



Policy & Procedure Subscriber Service

Community College League of California
Liebert Cassidy Whitmore

OVERVIEW

Revisions to the Administrative Procedure Templates and the addition of one new Board Policy

BP 3410 Nondiscrimination – The Service updated this policy to include “ethnicity” as a protected class consistent with the legal references cited in the policy.

BP 5800 Prevention of Identity Theft in Student Financial Transaction – This BP is being added at the request of the Financial Aid Director, Ken Lira. This policy is legally required.

The District is required to provide for the identification, detection, and response to patterns, practices, or specific activities (“Red Flags”) that could indicate identity theft of students when the District serves as a creditor in relation to its students. When applicable, the [CEO] is directed to develop procedures to implement an Identity Theft Prevention Program (ITPP) to control reasonably foreseeable risks to students from identity theft.

AP 3430 Prohibition of Harassment – The Service updated this procedure to include reference to Education Code Section 66281.8 and clarify the prompt and equitable procedure for investigating harassment complaints.

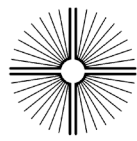
AP 5040 Student Records, Directory Information, and Privacy – The Service updated this procedure to add legal citations and language concerning a student’s ability to request name and gender changes in the student’s records.

AP 5420 Associated Students Finance – The Service updated this procedure to clarify that an academic employee who is the designated advisor of a student body organization must approve the expenditure of funds for that organization.

AP 5520 Student Discipline Procedures – The Service updated this procedure to reflect recent legislation that complainants or witnesses in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for violations of the student conduct policy unless the violation was egregious.

The number is being updated to the CCLC number 5520.

(The AP numbered 5500 will need to be removed from the web page.)



POLICY & PROCEDURE SERVICE

AP 7130 Compensation – Reviewed and “Warrants” was updated to “Payroll warrants”

Peralta’s **BP/AP 7380 7161** is Ethics, Civility, and Mutual Respect --
Need to renumber the Peralta **BP/AP 7380 to BP and AP 7161** and post to the website
as amended (and in doing so, remove BP and AP 7380)

AP 7347 Sabbaticals – Academic Administrators –
This AP will be renumbered to the CCLC # AP 7341.
The change will need to be made to the web site.

ADMINISTRATIVE PROCEDURE 5040
STUDENT RECORDS, DIRECTORY INFORMATION, AND PRIVACY

A cumulative record of enrollment, scholarship, and educational progress shall be kept for each student.

A. Collection and Retention of Student Information

The District shall treat all students equitably in the receipt of all school services, including, but not limited to, the gathering of student and family information for the institution's benefit programs.

The District shall maintain in writing District policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.

The District will provide students and families with annual notice, at the beginning of each school year, of institutional policies for student privacy and the abilities of parents or eligible students to inspect student information.

It will provide students an opportunity to opt out of disclosure of directory information. Notices must describe the following:

1. The kind of information that the school has identified as directory information;
2. The eligible student's ability to refuse to let the school designate the information as directory information, which could be disclosed to outside entities;
3. The period of time in which the eligible student has to notify the school in writing that he/she/they do not want the information designated as directory information; and
4. That opting out by the noted deadline is the students' only way to prevent the release of directory information.

Any sensitive information, such as a student's, parent's, or guardian's SSN, any AB 540 determinations, or citizenship status information collected by the District or disclosed by the student, should be maintained only for as long as necessary.

If the District possesses information that could indicate immigration status or citizenship status, the District shall not consider the acquired information in admissions decisions or access to educational courses or degree programs.

Students may elect not to provide immigration or citizenship status information to the institution, and this election shall not impede admissions or enrollment in educational programs.

The District shall not create a list of student names linked with immigration status.

District police or security departments shall not inquire into an individual's immigration status for immigration enforcement purposes.

District police or security departments shall not aid any effort to create a registry containing individuals' country of birth or based on any other protected characteristics of victims, witnesses, or suspects of crimes unless required by law for specified purposes.

B. Release of Student Records: No instructor, official, employee, or Board of Trustees member shall authorize access to student records to any person except under the following circumstances:

1. Student records shall be released pursuant to a former or current student's written consent.
2. "Directory information" may be released in accordance with the definitions in Board Policy 5040.

3. Student records shall be released pursuant to a judicial order or a lawfully issued subpoena.
4. Student records shall be released pursuant to a federal judicial order that has been issued regarding an investigation or prosecution of an offense concerning an investigation or prosecution of terrorism.
5. Student records may be released to officials and employees of the District only when they have a legitimate educational interest to inspect the record.
6. Student records may be released to authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, state education officials, or their respective designees or the United States Office of Civil Rights, where that information is necessary to audit or evaluate a state or federally supported educational program or pursuant to federal or state law. Exceptions are that when the collection of personally identifiable information is specifically authorized by federal law, any data collected by those officials shall be protected in a manner that will not permit the personal identification of students or their parents by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for that audit, evaluation, and enforcement of federal legal requirements.
7. Student records may be released to officials of other public or private schools or school systems, including local, county or state correctional facilities where education programs are provided, where the student seeks or intends to enroll or is directed to enroll. The release is subject to the conditions in Education Code Section 76225.
8. Student records may be released to agencies or organizations in connection with a student's application for, or receipt of, financial aid, provided that information permitting the personal identification of those students may be disclosed only as may be necessary for those purposes as to financial aid, to determine the amount of the financial aid, or conditions that will be imposed regarding financial aid, or to enforce the terms or conditions of financial aid.
9. Student records may be released to organizations conducting studies for, or on behalf of, accrediting organizations, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering financial aid programs, and improving instruction, if those studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of those organizations and the information will be destroyed when no longer needed for the purpose for which it is conducted
10. Student records may be released to appropriate persons in connection with an emergency if the knowledge of that information is necessary to protect the health or safety of a student or other persons, subject to applicable federal or state law.

B. Federal Military Recruitment. The following information shall be released to the federal military for the purposes of federal military recruitment:

1. student names,
2. addresses,
3. electronic mail addresses,
4. telephone listings,
5. dates and places of birth,
6. levels of education,
7. majors,
8. degrees received,
9. prior military experience,
10. and/or the most recent previous educational institutions enrolled in by the students.

C. Access to Student Records for Immigration Enforcement Purposes

- A. The District must obtain a student's written consent before disclosing educational records, unless the information is relevant for a legitimate educational interest or includes directory information only. Neither exception permits disclosing information for immigration enforcement purposes; no student

information shall be disclosed for immigration enforcement purposes without a court order or judicial warrant. Without a court order or a judicial warrant, written consent must be signed and dated by the student, or (if the student is a minor) by the student's parent(s) or guardian(s), before disclosure of the information, and must specify the records that may be disclosed, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made.

- B. If desired by the student, the District must provide a copy of the records to be released. The party to whom the information is disclosed may not re-disclose the information to any other party without the prior consent of the student or subsequent court order.
- C. District personnel shall develop a written policy for interactions with immigration authorities seeking to review student records. At a minimum, such policies shall include the following information:
 - 1. Contact information for the Vice Chancellor of Student Services to review and respond to a request for student records.
 - 2. Access to sample warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest students or other individuals on campus.

In addition to notifying the college Vice President of Student Services, District personnel shall take the following action steps in response to an officer other than campus police requesting access to student records:

- 1. Ask for the officer's name, identification number, and agency affiliation;
- 2. Record or copy this information;
- 3. Ask for a copy of any warrants;
- 4. Inform the officer that you are not obstructing his/her efforts but that you need to contact a campus administrator or campus counsel for assistance.

Campus police or security shall not provide personal information about an individual for immigration enforcement purposes unless that information is publicly available or required by a court order or judicial warrant. "Personal information" is defined as any information that identifies or describes an individual, and includes but is not limited to, a student's physical description, home or work address, telephone number, education, financial matters, medical or employment history, and statements made by, or attributed to, the individual. This restriction does not apply to information regarding the immigration or citizenship status of an individual.

Unless the District is served with a judicial subpoena or court order that by its terms prohibits disclosure to the student, the student must be notified of any judicial order or subpoena before the institution complies with the order in accordance with FERPA.

C. Use of Social Security Numbers. The District shall not do any of the following:

- 1. Publicly post or publicly display an individual's social security number;
- 2. Print an individual's social security number on a card required to access products or services;
- 3. Require an individual to transmit his/her social security number over the internet using a connection that is not secured or encrypted;
- 4. Require an individual to use his/her social security number to access an Internet Web site without also requiring a password or unique personal identification number or other authentication device; or Print, in whole or in part, an individual's social security number that is visible on any materials that are mailed to the individual, except those materials used for:
- 5. Application or enrollment purposes;
- 6. To establish, amend, or terminate an account, contract, or policy; or
- 7. To confirm the accuracy of the social security number.

D. Name and Gender Changes to Former Student Records

If the District receives government-issued documentation, as described below, from a former student demonstrating that the former student's legal name or gender has been changed, the District shall update the former student's records to include the updated legal name or gender. If requested by the former student, the District shall reissue any documents conferred upon the former student with the former student's updated legal name or gender. Documents that shall be reissued by the District upon request include, but are not necessarily limited to, a transcript or a diploma conferred by the institution.

The District shall not charge a higher fee for correcting, updating, or reissuing a document based on a legal name or gender change than the fee it charges for correcting, updating, or reissuing that document generally.

The documentation of a former student sufficient to demonstrate a legal name or gender change includes, but is not necessarily limited to, any of the following:

- State-issued driver's license or identification card;
- Birth certificate;
- Passport;
- Social security card;
- Court order indicating a name change or a gender change, or both.

The District is not required to modify records that the former student has not requested for modification or reissuance.

Commencing with the 2023–24 graduating class, a graduating student may request that the District confer the diploma in the student's chosen name. The District cannot require a graduating student to provide legal documentation to demonstrate a legal name or gender change in order to have the student's chosen name listed on the student's diploma.

References:

Education Code Sections 66093.3 , 66271.4 and 76200 et seq.;
Title 5 Sections 54600 et seq.; and 59410;
20 U.S. Code Section 1232g(j) (U.S. Patriot Act);
Civil Code Section 1788.90 et seq; 11798.85
10 U.S. Code Section 503

Approved by the Chancellor: November 1, 2012
Revised and approved by the Chancellor: July 25, 2014
Revised and approved by the Chancellor: August 13, 2015
Revised and approved by the Chancellor: November 18, 2019
Revised and approved by the Chancellor: May 14, 2021
Revised and approved by the Chancellor: February 8, 2022
Revised and approved by the Chancellor:

ADMINISTRATIVE PROCEDURE 3430 PROHIBITION OF UNLAWFUL HARASSMENT

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

I. Definitions**A. General Harassment**

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

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:

B. Verbal

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

C. Physical

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

D. Visual or Written

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

E. Environmental

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

F. Sexual Harassment

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

1. submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, progress, internship, or volunteer activity;
2. submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
3. the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment (as more fully described below); or
4. submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.
5. This definition encompasses two kinds of sexual harassment:
 - a. **"Quid pro quo "**sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.
 - b. **"Hostile environment "**sexual harassment occurs when unwelcome conduct based on a person's gender alters the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single isolated incident of sexual harassment may be sufficient to create a hostile environment if it unreasonably interfered with the person's academic or work performance or created an intimidating, hostile, or offensive learning or working environment.

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

II. Consensual Relationships

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

III. Academic Freedom

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

Reference:

Education Code Sections 212.5, 44100, 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.C.A. Section 2000e

Approved by the Chancellor: July 25, 2014

Revised and approved by the Chancellor: June 15, 2015

Revised and approved by the Chancellor: January 9, 2017

Revised and approved by the Chancellor: November 20, 2019

Revised and approved by the Chancellor: October 6, 2020

Revised and approved by the Chancellor:

ADMINISTRATIVE PROCEDURE 5420 ASSOCIATED STUDENTS FINANCE

- A. Associated Student Funds are maintained in accordance with the following procedures:
1. Associated Student Organization Fund books, financial records and procedures are subject to annual audit.
 2. Reports of the annual audit of A. S. funds are submitted to the Board of Trustees.
 3. Audit information, except that containing personnel or other confidential information, shall be released to the Associated Students by the Office of Finance.
 4. Associated Student funds shall be deposited with and disbursed by the District.
- B. The funds shall be deposited, loaned or invested in:
1. Deposits in trust accounts of the centralized State Treasury System pursuant to Government Code Sections 16305 - 16305.7 or in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation.
 2. Investment certificates or withdrawable shares in state-chartered savings and loan associations and savings accounts of federal savings and loan associations, if the associations are doing business in this state and have their accounts insured by the Federal Savings and Loan Insurance Corporation and if any money so invested or deposited is invested or deposited in certificates, shares, or accounts fully covered by the insurance.
 3. Purchase of any of the securities authorized for investment by Government Code Section 16430 or investment by the Treasurer in those securities.
 4. Participation in funds that are exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code and that are open exclusively to nonprofit colleges, universities, and independent schools.
 5. Investment certificates or withdrawable shares in federal or state credit unions, if the credit unions are doing business in this state and have their accounts insured by the National Credit Union Administration and if any money so invested or deposited is invested or deposited in certificates, shares, or accounts fully covered by the insurance.
 6. Loans, with or without interest, to any student body organization established in another community college of the District for a period not to exceed three years.
 7. Investment of money in permanent improvements to any community college District property including, but not limited to, buildings, automobile parking facilities, gymnasiums, swimming pools, stadiums, and playing fields, where those facilities, or portions thereof, are used for conducting student extracurricular activities or student spectator sports, or when those improvements are for the benefit of the student body.
- C. All funds shall be expended subject to such procedures as may be established by the Associated Students subject to the approval of each of the following three persons. Expenditures must be documented within the minutes of the organization and approval shall be obtained each time before any funds may be expended:
1. the College President or designee;
 2. the **academic** employee who is the designated advisor of the particular student body organization; and
 3. a representative of the student body organization.

References:

Education Code Sections 76063-76065

Approved by the Chancellor: January 9, 2013

Revised and approved by the Chancellor:

ADMINISTRATIVE PROCEDURE 5500-5520
STANDARDS OF STUDENT CONDUCT, DISCIPLINE PROCEDURES AND DUE PROCESS

- I. The purpose of this procedure is to provide a prompt and equitable means to address violations of the Student Standards of Conduct, which ensures to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.
- II. These procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, Education Code Section 76120, and will not be used to punish expression that is protected.
- III. A student excluded for disciplinary reasons from one college in the Peralta Community College District may be denied enrollment into other colleges in the District, depending on the specific form of discipline. The President of a college may also deny admission to a student suspended or excluded for disciplinary reasons from other colleges or universities.
- IV. **Standards of Conduct.** Students are responsible for complying with all laws and college regulations and for maintaining appropriate course requirements as established by the instructors.
 - A. Disciplinary action may be imposed on a student for violation of college rules and regulations, the *California Education Code*, *California Penal Code*, and the *California Administrative Code*. Student misconduct may result in disciplinary action by the college and prosecution by civil authorities. Student misconduct may also result in disciplinary action that is applicable to other college campuses and central administrative offices at the Peralta Community College District. The college may require restitution as part of the discipline to ensure the return of items or compensation for any loss to the college or District. Misconduct that may result in disciplinary action includes, but is not limited to, the following violations:
 1. Violation of District policies or regulations including parking and traffic regulations (subject to Education Code Section 76036), policies regulating student organizations, and time, place and manner regulations in regard to public expression.
 2. Willful misconduct which results in injury or death of any person on college-owned or -controlled property, or college-sponsored or supervised functions; or causing, attempting to cause, or threatening to cause physical injury to another person.
 3. Conduct which results in cutting, defacing, damaging, or other injury to any real or personal property owned by the college or to private property on campus.
 4. Stealing or attempting to steal college property or private property on campus; or knowingly receiving stolen college property or private property on campus.
 5. Sexual assault or sexual exploitation regardless of the victim's affiliation with the District. Conduct that constitutes sexual harassment under Title IX is addressed under AP 3433 Prohibition of Sexual Harassment under Title IX and AP 3434 Responding to Harassment Based on Sex under Title IX – these procedures must be used.
 6. Unauthorized entry to or use of college facilities.
 7. Committing or attempting to commit robbery or extortion.

8. Dishonesty such as cheating, plagiarism (including plagiarism in a student publication), forgery, alteration or misuse of college documents, records, or identification documents, or furnishing false information to the college.
 9. The use, sale, or possession on campus of, or presence on campus under the influence of, any controlled substance, or any poison classified as such by Schedule D in Section 4160 of the Business and Professions Code or any controlled substance listed in California Health and Safety Code Section 11053 *et seq.*, an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
 10. Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from an authorized college employee.
 11. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the governing board.
 12. Lewd, indecent, or obscene conduct or expression on college-owned or -controlled property, or at college sponsored or supervised functions; or engaging in libelous or slanderous expression; or expression or conduct which so incites students as to create a clear and present danger of the commission of unlawful acts on college premises, or substantial disruption of the orderly operation of the college.
 13. Disruptive or insulting behavior, willful disobedience, habitual profanity or vulgarity; or the open and persistent defiance of the authority of, refusal to comply with directions of, or persistent abuse of, college employees in the performance of their duty on or near the school premises or public sidewalks adjacent to school premises.
 14. Obstruction or disruption of teaching, research, administrative procedures or other college activities.
 15. Committing sexual harassment as defined by law or by college policies and procedures; or engaging in harassing or discriminatory behavior based on race, sex, religion, age, national origin, disability, or any other status protected by law.
 16. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
- B. In accordance with Education Code Section 76234, the results of any disciplinary action or appeal in connection with any alleged sexual assault, physical abuse or threat of the same shall be made available within 3 school days of the results, to the alleged victim, who shall keep such information confidential.
- V. **Forms of Discipline.** Students facing disciplinary action are subject to any of the following actions:
- A. Written or verbal reprimand. An admonition to the student to cease and desist from conduct determined to violate the Code of Student Conduct. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.

- B. Probation. A period of time specified for observing and evaluating a student's conduct, with or without special conditions. Probation will be imposed for a specific period of time; the student is considered removed from probation when the period expires. Violation of any conditions during the period of probation may be cause for further disciplinary action.
- C. Loss of Privileges and Exclusion from Activities. Exclusion from participation in designated privileges and extracurricular activities for a specified period of time. Violation of any conditions or Code of Student Conduct during the period of sanction may be cause for further disciplinary action.
- D. Educational Sanction. Work, research projects, counseling, or community service projects may be assigned. Violation of any requirements of assignment or Code of Student Conduct during the period of sanction may be cause for further disciplinary action.
- E. Treatment Requirement. Require enrollment in anger management, drug and alcohol rehabilitation treatment. Such requirement must receive prior approval from the Vice President of Student Services (or designee).
- F. Group Sanction. Sanctions for the misconduct of groups or organizations may include temporary or permanent revocation or denial of group registration as well as other appropriate sanctions.
- G. Removal from Class. Exclusion of the student by an instructor for the day of the removal and the next class meeting. The instructor must immediately report the removal to the Vice President of Student Services (or designee).
- H. Exclusion from Areas of the College. Exclusion of a student from specified areas of the campus. Violation of the conditions of exclusion or Code of Student Conduct during the period of exclusion may be cause for further disciplinary action.
- I. Withdrawal of Consent to Remain on Campus. Withdrawal of consent by the Campus Police for any person to remain on campus in accordance with California Penal Code Section 626.4/626.6 where the Campus Police have reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus. Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest.
- J. Short-term Suspension. Exclusion of the student by the President (or designee) for good cause from one or more classes for a period of up to ten consecutive days of instruction.
- K. Long-term Suspension. Exclusion of the student by the President (or designee) for good cause from one or more classes for the remainder of the school term or school year, or from all classes and activities of the college and District for one or more terms.
- L. Expulsion. Exclusion of the student by the Board of Trustees from attending all colleges in the District.

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

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

- B. The President (or designee) who may impose any form of discipline, including summarily suspending a student when deemed necessary for the welfare and safety of the college community.
- C. The President who may recommend "expulsion" to the Chancellor.
- D. The Board of Trustees who may terminate a student's privilege to attend any college of the District.

VII. Due Process for Discipline, Suspensions, and Expulsions

A. Definitions:

- 1. Student. Any person currently enrolled as a student at any college or in any program offered by Peralta Community College District who was enrolled at the time of the alleged violation of the Standards of Student Conduct.
- 2. Faculty Member. Any instructor (an academic employee of the District in whose class a student subject to discipline is enrolled), counselor, librarian, or any academic employee who is providing services to the student.
- 3. Day. A day during which the District is in session and regular classes are held, excluding Saturdays, Sundays, and District holidays.
- 4. Written Notice/Written Decision. Notice sent by personal service or by registered or certified mail with return receipt requested via the United States Postal Service.

B. Procedure. Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

- 1. Notice. The Vice President of Student Services (or designee) will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
 - a. The specific section of the Code of Student Conduct that the student is accused of violating.
 - b. A short statement of the facts (such as the date, time, and location) supporting the accusation.
 - c. The right of the student to meet with the Vice President of Student Services (or designee) to discuss the accusation, or to respond in writing.
 - d. The nature of the discipline that is being considered.
- 2. Time limits. The notice must be provided to the student within 5 days of the date on which the conduct took place or became known to the Vice President of Student Services (or designee); in the case of continuous, repeated or ongoing conduct, the notice must be provided within 5 days of the date on which conduct occurred or became known to the Vice President of Student Services (or designee) which led to the decision to take disciplinary action.
- 3. Conference Meeting. A student charged with misconduct must meet with the Vice President of Student Services (or designee) for a conference regarding the basis of the charge and the possible disciplinary action that may arise as a consequence. If the student fails to respond within 5 days after receipt of the written notice, the Vice President may proceed on the assumption that the charge(s) is (are) valid.

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

- a. Reviewing the written statement of the charge(s) as presented to the student;
- b. Providing a reasonable opportunity at the meeting for the student to answer the charge(s) verbally or in writing to the accusation;
- c. Informing the student in writing of possible disciplinary action that might be taken;
- d. Presenting to the student the College Due Process Procedures.

4. Meeting Results. One of the following scenarios will occur:

- a. The matter is dismissed, in which case no public record of this incident shall be retained; however, an annual confidential report is required to be submitted to the Peralta Board of Trustees.
- b. A disciplinary action is imposed, and the student accepts the disciplinary action.
- c. A disciplinary action is imposed, and the decision of the Vice President of Student Services (or designee) is final due to the form of the discipline.
- d. A disciplinary action of a long-term suspension is imposed, and the student does not accept the long-term suspension. The student must file at the Office of the President a written notice of intent to appeal to the Student Disciplinary Hearing Panel within 5 days of the written decision from the Vice President of Student Services (or designee).
- e. A recommendation for expulsion is made by the Vice President of Student Services (or designee) to the College President.

5. Short-term Suspension.

Within 5 days after the meeting described above, the Vice President of Student Services (or designee) shall decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the Vice President of Student Services' (or designee's) decision shall be provided to the student. The written notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The Vice President of Student Services' (or designee) decision on a short-term suspension shall be final.

6. Long-term Suspension.

Within 5 days after the meeting described above, the Vice President of Student Services (or designee) may decide to impose a long-term suspension. Written notice of the Vice President of Student Services' (or designee) decision shall be provided to the student. The written notice will include the right of the student to request a formal hearing and a copy of the College Student Discipline (Due Process) Procedures describing the procedures for a hearing.

7. Expulsion.

Within 5 days after the meeting described above, the Vice President of Student Services (or designee) may decide to recommend expulsion to the President. The Student Disciplinary Hearing Panel shall be convened to provide a recommendation to the President. The President shall then decide whether to make a recommendation of expulsion to the Chancellor and Board of Trustees. Written notice of the President's (or designee) decision to recommend expulsion shall be provided to the student. The written

notice will include the right of the student to a formal hearing with the Board of Trustees before expulsion is imposed, and a copy of the College Student Discipline (Due Process) Procedures describing the procedures for a hearing.

VIII. Hearing Procedures:

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

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

- B. Schedule of Hearing. The formal hearing shall be held within 10 days after a written request for hearing is received. Student's failure to confirm attendance at hearing or failure to appear at the hearing without reasonable cause constitutes waiver of the student's right to appeal. The formal hearing timeline may be tolled (postponed) pending a formal investigation of any discrimination claims by or against the student. Such investigation must be concluded no later than 90 calendar days as required by law.
- C. Student Disciplinary Hearing Panel. The hearing panel for any disciplinary action shall be composed of one faculty (selected by the President of the Faculty Senate), one classified (selected by the President of the Classified Senate), one administrator (selected by the President of the College) and one student (selected by the Associated Students).

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

- D. Hearing Panel Chair. The President (or designee) shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by two other members of the panel to the contrary.
- E. Conduct of the Hearing.
1. The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.
 2. The facts supporting the accusation shall be presented by a college representative who shall be the Vice President of Student Services.
 3. The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
 4. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.
 5. Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the college representative to prove by the preponderance of the evidence that the facts alleged are true.

6. The student may represent himself or herself and may also have the right to be represented by a person of his or her choice, except that the student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than 5 days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.
7. Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than 5 days prior to the date of the hearing.
8. In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.
9. The hearing shall be recorded by the District either by tape recording or stenographic recording. The official recording shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify himself or herself by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.
10. All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape-recorded is not unavailable.
11. Within 10 days following the close of the hearing, the hearing panel shall prepare and send to the President (or designee) a written recommendation regarding the disciplinary action to be imposed, if any. The recommendation shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

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

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

and conclusions. If the President (or designee) decides to recommend expulsion, such recommendation shall be forwarded to the Chancellor and Board of Trustees.

X. Chancellor's Decision

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

XI. Board of Trustees' Decision:

A. Long-Term Suspension Appeal:

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

B. Expulsion:

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

XII. Time Limits

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

XIII. Student Grievance:

A. Students who believe that they have been improperly subjected to any of the disciplinary measures stated in this policy may file a Student Grievance with the Vice President of Student Services in accordance with Board Policy 5530 Student Rights and Grievance.

B. Students in Allied Health Programs:

Board Policy 5531 (Allied Health: Student Appeal of Dismissal for Clinical Performance) may apply in lieu of this Board Policy to students who are enrolled in the Allied Health program for clinical performances.

XI. Disciplinary Action Against complainants or Witnesses of Sexual Assault Investigations

An individual who participates as a Complainant or witness in an investigation or 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 66017, 66300, 66301, 72122, and 76030, et seq.

Penal Code Section 626.4

~~ACCJC Accreditation Standards I.C.8 and 10~~

Approved by the Chancellor: December 5, 2012

Revised and Approved by the Chancellor: January 3, 2014

Revised and approved by the Chancellor: June 15, 2015

Revised and approved by the Chancellor: August 13, 2015

Revised and approved by the Chancellor: February 11, 2016

Revised and approved by the Chancellor: September 28, 2016

Revised and approved by the Chancellor: May 14, 2021

Revised and approved by the Chancellor:

ADMINISTRATIVE PROCEDURE 5500-5520
STANDARDS OF STUDENT CONDUCT, DISCIPLINE PROCEDURES AND DUE PROCESS

- I. The purpose of this procedure is to provide a prompt and equitable means to address violations of the Student Standards of Conduct, which ensures to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.
- II. These procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, Education Code Section 76120, and will not be used to punish expression that is protected.
- III. A student excluded for disciplinary reasons from one college in the Peralta Community College District may be denied enrollment into other colleges in the District, depending on the specific form of discipline. The President of a college may also deny admission to a student suspended or excluded for disciplinary reasons from other colleges or universities.
- IV. **Standards of Conduct.** Students are responsible for complying with all laws and college regulations and for maintaining appropriate course requirements as established by the instructors.
 - A. Disciplinary action may be imposed on a student for violation of college rules and regulations, the *California Education Code*, *California Penal Code*, and the *California Administrative Code*. Student misconduct may result in disciplinary action by the college and prosecution by civil authorities. Student misconduct may also result in disciplinary action that is applicable to other college campuses and central administrative offices at the Peralta Community College District. The college may require restitution as part of the discipline to ensure the return of items or compensation for any loss to the college or District. Misconduct that may result in disciplinary action includes, but is not limited to, the following violations:
 1. Violation of District policies or regulations including parking and traffic regulations (subject to Education Code Section 76036), policies regulating student organizations, and time, place and manner regulations in regard to public expression.
 2. Willful misconduct which results in injury or death of any person on college-owned or -controlled property, or college-sponsored or supervised functions; or causing, attempting to cause, or threatening to cause physical injury to another person.
 3. Conduct which results in cutting, defacing, damaging, or other injury to any real or personal property owned by the college or to private property on campus.
 4. Stealing or attempting to steal college property or private property on campus; or knowingly receiving stolen college property or private property on campus.
 5. Sexual assault or sexual exploitation regardless of the victim's affiliation with the District. Conduct that constitutes sexual harassment under Title IX is addressed under AP 3433 Prohibition of Sexual Harassment under Title IX and AP 3434 Responding to Harassment Based on Sex under Title IX – these procedures must be used.
 6. Unauthorized entry to or use of college facilities.
 7. Committing or attempting to commit robbery or extortion.

8. Dishonesty such as cheating, plagiarism (including plagiarism in a student publication), forgery, alteration or misuse of college documents, records, or identification documents, or furnishing false information to the college.
 9. The use, sale, or possession on campus of, or presence on campus under the influence of, any controlled substance, or any poison classified as such by Schedule D in Section 4160 of the Business and Professions Code or any controlled substance listed in California Health and Safety Code Section 11053 *et seq.*, an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
 10. Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from an authorized college employee.
 11. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the governing board.
 12. Lewd, indecent, or obscene conduct or expression on college-owned or -controlled property, or at college sponsored or supervised functions; or engaging in libelous or slanderous expression; or expression or conduct which so incites students as to create a clear and present danger of the commission of unlawful acts on college premises, or substantial disruption of the orderly operation of the college.
 13. Disruptive or insulting behavior, willful disobedience, habitual profanity or vulgarity; or the open and persistent defiance of the authority of, refusal to comply with directions of, or persistent abuse of, college employees in the performance of their duty on or near the school premises or public sidewalks adjacent to school premises.
 14. Obstruction or disruption of teaching, research, administrative procedures or other college activities.
 15. Committing sexual harassment as defined by law or by college policies and procedures; or engaging in harassing or discriminatory behavior based on race, sex, religion, age, national origin, disability, or any other status protected by law.
 16. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
- B. In accordance with Education Code Section 76234, the results of any disciplinary action or appeal in connection with any alleged sexual assault, physical abuse or threat of the same shall be made available within 3 school days of the results, to the alleged victim, who shall keep such information confidential.
- V. **Forms of Discipline.** Students facing disciplinary action are subject to any of the following actions:
- A. Written or verbal reprimand. An admonition to the student to cease and desist from conduct determined to violate the Code of Student Conduct. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.

- B. Probation. A period of time specified for observing and evaluating a student's conduct, with or without special conditions. Probation will be imposed for a specific period of time; the student is considered removed from probation when the period expires. Violation of any conditions during the period of probation may be cause for further disciplinary action.
- C. Loss of Privileges and Exclusion from Activities. Exclusion from participation in designated privileges and extracurricular activities for a specified period of time. Violation of any conditions or Code of Student Conduct during the period of sanction may be cause for further disciplinary action.
- D. Educational Sanction. Work, research projects, counseling, or community service projects may be assigned. Violation of any requirements of assignment or Code of Student Conduct during the period of sanction may be cause for further disciplinary action.
- E. Treatment Requirement. Require enrollment in anger management, drug and alcohol rehabilitation treatment. Such requirement must receive prior approval from the Vice President of Student Services (or designee).
- F. Group Sanction. Sanctions for the misconduct of groups or organizations may include temporary or permanent revocation or denial of group registration as well as other appropriate sanctions.
- G. Removal from Class. Exclusion of the student by an instructor for the day of the removal and the next class meeting. The instructor must immediately report the removal to the Vice President of Student Services (or designee).
- H. Exclusion from Areas of the College. Exclusion of a student from specified areas of the campus. Violation of the conditions of exclusion or Code of Student Conduct during the period of exclusion may be cause for further disciplinary action.
- I. Withdrawal of Consent to Remain on Campus. Withdrawal of consent by the Campus Police for any person to remain on campus in accordance with California Penal Code Section 626.4/626.6 where the Campus Police have reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus. Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest.
- J. Short-term Suspension. Exclusion of the student by the President (or designee) for good cause from one or more classes for a period of up to ten consecutive days of instruction.
- K. Long-term Suspension. Exclusion of the student by the President (or designee) for good cause from one or more classes for the remainder of the school term or school year, or from all classes and activities of the college and District for one or more terms.
- L. Expulsion. Exclusion of the student by the Board of Trustees from attending all colleges in the District.

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

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

- B. The President (or designee) who may impose any form of discipline, including summarily suspending a student when deemed necessary for the welfare and safety of the college community.
- C. The President who may recommend "expulsion" to the Chancellor.
- D. The Board of Trustees who may terminate a student's privilege to attend any college of the District.

VII. Due Process for Discipline, Suspensions, and Expulsions

A. Definitions:

- 1. Student. Any person currently enrolled as a student at any college or in any program offered by Peralta Community College District who was enrolled at the time of the alleged violation of the Standards of Student Conduct.
- 2. Faculty Member. Any instructor (an academic employee of the District in whose class a student subject to discipline is enrolled), counselor, librarian, or any academic employee who is providing services to the student.
- 3. Day. A day during which the District is in session and regular classes are held, excluding Saturdays, Sundays, and District holidays.
- 4. Written Notice/Written Decision. Notice sent by personal service or by registered or certified mail with return receipt requested via the United States Postal Service.

B. Procedure. Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

- 1. Notice. The Vice President of Student Services (or designee) will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
 - a. The specific section of the Code of Student Conduct that the student is accused of violating.
 - b. A short statement of the facts (such as the date, time, and location) supporting the accusation.
 - c. The right of the student to meet with the Vice President of Student Services (or designee) to discuss the accusation, or to respond in writing.
 - d. The nature of the discipline that is being considered.
- 2. Time limits. The notice must be provided to the student within 5 days of the date on which the conduct took place or became known to the Vice President of Student Services (or designee); in the case of continuous, repeated or ongoing conduct, the notice must be provided within 5 days of the date on which conduct occurred or became known to the Vice President of Student Services (or designee) which led to the decision to take disciplinary action.
- 3. Conference Meeting. A student charged with misconduct must meet with the Vice President of Student Services (or designee) for a conference regarding the basis of the charge and the possible disciplinary action that may arise as a consequence. If the student fails to respond within 5 days after receipt of the written notice, the Vice President may proceed on the assumption that the charge(s) is (are) valid.

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

- a. Reviewing the written statement of the charge(s) as presented to the student;
- b. Providing a reasonable opportunity at the meeting for the student to answer the charge(s) verbally or in writing to the accusation;
- c. Informing the student in writing of possible disciplinary action that might be taken;
- d. Presenting to the student the College Due Process Procedures.

4. Meeting Results. One of the following scenarios will occur:

- a. The matter is dismissed, in which case no public record of this incident shall be retained; however, an annual confidential report is required to be submitted to the Peralta Board of Trustees.
- b. A disciplinary action is imposed, and the student accepts the disciplinary action.
- c. A disciplinary action is imposed, and the decision of the Vice President of Student Services (or designee) is final due to the form of the discipline.
- d. A disciplinary action of a long-term suspension is imposed, and the student does not accept the long-term suspension. The student must file at the Office of the President a written notice of intent to appeal to the Student Disciplinary Hearing Panel within 5 days of the written decision from the Vice President of Student Services (or designee).
- e. A recommendation for expulsion is made by the Vice President of Student Services (or designee) to the College President.

5. Short-term Suspension.

Within 5 days after the meeting described above, the Vice President of Student Services (or designee) shall decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the Vice President of Student Services' (or designee's) decision shall be provided to the student. The written notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The Vice President of Student Services' (or designee) decision on a short-term suspension shall be final.

6. Long-term Suspension.

Within 5 days after the meeting described above, the Vice President of Student Services (or designee) may decide to impose a long-term suspension. Written notice of the Vice President of Student Services' (or designee) decision shall be provided to the student. The written notice will include the right of the student to request a formal hearing and a copy of the College Student Discipline (Due Process) Procedures describing the procedures for a hearing.

7. Expulsion.

Within 5 days after the meeting described above, the Vice President of Student Services (or designee) may decide to recommend expulsion to the President. The Student Disciplinary Hearing Panel shall be convened to provide a recommendation to the President. The President shall then decide whether to make a recommendation of expulsion to the Chancellor and Board of Trustees. Written notice of the President's (or designee) decision to recommend expulsion shall be provided to the student. The written

notice will include the right of the student to a formal hearing with the Board of Trustees before expulsion is imposed, and a copy of the College Student Discipline (Due Process) Procedures describing the procedures for a hearing.

VIII. Hearing Procedures:

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

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

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

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

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

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

- E. Conduct of the Hearing.

1. The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.
2. The facts supporting the accusation shall be presented by a college representative who shall be the Vice President of Student Services.
3. The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
4. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.
5. Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the college representative to prove by the preponderance of the evidence that the facts alleged are true.

6. The student may represent himself or herself and may also have the right to be represented by a person of his or her choice, except that the student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than 5 days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.
7. Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than 5 days prior to the date of the hearing.
8. In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.
9. The hearing shall be recorded by the District either by tape recording or stenographic recording. The official recording shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify himself or herself by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.
10. All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape-recorded is not unavailable.
11. Within 10 days following the close of the hearing, the hearing panel shall prepare and send to the President (or designee) a written recommendation regarding the disciplinary action to be imposed, if any. The recommendation shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

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

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

and conclusions. If the President (or designee) decides to recommend expulsion, such recommendation shall be forwarded to the Chancellor and Board of Trustees.

X. Chancellor's Decision

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

XI. Board of Trustees' Decision:

A. Long-Term Suspension Appeal:

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

B. Expulsion:

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

XII. Time Limits

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

XIII. Student Grievance:

A. Students who believe that they have been improperly subjected to any of the disciplinary measures stated in this policy may file a Student Grievance with the Vice President of Student Services in accordance with Board Policy 5530 Student Rights and Grievance.

B. Students in Allied Health Programs:

Board Policy 5531 (Allied Health: Student Appeal of Dismissal for Clinical Performance) may apply in lieu of this Board Policy to students who are enrolled in the Allied Health program for clinical performances.

XI. Disciplinary Action Against complainants or Witnesses of Sexual Assault Investigations

An individual who participates as a Complainant or witness in an investigation or 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 66017, 66300, 66301, 72122, and 76030, et seq.

Penal Code Section 626.4

~~ACCJC Accreditation Standards I.C.8 and 10~~

Approved by the Chancellor: December 5, 2012

Revised and Approved by the Chancellor: January 3, 2014

Revised and approved by the Chancellor: June 15, 2015

Revised and approved by the Chancellor: August 13, 2015

Revised and approved by the Chancellor: February 11, 2016

Revised and approved by the Chancellor: September 28, 2016

Revised and approved by the Chancellor: May 14, 2021

Revised and approved by the Chancellor:

ADMINISTRATIVE PROCEDURE 7130 COMPENSATION

Payroll warrants will be released after 12:00 noon on the last working day of the month or on the preceding Friday when the last day of the month falls on Saturday or Sunday.

Approved by the Chancellor: December 3, 2012

Revised and approved by the Chancellor:

ADMINISTRATIVE PROCEDURE 7380 7161
ETHICS, CIVILITY, AND MUTUAL RESPECT

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

- A. **Unacceptable behaviors.** Demeaning, intimidating, threatening, or physically or emotionally abusive behaviors that hamper the ability to learn or work in the college environment depart are unacceptable.
- B. **Retaliation.** Retaliation for reporting violations of this policy, for seeking to have prohibited conduct corrected, or for participating in an investigation is prohibited.
- C. **Violation.** A District community member who has violated this procedure is subject to disciplinary action in accordance with established disciplinary procedures. A member of the Board of Trustees who has violated this procedure is subject to public censure by the Board. (The provisions of this administrative procedure shall be in accordance with collective bargaining agreements.)
- D. **Restraining Order.** Any District community member who has obtained a restraining order against another District community member is encouraged to provide a copy of the order to Peralta Police Services for enforcement.
- E. **Visitors.** Visitors, other people, vendors and families of students, staff, and faculty are expected to comply with the provisions of this procedure. Noncompliant behavior may lead to removal from district property.

Approved by the Chancellor: February 22, 2013
Updated and Approved by the Chancellor:

**ADMINISTRATIVE PROCEDURE ~~7347~~ 7341 SABBATICAL LEAVE
: ACADEMIC ADMINISTRATORS**

- A. Eligibility. All academic administrators shall be eligible for one year of sabbatical leave after six years of service to the District. Such employees shall be eligible thereafter for one year of sabbatical leave upon the completion of each additional six years of service. Normally such sabbatical leave will be restricted to one semester.
- B. Salary for those on administrative sabbatical leave. An academic administrator on sabbatical leave shall be entitled to full salary for one semester and two-thirds salary for a full year.
- C. Employment status. During sabbatical leave, an employee shall receive all benefits normally accruing to him/her, just as if s/he were performing his/her full duties on campus. Sabbatical leave time shall be credited as regular administrative time in advancement on the salary schedule and in all other respects as permitted by the Education Code.
- D. Implementation. Recommendations for sabbatical leaves of this type are to be made by the President of the College to the Chancellor.
- E. Administrative sabbatical leaves, as in the case of sabbaticals for other academic personnel, must be awarded on the basis of the contribution they will make to the College and to the educational program of the District.

Approved by the Chancellor: February 22, 2013
Revised and approved by the Chancellor:

BOARD POLICY 3410 NONDISCRIMINATION

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

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

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

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

Reference:

Education Code Sections 66250 et seq., 72010 et seq., and 87100 et seq.;

Title 5 Sections 53000 et seq. and 59300 et seq.;

Penal Code Section 422.55;

Government Code Sections 12926.1 and 12940 et seq.

Title 2 Sections 10500 et seq.

Labor Code Section 1197.5

ACCJC Accreditation Eligibility Requirement 20 and

ACCJC Accreditation Standard Catalog Requirements (formerly Accreditation Standard II.B.2.c)

California Fair Employment and Housing Act

Administrative Procedure 3410

Approved by the Board of Trustees: June 26, 2012

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

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

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

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

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

Updated and approved by the Board of Trustees:

**BOARD POLICY 5800 PREVENTION OF IDENTITY THEFT IN STUDENT
FINANCIAL TRANSACTIONS**

The District is required to provide for the identification, detection, and response to patterns, practices, or specific activities (“Red Flags”) that could indicate identity theft of students when the District serves as a creditor in relation to its students. When applicable, the Chancellor is directed to develop procedures to implement an Identity Theft Prevention Program (ITPP) to control reasonably foreseeable risks to students from identity theft.

References:

15 U.S. Code Section 1681m subdivision (e), Fair and Accurate Credit Transactions Act (FACT Act or FACTA)

Approved by the Board of Trustees: XXXX

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