90-day deadline is granted by the State Chancellor the 150-day deadline is automatically extended by an equal amount.

Authority: Cal. Code Regs., tit. 5, § 59342.

Definitions

Definitions applicable to nondiscrimination policies are as follows:

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Appeal means a request by a complainant made in writing to the San Bernardino Community College District governing board pursuant to title 5, section 59338, and/or to the State Chancellor's Office pursuant to title 5, section 59339, to review the administrative determination of the District regarding a complaint of discrimination.

Association with a person or group with these actual or perceived characteristics includes advocacy for or identification with people who have one or more characteristics of a protected category listed under "Unlawful Discrimination Policy" and title 5, section 59300, participation in a group associated with persons having such characteristics, or use of a facility associated with use by such persons.

Complaint means a written and signed statement meeting the requirements of title 5, section 59328 that alleges unlawful discrimination in violation of the nondiscrimination regulations adopted by the Board of Governors of the California Community Colleges, as set forth at title 5, sections 59300 et seq.

Days means calendar days.

District means the San Bernardino Community College District or any District program or activity that is funded directly by the state or receives financial assistance from the state. This includes the District Personnel Commission and any other organization associated with the District or its college(s) that receives state funding or financial assistance through the District.

Gender means sex, and includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

General Harassment is 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 is 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.

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.

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.

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.

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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 on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her immediate surroundings, although the conduct is directed at other(s). 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 unreasonable interferes with an individual's learning or work.

Mental disability includes, but is not limited to, all of the following:

- Having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:
 - Limits shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.
 - A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.
 - Major life activities shall be broadly construed and shall include physical, mental, and social activities and working.
- Any other mental or psychological disorder or condition not described in paragraph (1) that requires specialized supportive services.
- Having a record or history of a mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the District.
- Being regarded or treated by the District as having, or having had, any mental condition that makes achievement of a major life activity difficult.
- Being regarded or treated by the District as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph 1 or 2.

Mental disability does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

Physical disability includes, but is not limited to, all of the following:

- Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:
 - Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.
 - Limits a major life activity. For purposes of this section:

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- Limits" shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.
 - A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.
 - Major life activities shall be broadly construed and include physical, mental, and social activities and working.
- Any other health impairment not described in paragraph (1) that requires specialized supportive services.
 - Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) or (2), which is known to the District.
 - Being regarded or treated by the District as having, or having had, any physical condition that makes achievement of a major life activity difficult.
 - Being regarded or treated by the District as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).

Physical disability does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

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.

Responsible District Officer means the officer identified by the District to the State Chancellor's Office as the person responsible for receiving complaints filed pursuant to title 5, section 59328, and coordinating their investigation. The Responsible District Officer for San Bernardino Community College District is the Vice Chancellor of Human Resources and Police Services.

Sex includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. 'Sex' also includes, but is not limited to, a person's gender, as defined in section 422.56 of the Penal Code. Discrimination on the basis of sex or gender also includes sexual harassment.

Sexual harassment is unlawful discrimination in the form of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the workplace or in the educational setting, and includes but is not limited to:

- Making unsolicited written, verbal, physical, and/or visual contacts with sexual overtones. (Examples of possible sexual harassment that appear in a written form include, but are not limited to: suggestive or obscene letters, notes, and/or invitations. Examples of possible visual sexual harassment include, but are not limited to: leering, gestures, display of sexually aggressive objects or pictures, cartoons, or posters.)
- Continuing to express sexual interest after being informed that the interest is unwelcome.
- Making reprisals, threats of reprisal, or implied threats of reprisal following a rebuff of harassing behavior. The following are examples of conduct in an academic environment that might be found to be sexual harassment: threatening to withhold, or actually withholding, grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied.
- Engaging in explicit or implicit coercive sexual behavior within the work environment which is used to control, influence, or affect the employee's career, salary, and/or work environment.
- Engaging in explicit or implicit coercive sexual behavior within the educational environment that is used to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.

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- Offering favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassification, etc., in exchange for sexual favors.
- Awarding educational or employment benefits, such as grades or duties or shifts, recommendations, reclassification, etc., to any student or employee with whom the decision maker has a sexual relationship and denying such benefits to other students or employees.
- 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, or progress.
 - Submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decision affecting the individual.
 - The conduct has the purpose or effect of having a negative impact upon the individual's work or educational environment.
 - Submission to, or rejection of, the conduct by the individual is used as the basis for any decisions affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.

Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Unlawful discrimination means discrimination based on a category protected under Title 5, section 59300, including retaliation and sexual harassment.

Authority: Gov. Code, § 12926; Cal. Code Regs., tit. 5, §§ 59300, 59311; Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, Title IX, Office for Civil Rights, January 19, 2001.

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 member, 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.

Confidentiality of the Process

Investigative processes can best be conducted within a confidential climate. Therefore, the District does not reveal information about such matters except as necessary to fulfill its legal obligations.

Potential complainants are sometimes reluctant to pursue a complaint if their names will be revealed. The inability to reveal the name of a complainant or facts that are likely to reveal the identity of the complainant can severely limit the ability of the District to respond. Complainants must also recognize that persons who are accused of wrongdoing have a right to present their side of the matter, and this right may be jeopardized if the District is prohibited from revealing the name of the complainant or facts that are likely to disclose the identity of the complainant.

If a complainant insists that his or her name not be revealed, the responsible officer should take all reasonable steps to investigate and respond to the complaint consistent with the complainant's request as long as doing so does not jeopardize the rights of other

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students or employees.

It is also important that complainants and witnesses understand the possibility that they may be charged with allegations of defamation if they circulate the charges outside of the District's process. In general, persons who are participating in a District investigative or disciplinary process that is related to a charge of discrimination are protected from tort claims such as defamation. However, persons who make allegations outside of these processes or who discuss their claims with persons outside of the process may expose themselves to tort charges. Complainants, witnesses, and those accused of discrimination will all be asked to sign a confidentiality acknowledgement statement.

Where an investigation reveals the need for disciplinary action, the complainant may wish to have information about what disciplinary actions the District took. However, the privacy rights of the persons involved often prevent the District from providing such information. In student disciplinary actions for sexual assault/physical abuse charges, Education Code section 76234 provides that the victim shall be informed of the disciplinary action, but that the victim must keep the information confidential. Disciplinary actions taken against employees are generally considered confidential.

Authority: Cal. Const. Art. I, § 1; Civil Code § 47; Ed. Code, §§ 76234 and 87740; *Silberg v. Anderson* (1990) 50 Cal.3d. 205; Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, Title IX, Office for Civil Rights, January 19, 2001.

Notice, Training, and Education for Students and Employees

The San Bernardino Community College District's Vice Chancellor of Human Resources and Police Services shall make arrangements for or provide training to employees and students on the District's unlawful discrimination policy and procedures. Faculty members, members of the administrative staff, and members of the support staff will be provided with notice of online access to the District's written procedure on unlawful discrimination at the beginning of the first semester of the college year each time the procedure is revised.

All District employees will receive this training and a copy of the unlawful discrimination policies and procedures during the first year of their employment. Because of their special responsibilities under the law, supervisors will undergo mandatory training within six months of assuming a supervisory position and annually thereafter. In years in which a substantive policy or procedural change has occurred all District employees will attend a training update and/or receive a copy of the revised policies and procedures.

Authority: Ed. Code, § 66281.5; Cal. Code Regs., tit. 5, §§ 59324 and 59326. Reference: Cal. Code Regs., tit. 5, §§ 59300 et seq.; 34 C.F.R. § 106.8(b).

Academic Freedom

The San Bernardino Community College District Governing Board reaffirms its commitment to academic freedom, but recognizes that academic freedom does not allow any form of unlawful discrimination. It is recognized that an essential function of education is a probing of opinions and an exploration of ideas that may cause some students discomfort. It is further recognized that academic freedom ensures the faculty's right to teach and the student's right to learn. Finally, nothing in these policies and procedures shall be interpreted to prohibit bona fide academic requirements for a specific community college program, course or activity.

When investigating unlawful discrimination complaints containing issues of academic freedom San Bernardino Community College District will consult with a faculty member appointed by the Academic Senate with respect to contemporary practices and standards for course content and delivery.

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

Reference: *Cohen v. San Bernardino Valley College* (1995) 883 F.Supp. 1407, 1412-1414, *affd.* in part and *revd.* in part on other grounds, (1996) 92 F.3d 968; Cal. Code Regs., tit. 5, § 59302.

P&P 3430 PROHIBITION OF HARASSMENT**AP 3430 PROHIBITION OF HARASSMENT****With Changes Redlined****Record Retention**

Unlawful discrimination records that are part of an employee's employment records may be classified as Class-1 Permanent records and retained indefinitely or microfilmed in accordance with title 5, California Code of Regulations, section 59022. Unlawful discrimination records of a student that are deemed worthy of preservation but not classified as Class-1 Permanent may be classified as Class-2 Optional records or as Class-3 Disposable records. Class-2 Optional records shall be retained until reclassified as Class-3 Disposable Records. Class-3 Disposable Records shall be retained for a period of three years after being classified as Class-3 Disposable records.

Records related to a student discrimination complaint will be deemed worthy of preservation if, at the end of three years after the case is closed, a complaint on similar grounds has been filed against the same employee. In such cases, the records shall continue to be classified as Class 2 records and shall not be reclassified as Class-3 Disposable Records until complaints against that particular employee have been resolved.

Retaliation

It is unlawful for anyone to retaliate against someone who files an unlawful discrimination complaint, who refers a matter for investigation or complaint, who participates in an investigation of a complaint, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of this unlawful discrimination procedure.

Authority: 20 U.S.C. Sections 1681 et seq.; 34 C.F.R. Section 106; Cal. Code Regs., titl 5, Sections 59300 et Seq.;

Complaint Procedure Checklist

- Complaint received by Vice Chancellor of Human Resources and Police Services
 - Acting in role of Equal Opportunity Officer
 - Within 180 days of occurrence
 - Extension of 90 days if knowledge attained after 180 days
- Acknowledgement of receipt in writing to complainant and State Chancellor's Office (SCO)
 - Within 10 days of complaint receipt
 - Designate resolution/investigation coordinator
 - Advise of formal complaint filing with Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH).
- Advise individual accused
 - General nature of complaint
 - Assessment of accuracy has not yet been made
 - An investigation will be conducted
 - Accused will be provided an opportunity to present his/her side of the matter
 - Retaliation of complainant or witnesses must be avoided
- District schedules informal resolution efforts or impartial investigation
 - Complete within 90 days of complaint receipt (extensions may be requested from SCO)
 - Extension requests must
 - Be filed at least 10 days prior to the original 90-day deadline

P&P 3430 PROHIBITION OF HARASSMENT**AP 3430 PROHIBITION OF HARASSMENT****With Changes Redlined**

- State reason why extension is necessary
 - The date by which District expects a determination
 - Corresponding copy sent to complainant
 - Notice to complainant of right to send objection to SCO within 5 days
- Factual description of the matter
- Summary of testimony provided by each witness
- Analysis of data or evidence collected
- Probable cause determination for each allegation in the complaint
- Other appropriate information
- If a formal complaint is filed with EEOC or DFEH, send complaint copy to SCO and request whether to continue with District formal investigation
- Investigative report and administrative determination letter forwarded to complainant and SCO
 - Within 90 days of complaint receipt
 - Pertinent information in letter
 - Ultimate determination on probable cause
 - Description of actions taken to prevent similar future allegations
 - Proposed resolution
 - Complainant's appeal DFEH rights
- Complainant may file appeal to governing board
 - Within 15 days from date of administrative determination
 - Board issues final district decision within 45 days of receiving appeal
 - Forwarded to complainant with DFEH appeal rights
- Governing board determination is final
 - No appeal rights to SCO

References:Education Code Sections 212.5; 44100; 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

END OF RECOMMENDATION

P&P 3433 PROHIBITION OF SEXUAL HARASSMENT UNDER TITLE IX

Reason for Changes

- Legal Update 40 – The Service updated this policy to add optional language regarding the prevalence of sexual harassment and sexual violence.

(For more info on SBCCD’s process for Board Policies and Administrative Procedures, visit <https://sbccd.edu/ap2410>.)

Review Level: 2 Legal Edit (Non 10+1)	Review Level Approved by PPAC: 12/12/2022	Constituent Review: Due 1/31/2023	PPAC Info Item: 2/13/2023
BOT 1st Reading: 3/9/2023	BOT 2nd Reading & Approval: 4/13/2023		

BP 3433 PROHIBITION OF SEXUAL HARASSMENT UNDER TITLE IX

With Changes Redlined

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.

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 has a responsibility to make reasonable efforts to respond effectively when sexual harassment is reported to, or observed by, District employees.

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 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 Chancellor 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.

P&P 3433 PROHIBITION OF SEXUAL HARASSMENT UNDER TITLE IX**BP 3433 PROHIBITION OF SEXUAL HARASSMENT UNDER TITLE IX****With Changes Redlined**

The Chancellor shall establish procedures that define sexual harassment on campus. The Chancellor shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding 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.

References:

Title IX of the Education Amendments Act of 1972;
34 Code of Federal Regulations Part 106

AP 3433 PROHIBITION OF SEXUAL HARASSMENT UNDER TITLE IX**FYI Only | No Change Recommended**

The District is committed to providing an academic and work environment free of unlawful sex harassment under Title IX. This procedure defines sexual harassment on campus.

This procedure and the related policy protects students, employees, 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

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

P&P 3433 PROHIBITION OF SEXUAL HARASSMENT UNDER TITLE IX**AP 3433 PROHIBITION OF SEXUAL HARASSMENT UNDER TITLE IX**

FYI Only | No Change Recommended

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:
 - 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.

References:

Title IX, Education Amendments of 1972; Title 5 Sections 59320 et seq.;
Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e

END OF RECOMMENDATION

P&P 3434 RESPONDING TO HARASSMENT BASED ON SEX UNDER TITLE IX

Reason for Changes

- Legal Update 38 – The Service updated this procedure to add optional language to highlight diversity, equity, and inclusion issues and to clarify other language.
- Legal Update 39 – 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.

(For more info on SBCCD’s process for Board Policies and Administrative Procedures, visit <https://sbccd.edu/ap2410>.)

Review Level: 2 Legal Edit (Non 10+1)	Review Level Approved by PPAC: 12/12/2022	Constituent Review: Due 1/31/2023	PPAC Info Item: 2/13/2023
BOT 1st Reading: 3/9/2023	BOT 2nd Reading & Approval: 4/13/2023		

BP 3434 RESPONDING TO HARASSMENT BASED ON SEX UNDER TITLE IX
No BP

AP 3434 RESPONDING TO HARASSMENT BASED ON SEX UNDER TITLE IX
With Changes Redlined

Introduction

The District encourages members of the District community to report sexual harassment. This procedure only applies to conduct defined sexual harassment under Title IX and applicable federal regulations and that meet 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: ~~Director of Human Resources~~ is Dr. Aysia Brown, Director of Diversity, Equity, and Inclusion.

The Title IX Coordinator’s contact information is:

550 E. Hospitality Lane Suite 200, San Bernardino, CA 92408

Phone: 909-~~388-6950~~381-8426

Email: ~~hr@sbccd.cc.ca.us~~AyBrown@sbccd.edu

Individuals can also file a complaint at the following link: <http://www.lighthouse-services.com/SBCCD>

CHC’s Title IX Coordinator: Vice President of Student Services

11711 San Canyon Road, Yucaipa, CA 92399

Phone: 909-389-3355

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With Changes Redlined

SBVC's Title IX Coordinator: Vice President of Student Services
 Address: 701 South Mount Vernon Ave, San Bernardino, CA 92410
 Phone: 909-384-8297

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 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 its 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.

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

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- 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 who will oversee the live hearing and make a determination of responsibility. 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);
- 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.**

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- **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.

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)

P&P 3434 RESPONDING TO HARASSMENT BASED ON SEX UNDER TITLE IX**AP 3434 RESPONDING TO HARASSMENT BASED ON SEX UNDER TITLE IX****With Changes Redlined****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 all managers 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. ~~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 not disclose that the District is providing supportive measures except to those with a need to know to enable the District to provide the only make disclosures to those with a need to know to enable the District to provide the service. ~~Supportive service. Supportive measures may include changes to academic, living, transportation, and working situation or protective measures such as 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

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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 HR Director~~Title IX Coordinator, Campus Presidents, Vice Presidents or designee will conduct the individualized safety and risk analysis.

If the individuals listed above 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 ~~HR Director~~Title IX Coordinator, Campus Presidents, Vice Presidents 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.

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 ~~F~~ormal ~~C~~omplaint

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.

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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-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: prejudice 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 **180 days**-calendar days.

When appropriate, the Title IX Coordinator may determine that good cause exists to extend the **180** calendar day period to conduct a fair and complete investigation, to accommodate an investigation by law enforcement, to accommodate the unavailability of

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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.

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.

Gathering Evidence and Burden of Proof

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.

~~The District, not the Parties, has the responsibility to gather information and interview witnesses. When the investigator evaluates the evidence, he/she/they will do so using the preponderance of the evidence standard. After considering all the evidence gathered, the investigator will decide whether it is more likely than not that reported conduct occurred.~~

Notice of Investigative Interview

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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 send 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

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 or other time of determination regarding responsibility, 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

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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. 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.

Cross-Examination

The District will permit each Party's Advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those 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.

Advisors may only ask relevant cross-examination and other questions of a Party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other 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 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.

~~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. A Party or witness may also decline to answer a question, and the Decision-Maker cannot rely on any statement on which that Party or witness has declined to answer cross-examination questions.~~—A Decision-Maker cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

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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 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.

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:

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- 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, demotion, 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 five business 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 Chancellor or designee 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 five business days of receiving a Party's appeal;
- Allow the non-appealing Parties at least ten business 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 45 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

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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.

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;

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- 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.

Complaint Reporting

The Chancellor 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.

References

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

END OF RECOMMENDATION

P&P 3435 DISCRIMINATION AND HARASSMENT RESOLUTION PROCEDURES

Reason for Changes

- Legal Update 38 – 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.
- Legal Update 40 – The Service updated this procedure to reflect recent legislation and clarify grievance procedures for adjudicating student complaints of sexual harassment.

(For more info on SBCCD’s process for Board Policies and Administrative Procedures, visit <https://sbccd.edu/ap2410>.)

Review Level: 2 Legal Edit (Non 10+1)	Review Level Approved by PPAC: 12/12/2022	Constituent Review: Due 1/31/2023	PPAC Info Item: 2/13/2023
BOT 1st Reading: 3/9/2023	BOT 2nd Reading & Approval: 4/13/2023		

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No BP

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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 ~~may file a formal or informal complaint of harassment, discrimination, or retaliation~~, or who has learned of harassment, discrimination, or retaliation may file a complaint.

All responsible employees are required to report all actual or suspected sexual harassment to the Title IX Coordinator immediately. A responsible employee is any employee who has the authority to take action to redress sexual harassment or provide 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 Title IX Coordinator the Title IX Coordinator will assess the report of sexual harassment and provide outreach, as appropriate, to each identifiable student who is alleged to be

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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 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 Vice Chancellor Human Resources and Police Services or designee 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 Title IX Coordinator.

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, Vice Chancellor Human Resources and Police Services or designee will promptly contact the Complainant and specify the defect. If the Complainant is unable to fix the defect in the Complaint, the Vice Chancellor Human Resources and Police Services or designee 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.

A formal complaint is a verbal or written and signed 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. An informal complaint is any of the following: (1) An unwritten allegation of harassment, discrimination, or retaliation; (2) a written allegation of harassment, discrimination, or retaliation that falls outside the timelines for a formal complaint; or (3) a written complaint alleging harassment, discrimination, or retaliation filed by an individual who expressly indicates that he/she/they does/do not want to file a formal complaint.

Informal Complaints

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Any person may submit an informal complaint to the Vice Chancellor Human Resources and Police Services or designee, or any other District or college administrator. Administrators receiving an informal complaint shall immediately notify the Vice Chancellor Human Resources and Police Services in writing of all pertinent information and facts alleged in the informal complaint.

Upon receipt of an informal complaint, the Vice Chancellor Human Resources and Police Services or designee 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 Vice Chancellor Human Resources and Police Services or designee shall consider the allegations contained in the informal complaint and determine the appropriate course of action. This may include efforts to informally resolve the matter, or a fact-finding investigation.

Investigation of an informal complaint will be appropriate if the Vice Chancellor Human Resources and Police Services or designee determines that the allegation(s), if proven true, would constitute a violation of the District policy prohibiting harassment, discrimination, or retaliation. The Vice Chancellor Human Resources and Police Services or designee will explain to any individual bringing an informal complaint that Vice Chancellor Human Resources and Police Services or designee may decide to initiate an investigation, even if the individual does not wish the Vice Chancellor Human Resources and Police Services to do so. The Vice Chancellor Human Resources and Police Services 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

Formal Complaints must be filed with the Chancellor of the California Community Colleges or the Vice Chancellor Human Resources and Police Services or designee unless the party submitting the Formal Complaint alleges discrimination, harassment, or retaliation against the responsible district officer, in which case it should be submitted directly to the Chancellor or the Chancellor of the California Community Colleges.

Formal Complaints should be submitted on the form prescribed by the Chancellor of the California Community Colleges. A copy of the form will be available at the following links:

<http://www.lighthouse-services.com/SBCCD>

http://www.sbccd.org/Human_Resources-Jobs/employee-labor-relations/Unlawful_Discrimination

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

A Formal Complaint must meet each of the following criteria:

- It must allege facts with enough specificity to show that the allegations, if true, would constitute a violation of District policies or procedures prohibiting discrimination, harassment, or retaliation;
- The Complainant must sign and date the Formal Complaint;
- The Complainant must file any Formal Complaint not involving employment within one year of the date of the alleged discriminatory, harassing, or retaliatory conduct or within one year of the date on which the Complainant knew or should have known of the facts underlying the allegation(s) of discrimination, harassment, or retaliation.
- The Complainant must file any Formal Complaint alleging discrimination, harassment, or retaliation in employment within 180 days of the date of the alleged discriminatory, harassing, or retaliatory conduct, except that this period shall be extended by no more than 90 days following the expiration of the 180 days if the Complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.

If the Formal Complaint does not meet the requirements set forth above, the Vice Chancellor Human Resources and Police Services or designee will promptly return it to the Complainant and specify the defect. If the sole defect is that the Formal Complaint was filed outside the

P&P 3435 DISCRIMINATION AND HARASSMENT RESOLUTION PROCEDURES**P&P 3435 DISCRIMINATION AND HARASSMENT RESOLUTION PROCEDURES****With Changes Redlined**

applicable prescribed timeline, the Vice Chancellor Human Resources and Police Services or designee will handle the matter as an informal complaint.

Oversight of Complaint Procedure: The Vice Chancellor Human Resources and Police Services or designee is the "responsible District officer" charged with receiving complaints of discrimination or harassment, and coordinating their investigation.

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

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

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

If a Complainant decides to file a formal written unlawful discrimination or harassment complaint against the District, he/she/they must file the complaint on a form prescribed by the California Community Colleges Chancellor's Office. These approved forms are available from the District's and at the California Community Colleges Chancellor's Office website.

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

- Vice Chancellor Human Resources and Police Services or designee
- Chancellor
- All other management or
- California Community Colleges Chancellor's Office

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).

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

Any District employee who receives a harassment or discrimination complaint shall notify the Vice Chancellor Human Resources and Police Services or designee 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.

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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 Vice Chancellor Human Resources and Police Services or designee shall:

- Undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules; obtaining apologies; providing informal counseling, training, etc.
- Advise 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.
- 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. Vice Chancellor Human Resources and Police Services or designee 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 Vice Chancellor Human Resources and Police Services or designee 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 Vice Chancellor Human Resources and Police Services or designee shall:

- Authorize the investigation of the complaint, and supervise or conduct a thorough, prompt and impartial investigation of the complaint, as set forth below. Where 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, 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 and claim of harassment or discrimination. No claim of workplace or academic harassment or discrimination shall remain unexamined. This includes complaints involving activities that occur off campus and in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, on a District bus, or at a class or training program sponsored by the District at another location. The District shall promptly investigate complaints of harassment or discrimination that occur off campus if the alleged conduct creates a hostile environment on campus.

As set forth above, where the parties opt for an informal resolution, the Vice Chancellor Human Resources and Police Services or designee 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

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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.

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.

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.

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 Encouraged: All employees are expected to cooperate with a District investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a Complainant or witnesses does not relieve the District of its obligation to investigate. The District will conduct an investigation if it is discovered that harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed. 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 the investigator interviewed;
- An analysis of relevant evidence collected during the course of the investigation, including a list of relevant documents;
- A specific finding as to whether there is probable cause to believe that discrimination, harassment, or retaliation occurred with respect to each allegation in the complaint;
- 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 Accused students and employees during the investigation process and any ensuing discipline.

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Administrative Determination

- In any case involving employment discrimination, within 90 days of receiving a formal complaint, the district shall complete its investigation and forward a copy or summary of the report to the Complainant and written notice setting forth all the following to the Complainant:
 - The determination of the Chancellor or designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint; and the basis for that determination including factual findings;
 -
 - A description of actions taken, if any, to prevent similar problems from occurring in the future;
 - The proposed resolution of the complaint; and
 - The Complainant's right to appeal to the district governing board and to file a complaint with Department of Fair Employment and Housing or the U.S Equal Employment Opportunity Commission.

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.

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.

P&P 3435 DISCRIMINATION AND HARASSMENT RESOLUTION PROCEDURES**P&P 3435 DISCRIMINATION AND HARASSMENT RESOLUTION PROCEDURES****With Changes Redlined****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 fifteen days, submit a written appeal to the Board of Trustees. The Board shall review the original complaint, the investigative report, the administrative decision, and the appeal. The Board shall issue a final District decision in the matter within 45 days after receiving the appeal. A copy of the decision rendered by the Board shall be forwarded to the Complainant and to the California Community Colleges Chancellor's Office. 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 and shall become the final decision of the District in the matter.

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

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

Extension of Time

Within 150 days of receiving a formal complaint that does not involve employment discrimination, the District shall forward to the California Community Colleges Chancellor's Office the original complaint, the investigative report, a copy of the written notice to the Complainant setting forth the results of the investigation, a copy of the final administrative decision rendered by the Board or indicating the date upon which the decision became final, and a copy of the notification to the Complainant of his/her/their appeal rights. If, due to circumstances beyond its control, the District is unable to comply with the 150-day deadline for submission of materials, it may file a written request for an extension of time no later than ten days prior to the expiration of the deadline.

File Retention

The District will retain on file for a period of at least three 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.

The District will make such documents available to the Chancellor of the California Community Colleges upon request.

Dissemination of Policy and Procedures

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

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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. 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.

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.

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.

P&P 3435 DISCRIMINATION AND HARASSMENT RESOLUTION PROCEDURES**P&P 3435 DISCRIMINATION AND HARASSMENT RESOLUTION PROCEDURES****With Changes Redlined****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. 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.~~

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

END OF RECOMMENDATION

P&P 4020 PROGRAM, CURRICULUM AND COURSE DEVELOPMENT (10+1)

Reason for Changes		
Legal Update 38 The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.		
Academic Senate Feedback In Turquoise Below		
Additional Academic Senate Feedback In Gold Below Pending Chapter Owner perspective on suggested changes, Constituent Response to Feedback can be added to the 2/15/23 SBVC AS agenda with vote of support set for 3/1/23.		
<i>(For more info on SBCCD's process for Board Policies and Administrative Procedures, visit https://sbccd.edu/ap2410.)</i>		
Review Level: 3 Extensive Review (Subject to 10+1)	Review Level Approved by PPAC: 11/14/2022	Constituent Review Anticipated: 1/31/2023
Academic Senate 1st Review 2/1/2023	Chapter Owner Review of Feedback 2/10/2023	Academic Senate Vote of Support 2/15/2023
PPAC Final: 3/13/2023	BOT 1st Read: 4/13/2023	BOT 2nd Read: 5/11/2023

BP 4020 PROGRAM, CURRICULUM AND COURSE DEVELOPMENT
 With **Changes Redlined**

~~(Replaces current SBCCD BP 4020)~~

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 Chancellor shall establish procedures for the development and review of all curricular offerings, including their establishment, modification, or discontinuance.

Furthermore, these procedures, following the guidelines of Title 5, 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.
- consideration of job market and other related information for career and technical education programs.

~~The Board encourages the development and offering of 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 Board acknowledges that District discipline/instructional faculty, the college curriculum committees, and the college Academic Senates have the shared responsibility to ensure that curriculum review committee members and discipline experts work together to provide Inclusion, Diversity, Equity, Anti-Racism, and Accessibility (IDEAA) frameworks and principles in curriculum review and approval processes for credit and noncredit, including programs and curricula in ethnic studies that encompass instruction and infusion of perspectives of African American, Asian American, Native American, and Latin-X ~~[for Mexican American or other term]~~ people. Administrators and classified professionals throughout the District who support the curriculum process must also work with discipline/instructional faculty to support equity-minded practices.

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

Commented [kg1]: From D. Burns-Peters 1/29/2023 Email: "I have confirmed, through our Ethnic Studies faculty, that Latin-X is the term they are asking to be used rather than other options discussed."

P&P 4020 PROGRAM, CURRICULUM AND COURSE DEVELOPMENT (10+1)

BP 4020 PROGRAM, CURRICULUM AND COURSE DEVELOPMENT
With Changes Redlined

All new programs shall be submitted to the California Community College 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 Chancellor shall establish procedures:

- which prescribe the definition of "credit hour" consistent with applicable federal regulations, as they apply to community college districts.
- to assure that curriculum at the District complies with the definition of "credit hour" or "clock hour," where applicable.
- 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.

References:

Education Code Sections 70901(b), 70902(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 Sections 600.2, 602.24, 603.24, and 668.8; ACCJC Accreditation Standards II.A and II.A.9

AP 4020 PROGRAM, CURRICULUM AND COURSE DEVELOPMENT
With Changes Redlined

~~(Replaces current SB Replaces current SBCCD AP 4020)~~

Note: This procedure is legally required in an effort to show good faith compliance with the applicable federal regulations.

~~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.~~

District Discipline/instructional faculty, the college curriculum committees, and the college Academic Senates have the shared responsibility to ensure that curriculum review committee members and discipline experts work together to provide Inclusion, Diversity, Equity, Anti-Racism, and Accessibility (IDEAA) frameworks and principles in curriculum review and approval processes for credit and noncredit, including programs and curricula in ethnic studies that encompass instruction and infusion of perspectives of African American, Asian American, Native American, and Latin-X ~~[or Mexican American or other term]~~ people. Administrators

Commented [kg2]: From D. Burns-Peters 1/29/2023 Email: "I have confirmed, through our Ethnic Studies faculty, that Latin-X is the term they are asking to be used rather than other options discussed."

P&P 4020 PROGRAM, CURRICULUM AND COURSE DEVELOPMENT (10+1)

AP 4020 PROGRAM, CURRICULUM AND COURSE DEVELOPMENT
With Changes Redlined

and classified professionals throughout the District who support the curriculum process must also work with discipline/instructional faculty to support equity-minded practices.

Curriculum development procedures for each college are developed by the campus curriculum committees under the purview of the academic senates. The respective curriculum handbooks prepared and revised by each campus committee are posted on the college's curriculum committee webpage.

- 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.

Curriculum development procedures for each college in the District are documented in the respective curriculum handbooks prepared by each campus.

Discipline faculty, the college curriculum committees, and the college Academic Senates have the shared responsibility to ensure that Ethnic Studies course materials and curriculum:

1. Are written by and for Native American, Black and African American, Latinx, and Asian American communities rather than only about those communities.
2. Address structural and institutional racism, discrimination, oppression, and privilege.
3. Focus on the ten principles of Ethnic Studies:
 - a. Love
 - b. Respect
 - c. Reflection
 - d. Hope
 - e. Solidarity
 - f. Critical Consciousness
 - g. Community
 - h. Interconnection
 - i. Wellness
 - j. Healing
 - k. Transformation

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.

Commented [kg3]: From D. Burns-Peters 1/29/2023 Email: "The other item for consideration is the addition of the highlighted information below. This identifies the responsibility and commitment to how ethnic studies is operationalized and implemented. This language has been provided by and supported by our Curriculum Committee and Ethnic Studies Faculty Chair."

END OF RECOMMENDATION

P&P 5035 WITHHOLDING OF STUDENT RECORDS (10+1)

Reason for Changes

- 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.
- Chapter Lead consulted with the VPSSs and verified that students are notified when a hold is placed on their account via email and their @ebadvisor. In addition, special programs notify students depending on the type of hold. Information is also available on the websites.

Academic Senate Feedback | In Turquoise Below

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(For more info on SBCCD's process for Board Policies and Administrative Procedures, visit <https://sbccd.edu/ap2410>.)

Review Level: 3 Extensive (10+1)	Review Level Approved by PPAC: 12/12/2022	Constituent Review: Received 2/2/2023
Academic Senate 1st Review 2/1/2023	Chapter Owner Review of Feedback 2/10/2023	Academic Senate Vote of Support 2/15/2023
PPAC Final: 3/13/2023	BOT 1st Reading: 4/13/2023	BOT 2nd Reading & Approval: 5/11/2023

BP 5035 WITHHOLDING OF STUDENT RECORDS (10+1)
With Changes Redlined

Students or former students who have been provided with written notice that they have failed to pay a proper financial obligation ~~shall~~ may have ~~grades, diplomas, and~~ registration privileges withheld until the outstanding obligation is paid or otherwise settled.

Reference:
Title 5 Section 59410

AP 5035 WITHHOLDING OF STUDENT RECORDS (10+1)
With Changes Redlined

The Director of Admissions & Records or designee 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; and/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.

Current SBCCD policy allows students to register for courses with an outstanding financial obligation of less than \$200. Registration is not restricted unless the student owes \$200 or more.

Reference:
Title 5 Section 59410

END OF RECOMMENDATION

Commented [/kg1]: Revised to include constituent feedback from SBVC Academic Senate per 2/2/2023 email from D Burns-Peters: "AP 5035 has been shared with the Senate and is scheduled to return on 2/15/23 for a vote of support. There has been a recommendation made for this AP. The recommendation was to indicate the district policy allowing students to register for courses with a balance of less than \$200.00. Registration is not restricted unless the student owes 200.00 or more. This is district-wide and the balances from each campus are reciprocal. Let me know if you need any clarification on the intention behind this request."

P&P 5030 Fees

Reason for Changes (For more info on SBCCD's process for Board Policies and Administrative Procedures, visit <https://sbccd.edu/ap2410>.)

Request from Health Services Department to account for fluctuating costs.

- *It should be noted that the attached contains a change occurring after the BOT's January 12 first reading. The need to remove the \$4 replacement card fee was discussed at the December PPAC. It is contrary to current legal opinion and is not being charged at either campus*

Review Level: 2 Minor Edit (Non 10+1)	Review Level Approved by PPAC: 10/10/2022	Constituent Review: Due 10/31/2022 11/30/2022	PPAC Info Item: 11/14/2022; 12/12/2022
BOT 1st Read: 12/9/2022 01/12/2023	BOT 2nd Read: 1/12/2023 02/09/2023		

BP 5030 Fees

FYI Only – No Changes Recommended

The Board of Trustees authorizes the following fees. All fees must comply with Education Code and Title 5 regulations. The Chancellor is responsible for establishing procedures for the collection, deposit, waiver, refund, and accounting for fees as required by law. The procedures shall also assure those who are exempt from or for whom the fee is waived are properly enrolled and accounted for. Fee amounts shall be published in the college catalogs or class schedules (Schedule of Classes).

Enrollment Fee (Education Code Section 76300)

Each student shall be charged a fee for enrolling in credit courses as required by law.

Course Auditing Fees (Education Code Section 76370)

Persons auditing a course shall be charged a fee (see AP 5030). The fee amount shall be adjusted proportionally based upon the term length. Students enrolled in classes to receive credit for 10 or more semester credit units shall not be charged this fee to audit three or fewer units per semester.

Parking Fee (Education Code Section 76360)

Students shall be required to pay a fee (see AP 5030).

To encourage ride sharing, a student may certify in writing at the time of payment of the fee that he/she regularly has two or more passengers commuting with him/her.

Instructional Materials (Education Code Section 76365; Title 5 Sections 59400 et seq.)

Students may be required to provide required instructional and other materials for a credit or non-credit course, provided such materials are of continuing value to the student outside the classroom and provided that such materials are not solely or exclusively available from the District. (See BP/AP 5031 titled Instructional Materials Fees)

Physical Education Facilities (Education Code Section 76395)

Where the District incurs additional expenses because a physical education course is required to use non-district facilities, students enrolled in the course may be charged a fee for participating in the course. Such fee shall not exceed the student's calculated share of the additional expenses incurred by the District.

Student Representation Fee (Education Code Section 76060.5)

Students will be charged a fee (see AP 5030) to be used to provide support for student governmental affairs representation. A student may refuse to pay the fee and shall submit such refusal on a form provided by the District to collect fees.

P&P 5030 Fees**BP 5030 Fees****FYI Only – No Changes Recommended****Student Transportation Costs** (Education Code Section 76361)

Students shall be charged a fee (see AP 5030) for the purpose of recovering transportation costs incurred by the District for services provided by common carriers to students. These fees will only be paid by students who use the transportation services, unless a vote of the students in accordance with the Education Code establishes otherwise.

Transcript Fees (Education Code Section 76223)

The District shall charge a reasonable amount for furnishing copies of any student record to a student or former student. The Chancellor is authorized to establish the fee (see AP 5030), which shall not exceed the actual cost of furnishing copies of any student record. No charge shall be made for furnishing up to two transcripts of students' records, or for two verifications of various records. There shall be no charge for searching for or retrieving any student record.

International Students Application Processing Fee (Education Code Section 76142)

The District shall charge students who are both citizens and residents of a foreign country a fee to process his/her application for admission. This processing fee and regulations for determining economic hardship may be established by the Chancellor. The fee shall not exceed the lesser of 1) the actual cost of processing an application and other documentation required by the U.S. government; or 2) one hundred dollars (\$100), which shall be deducted from the tuition fee at the time of enrollment.

Fee Refunds

The Board of Trustees authorizes refunds to be made according to administrative procedures established by the Chancellor. All refunds must comply with Education Code and Title 5 regulations, and the refund schedule shall be published in the college catalogs and class schedules.

References:

Education Code Sections 66025.3, 68120, 70902(b)(9), 76300, 76300.5, 76370, 76360, 76365, 76395, 76060.5, 76361, 76223, and 76142

Title 5 Sections 51012, 58520, 58629, and 59400 et seq

California Community College Chancellor's Office (CCCCO) Student Fee Handbook

ACCJC Accreditation Standard I.C.6

AP 5030 Fees**With Changes Redlined****Required fees include:**

- Enrollment (Education Code Section 76300 and 76300.5; Title 5 Sections 58500 and 58509)
As prescribed by state law.
- Nonresident tuition with these permissive exemptions (Education Code Sections 76140 and 76140.5):
As prescribed by state law and established by the Board of Trustees no later than March 1 for the succeeding fiscal year.
 - All nonresident students enrolling for 6 or fewer units; or

P&P 5030 Fees**AP 5030 Fees****With Changes Redlined**

- 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 non immigrant aliens under 8 U.S. Code Section 1101(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 Section 54805)

Fees authorized by law include:

- Non-District physical education facilities (Education Code Section 76395)
- 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)

P&P 5030 Fees**AP 5030 Fees****With Changes Redlined**

- 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 through writ of habeas corpus or pardon that meet certain conditions (Education Code Section 69000)
- 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)

P&P 5030 Fees**AP 5030 Fees****With Changes Redlined**

- Cleaning (CCCCO Student Fee Handbook)
- Breakage (CCCCO Student Fee Handbook)
- Test proctoring (CCCCO Student Fee Handbook)

Collection and Refund of Fees

- A. Associated Students Discount Sticker
\$9.50 - CHC
\$7.50 - SBVC
~~\$4.00~~—Replacement for lost card
- B. Breakage/Lost Property Fee
Replacement cost of item(s) broken or lost
- C. Campus Center Fee
\$1.00/unit (not to exceed \$10 per fiscal year)
- D. Capital Outlay Fee
As allowed by law and approved by the Board of Trustees prior to March 1 for the succeeding fiscal year.
- E. Catalog
\$6.00 - purchased on campus
- F. Credit by Examination
\$20.00 plus class unit fee
- G. Document Fee Handling
\$40.00 per hour for personnel time to find, retrieve, copy and re-file requested documents;
minimum charge of 1 hour
\$0.15 per side copy cost
Fees must be paid prior to document release
- H. Enrollment Fee
\$46.00/unit
- I. Insufficient Funds Check
\$15.00
- J. International Student Application
\$25.00 (nonrefundable)
- K. Key Deposit/Replacement
\$15.00 plus cost of rekeying if needed (metal/electronic key)

P&P 5030 Fees**AP 5030 Fees****With Changes Redlined**

- L. Learning Center Reproduction Fees, SBVC
 - \$0.20 - Laser printout: text, black and white printer
 - \$0.50 - Laser printout: graphics, black and white printer (over ½ page)
 - \$1.00 - Laser printout: graphics and/or text, color
 - \$2.00 - Scan text or graphics to disk, per scan

- M. Library Fines – SBVC/CHC
 - \$0.10 - Books: per day for 50 days; after 50 days, bill \$5 fine plus the replacement value \$0.25 - Reserve Books/Multimedia: per hour to a maximum of the replacement value of the reserve materials; after 14 days, bill \$5 fine plus the replacement value
 - \$0.50 - Videos: per day for 50 days; after 50 days, bill \$5 fine plus the replacement value
 - \$0.10 - Per page for laser printout of Internet, CD ROM, Periodicals
 - \$2.00 - replacement for lost library card

- N. Parking Permit Fees
 - \$108.00 - annual permit
 - \$42.00 - one semester (\$20 BOGG student)
 - \$24.00 - summer session
 - \$3.00 - daily

- O. Parking Violation Fees
 - \$ 50.00 - illegal parking
 - \$ 50.00 - decal violation
 - \$275.00 - handicap violation

- P. Refund Processing Charge

A fee of \$10.00 will be charged for each refund transaction, not to exceed \$10.00 per student per semester as defined in the Fee Refund Policy.

- Q. Replacement – Diploma/Certificate
 - \$10.00

- R. Student Health and Accident Insurance
 - \$23.00 - per semester (includes \$1.50 accident insurance)
 - \$20.00 - summer session (includes \$1.50 accident insurance)
 - \$1.50 - accident insurance only

- S. Student Representation
 - \$2.00

P&P 5030 Fees**AP 5030 Fees****With Changes Redlined****T. Supplemental Health Services Fee**~~At Cost~~ ~~\$10.00~~ - TB skin test (one-step test)~~\$10.00~~ - TB skin test (two-step test)

At cost - All Vaccines

\$25.00 - Physical Exams

\$50.00 - DMV Physical Exams

At cost - Prescription medications

At cost - In-house Lab Tests

At cost - Lab Test sent to external lab

At cost - Optional Medical Procedures

At cost - Optional Medical Supplies

\$ 8.00 - Vision screening (Titmus vision tester)

\$ 2.00 per item - Duplication of medical records

\$10.00 - Hearing Screening (Audiometer)

At cost - Birth Control Pills

U. Testing Fees

At cost - Paramedic National Registry Testing

\$ 25.00 - Retest per skill

\$ 10.00 - CPR card

Repeat course from Career Tech Department

0.5 units - \$12.00

1.0 units - \$23.00

2.0 units - \$46.00

3.0 units - \$70.00

V. Transcripts/Verification

No cost - First two transcripts

\$10.00 - Additional transcripts

\$20.00 - Immediate requests for transcripts

\$5.00 plus cost - Online transcripts

W. Transportation Fee

Students registering for Spring or Fall semester to pay:

\$9.00 for 6 or more credits/semester

\$8.00 for less than 6 credits/semester

\$6.00 for 6 or more credits/summer

\$5.00 for less than 6 credits/summer

X. Crafton Hills College Recreation Fee

Students registering for CHC for Spring, Fall, or Summer semesters have the option to pay for the use of the aquatic and fitness centers:

\$8.00 per semester

P&P 5030 Fees**AP 5030 Fees**

With Changes Redlined

Fee Refunds**A. Designated Fees**

This regulation covers the following fees:

1. Enrollment fee
2. Nonresident tuition
3. Parking fee
4. Health fee
5. Accident Insurance fee
6. Student Services Card fee
7. Student Center fee
8. Student Representation Fee
9. Capital Outlay Fee
10. Student Transportation Fee

B. Conditions

If a refund is requested for parking or student services card fees, the parking decal or the student services card must be attached to the refund request.

C. Military Service Exception

If a student who is a member of an active or reserve military service receives orders compelling a withdrawal from courses, the District shall, upon petition and a copy of received orders of the affected student, refund the entire enrollment fee unless academic credit is awarded.

D. Refund Schedule

This refund schedule applies to all fees listed in Paragraph A, above.

1. Fees collected in error
Fees collected in error will be refunded in their entirety.
2. Class canceled by the college
If a class is canceled by the college, enrollment and/or non-resident tuition fees will be refunded in their entirety. If that cancellation results in a student's withdrawal from the college, refunds of the appropriate fees listed in Paragraph "A" will apply.
3. Withdrawal from the College
 - a. Enrollment Fee/Nonresident Tuition
If a student withdraws during the first two weeks of a full-term class or during the first 10% of a short-term class, enrollment fees or nonresident tuition fees will be refunded.
 - b. Parking Fee, Health Fee, Accident Insurance Fee, Student Services Card Fee, Student Center Fee, Student Representation Fee, Capital Outlay Fee, Student Transportation Fee.
In order to be eligible for a refund, a student must withdraw prior to the first day of the term for a full-term class or prior to the first day of instruction for a short-term class.

P&P 5030 Fees**AP 5030 Fees****With Changes Redlined****4. Unit Reduction**

If a change of program within the first two weeks of a full-term class or during the first 10% of a short-term class results in a reduction in the number of units taken, the enrollment fee or non-resident fee will be refunded at the per unit cost of the reduction.

5. A student who withdraws from a class or the college after the second week of instruction for a full-term class or the first 10% of a short-term class is not eligible for any refund.

E. Refund Processing Fee

A charge of \$10 will be collected for each refund transaction not to exceed \$10 per student per semester, except for canceled classes or overpayment.

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 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.

References:

Education Code Sections 66025.3, 68120, 70902(b)(9), 76300, and 76300.5

Title 5 Sections 51012, 58520, and 58629

California Community College Chancellor's Office (CCCCO) Student Fee Handbook

ACCJC Accreditation Standard I.C.6

END OF RECOMMENDATION

2022-2023 Policy and Procedure Review List

BP AP	Number	Title	Reason for Review	Review Start Date	Chapter Lead Response Requested	Time Under Review	Nature of Recommendation Changes	Review Level Assigned	PPAC Approval of Review Level	BOT 1st Read	BOT 2nd & Final Approval	Approved BOT Version Posted Online Date	Status
BP	2210	Officers	BOT Request	2/6/2023	2/6/2023	0	Minor Edits	Level 1	2/13/2023	3/9/2023	4/13/2023	4/20/2023	Pending
BP	2310	Regular Meetings of the Board	Legal Updates 39 and 40	11/16/2022	11/30/2022	14							Pending
BP	2340	Agendas	Legal Update 40	11/16/2022	11/30/2022	14							Pending
AP	2340	Agendas	No Change; FYI Only	11/16/2022	11/30/2022	14							Pending
BP	2410	Board Policies and Administrative Procedures	Legal Update 40	11/16/2022	11/30/2022	14							Pending
AP	2410	Board Policies and Administrative Procedures	No Change; FYI Only	11/16/2022	11/30/2022	14							Pending
BP	2510	Participation In Local Decision-Making	Academic Senate Request	9/13/2022	11/30/2022	78							Pending
AP	2510	Participation In Local Decision-Making	Academic Senate Request	9/13/2022	11/30/2022	78							Pending
BP	3300	Public Records	No Change; FYI Only	10/20/2022	11/30/2022	41							Pending
AP	3300	Public Records	Legal Update 39	10/20/2022	11/30/2022	41							Pending
BP	3420	Equal Employment Opportunity	Legal Updates 38 and 39	10/20/2022	11/29/2022	40	Substantial Edits	Level 2	12/12/2022	3/9/2023	4/13/2023	4/20/2023	Pending
BP	3420	Equal Employment Opportunity	Legal Update 39	10/20/2022	11/29/2022	40	Substantial Edits	Level 2	12/12/2022	3/9/2023	4/13/2023	4/20/2023	Pending
BP	3430	Prohibition of Harassment	Legal Update 40	10/20/2022	11/29/2022	40	Substantial Edits	Level 2	12/12/2022	3/9/2023	4/13/2023	4/20/2023	Pending
AP	3430	Prohibition of Harassment	Legal Update 40	10/20/2022	11/29/2022	40	Substantial Edits	Level 2	12/12/2022	3/9/2023	4/13/2023	4/20/2023	Pending
BP	3433	Prohibition of Sexual Harassment under Title IX	Legal Update 40	10/20/2022	11/29/2022	40	Substantial Edits	Level 2	12/12/2022	3/9/2023	4/13/2023	4/20/2023	Pending
AP	3433	Prohibition of Sexual Harassment Under Title IX	No Change; FYI Only	10/20/2022	11/29/2022	40	Substantial Edits	Level 2	12/12/2022	3/9/2023	4/13/2023	4/20/2023	Pending
AP	3434	Responding to Harassment Based on Sex Under Title IX	Legal Updates 38 and 39	10/20/2022	11/29/2022	40	Substantial Edits	Level 2	12/12/2022	3/9/2023	4/13/2023	4/20/2023	Pending
AP	3435	Discrimination and Harassment Resolution Procedures	Legal Updates 38 and 40	10/20/2022	11/29/2022	40	Substantial Edits	Level 2	12/12/2022	3/9/2023	4/13/2023	4/20/2023	Pending
BP	3725	Information and Communications Technology Accessibility & Acceptable Use	Legal Update 38	9/13/2022	11/30/2022	78							Pending
AP	3725	Information and Communications Technology Accessibility & Acceptable Use	Legal Update 38	9/13/2022	11/30/2022	78							Pending
BP	4010	Academic Calendar	Minor Clerical Edit	10/20/2022	11/30/2022	41							Pending
AP	4010	Academic Calendar	Previous Edits for Juneteenth and Legal Update 39	10/20/2022	11/30/2022	41							Pending
BP	4020	Program, Curriculum, and Course Development	Legal Update 38	9/13/2022	11/9/2022	57	Minor	Level 3	11/14/2022	3/9/2023	4/13/2023	4/20/2023	Pending
AP	4020	Program, Curriculum, and Course Development	Legal Update 38	9/13/2022	11/9/2022	57	Minor	Level 3	11/14/2022	3/9/2023	4/13/2023	4/20/2023	Pending
BP	4100	Graduation Requirements for Degrees and Certificates	Legal Update 40	11/16/2022	11/30/2022	14							Pending
AP	4100	Graduation Requirements for Degrees and Certificates	Legal Update 40	11/16/2022	11/30/2022	14							Pending

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BP	4105	Distance Education	Legal Update 39	10/20/2022	11/30/2022	41							Pending
AP	4105	Distance Education	Legal Update 39	10/20/2022	11/30/2022	41							Pending
BP	4230	Grading and Academic Record Symbols	Legal Update 39	10/20/2022	11/30/2022	41							Pending
AP	4230	Grading and Academic Record Symbols	Legal Update 39	10/20/2022	11/30/2022	41							Pending
BP	4235	Credit for Prior Learning	Legal Update 39	10/20/2022	11/30/2022	41							Pending
AP	4235	Credit for Prior Learning	Legal Update 39	10/20/2022	11/30/2022	41							Pending
AP	4236	Advanced Placement Credit (Legally Required)	Legal Update 39	10/20/2022	11/30/2022	41							Pending
AP	5013	Students in the Military	Legal Update 39	11/16/2022	11/30/2022	14							Pending
BP	5015	Residence Determination	Legal Updates 38 and 39	10/20/2022	11/30/2022	41							Pending
AP	5015	Residence Determination	Legal Updates 38 and 39	10/20/2022	11/30/2022	41							Pending
BP	5030	Fees (All Changes Level 2 per 10/10/2022 PPAC)	Annual Review	1/25/2023	2/6/2023	12	FYI Only	Level 2	2/13/2023	3/9/2023	4/13/2023	4/20/2023	Pending
BP	5030	Fees (All Changes Level 2 per 10/10/2022 PPAC)	Legal Update 38	9/13/2022	10/10/2022	27	No Change FYI	Level 2	10/10/2022	1/12/2023	2/9/2023	2/16/2023	Pending
AP	5030	Fees (All Changes Level 2 per 10/10/2022 PPAC)	Annual Review	1/25/2023	2/6/2023	12	Minor Edits	Level 2	2/13/2023	3/9/2023	4/13/2023	4/20/2023	Pending
AP	5030	Fees (All Changes Level 2 per 10/10/2022 PPAC)	Legal Update 38	9/13/2022	10/10/2022	27	Minor Edits	Level 2	10/10/2022	1/12/2023	2/9/2023	2/16/2023	Pending
BP	5035	Withholding of Student Records	Legal Update 38	9/13/2022	12/6/2022	84	Minor Edits	Level 3	12/12/2022	3/9/2023	4/13/2023	4/20/2023	Pending
AP	5035	Withholding of Student Records	Legal Update 38	9/13/2022	12/6/2022	84	Minor Edits	Level 3	12/12/2022	3/9/2023	4/13/2023	4/20/2023	Pending
BP	5040	Student Records, Directory Information, and Privacy	Legal Updates 39 and 40	11/16/2022	11/30/2022	14							Pending
AP	5040	Student Records, Directory Information, and Privacy	Legal Updates 39 and 40	11/16/2022	11/30/2022	14							Pending
BP	5050	Student Success and Support Program	Legal Update 38	9/13/2022	11/30/2022	78							Pending
AP	5050	Student Success and Support Program	Legal Update 38	9/13/2022	11/30/2022	78							Pending
BP	5420	Associated Students Finance	Legal Update 40	11/16/2022	11/30/2022	14							Pending
AP	5420	Associated Students Finance	Legal Update 40	11/16/2022	11/30/2022	14							Pending
AP	5520	Student Discipline Procedures	Legal Updates 38 and 40	10/20/2022	11/30/2022	41							Pending
AP	5520	Student Discipline Procedures	Legal Updates 38 and 40	10/20/2022	11/30/2022	41							Pending
BP	5530	Student Rights and Grievances	Legal Updates 38 and 39	10/20/2022	11/30/2022	41							Pending
AP	5530	Student Rights and Grievances	Legal Updates 38 and 39	10/20/2022	11/30/2022	41							Pending

2022-2023 Policy and Procedure Review List

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BP	5700	Intercollegiate Athletics	Legal Update 39	10/20/2022	11/30/2022	41							Pending
AP	5700	Intercollegiate Athletics	Legal Update 39	10/20/2022	11/30/2022	41							Pending
BP	6320	Investments	Annual Review	2/1/2023	2/6/2023	5	No Changes	Level 1	2/13/2023	3/9/2023	4/13/2023	4/20/2023	Pending
AP	6320	Investments	Annual Review	2/1/2023	2/15/2023	14	FYI Only	Level 1	2/13/2023	3/9/2023	4/13/2023	4/20/2023	Pending
BP	6340	Bids and Contracts	Legal Updates 38 and 39	10/20/2022	11/30/2022	41							Pending
AP	6340	Bids and Contracts	Legal Updates 38 and 39	10/20/2022	11/30/2022	41							Pending
AP	6355	Job Order Contracts	Legal Update 40	11/16/2022	11/30/2022	14							Pending
BP	6535	Use of District Equipment	HR Request to update due to new protocols brought on by remote	11/16/2022	12/31/2022	45							Pending
AP	6535	Use of District Equipment	HR Request to update due to new protocols brought on by remote	11/16/2022	12/31/2022	45							Pending
BP	6540	Insurance	Legal Updates 38 and 40	10/20/2022	11/30/2022	41							Pending
AP	6540	Insurance	Legal Updates 38 and 40	10/20/2022	11/30/2022	41							Pending
BP	6620	Naming of Buildings and Other Properties	Legal Update 39	10/20/2022	11/30/2022	41							Pending
AP	6620	Naming of Buildings and Other Properties	Legal Update 39	10/20/2022	11/30/2022	41							Pending
BP	7150	Evaluation	Academic Senate Request at 11/14/2022 meeting to review	11/16/2022	12/31/2022	45							Pending
AP	7150	Evaluation	Academic Senate Request at 11/14/2022 meeting to review	11/16/2022	12/31/2022	45							Pending
BP	7230	Classified Employees	Legal Update 40	11/16/2022	11/30/2022	14							Pending
AP	7235	Probationary Period: Classified Employees	Legal Update 40	11/16/2022	11/30/2022	14							Pending
AP	7237	Layoffs	Legal Update 40	11/16/2022	11/30/2022	14							Pending
BP	7250	Educational Administrators	Legal Update 38 & Other Review	9/13/2022	11/30/2022	78							Pending
AP	7250	Educational Administrators	Legal Update 38 & Other Review	9/13/2022	11/30/2022	78							Pending
BP	7340	Leaves	Legal Update 40	11/16/2022	11/30/2022	14							Pending
AP	7340	Leaves	Legal Update 40	11/16/2022	11/30/2022	14							Pending
AP	7347	Paid Family Leave	Legal Update 40	11/16/2022	11/30/2022	14							Pending
BP	7360	Discipline and Dismissal - Academic Employees	Legal Update 40	11/16/2022	11/30/2022	14							Pending
AP	7360	Discipline and Dismissal - Academic Employees	Legal Update 40	11/16/2022	11/30/2022	14							Pending
BP	7380	Retiree Health Benefits - Academic Employees	Legal Update 40	11/16/2022	11/30/2022	14							Pending

2022-2023 Policy and Procedure Review List

BP AP	Number	Title	Reason for Review	Review Start Date	Chapter Lead Response Requested	Time Under Review	Nature of Recommendation Changes	Review Level Assigned	PPAC Approval of Review Level	BOT 1st Read	BOT 2nd & Final Approval	Approved BOT Version Posted Online Date	Status
AP	7380	Retiree Health Benefits: Academic Employees	Legal Update 40	11/16/2022	11/30/2022	14							Pending
BP	7600	District Police Department	Legal Updates 38 and 40	10/20/2022	11/30/2022	41							Pending
AP	7600	District Police Department	Legal Updates 38 and 40	10/20/2022	11/30/2022	41							Pending