

Administrative Procedure

Academic Affairs**AP 4240 ACADEMIC RENEWAL****References:**

Title 5 Section 55046

Students may petition for academic renewal only once. For students to be eligible for academic renewal ~~they must be currently enrolled at Chabot and/or Las Positas College,~~ and a period of at least two years must have elapsed since completion of the coursework to be disregarded. The student may submit a petition for academic renewal to the Admissions and Records Office upon completion, at a regionally accredited institution, of the following:

- a minimum of 12 units taken consecutively ~~at Las Positas and/or Chabot~~ with a grade point average of 2.5 or better; or
- a minimum of 20 units with at least a 2.0 grade point average.

Up to 24 units of course work may be eliminated from consideration in the cumulative grade point average.

Specific courses and/or categories of courses that are exempt from academic renewal must be described. Academic renewal actions are irreversible. When academic renewal procedures permit previously recorded substandard coursework to be disregarded in the computation of a student's grade point average, the student's permanent academic record should contain an accurate record of all coursework to ensure a complete academic history.

Academic renewal procedures may not conflict with the District's obligation to retain and destroy records or with the instructor's ability to determine a student's final grade.

Upon approval to have his/her records renewed, the student's transcript shall be annotated in such a manner that all courses disregarded shall remain legible on the transcript, indicating a true and accurate history of the student's record.

Academic renewal at Chabot and Las Positas College does not guarantee that other colleges will accept this action. Acceptance of academic renewal is at the discretion of the receiving institution.

Date Approved: February 18, 2014, Revised September 19, 2018

Student Services

AP 5530 STUDENT RIGHTS AND GRIEVANCES

References:

Education Code Section 76224(a)
CLPFA-Chabot-Las Positas Community College District Agreement, Articles 16-1, 16-2, 16-3

Section One- Applicability

Section Two- Definitions

Section Three- Instructional Services and Grade Grievances

Section Four- Other Service Grievances

SECTION ONE- APPLICABILITY

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances. These procedures shall be available to any student who reasonably believes a college decision or action has adversely affected his or her status, rights or privileges as a student.

This procedure addresses the following types of student grievance:

Instruction related service and grades	<ul style="list-style-type: none">• issue or complaint regarding instruction related services and classroom policies or grades• occurs during the delivery of instruction, lab, tutoring, or library services by a faculty member to the student grievant
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Other service grievance	<ul style="list-style-type: none">• issue or complaint that does not pertain to instructional service or grades• occurs from a violation of policy and procedure by the college that has a direct and significant impact on the student (such as free speech, smoking on campus, course repetition, instructional materials fees, etc)• issue or complaint does not involve Financial Aid actions; police citations; student disciplinary actions; illegal discrimination or illegal harassment
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This procedure does not address the following types of student grievance or complaint:	
Financial Aid actions	Please refer to: BP/AP 5130 Financial Aid; college catalog for processes related to financial aid complaints and appeals
Police citations (i.e. “tickets”)	Complaints about citations must be directed to the county courthouse in the same way as any traffic violation
Student disciplinary actions	Please refer to: BP/AP Standards of Student Conduct; AP 5520, Student Discipline Procedures
Illegal discrimination, including sex discrimination, and illegal harassment, including sexual harassment	Please refer to: BP/AP 3410, Nondiscrimination; BP/AP 3430, Prohibition of Harrassment; AP 3435, Discrimination and Harrassment Complaint Procedures; Title IX, Education Amendments of 1972
Complaints related to student employment	Complaints related to student employment must be directed to District Human Resources

SECTION TWO- DEFINITIONS

Definitions:

Party – The student, and ~~or~~ any persons claimed to have been responsible for the student's alleged grievance, together with their representatives. "Party" ~~shall~~ does not include the Grievance Hearing Committee or the College Grievance Officer.

Student – A currently enrolled student, a person who has filed an application for admission to the college, or a former student. A grievance by an applicant shall be limited to a complaint regarding denial of admission. Former students shall be limited to grievances relating to course grades, and only to the extent permitted by Education Code Section 76224(a).

Designee- A person designated by the college or District. The Vice President of Student Services or college President may name a designee for Vice President of Student Services. The Vice President of Academic Affairs or college President may name a designee for Vice President of Academic Affairs. The Chancellor or college President may name a designee for President. The Chancellor may name the college President or another designee for Chancellor.

Respondent – Any person claimed by a grievant to be responsible for the alleged grievance.

Grievance Officer [moved from other section of AP below]– The Vice President of Student Services will serve as College Grievance Officer for receipt of student grievances

under this procedure, monitoring of forms, documentation and timelines, and general procedure-related communications. The Vice President of Academic Affairs ~~or designee~~ shall serve as Grievance Officer on grade disputes and grievances arising out of instruction and library services. The Vice President of Student Services ~~or designee~~ shall serve as Grievance Officer for instructional services grievances arising out of counseling, and for Other Service Grievances.

Grievant – The student who has filed a grievance.

Ombuds – The Ombuds will be an identified college employee who is committed to serve as a neutral and an impartial conflict resolution practitioner. The Ombuds will have no formal decision-making authority or disciplinary responsibilities. The Ombuds may serve as an initial point of contact for students who encounter challenges or difficulties while navigating the college environment and will identify proper resources or processes of the college. The goal of the Ombuds is to ensure the rights and interests of all parties to a dispute are considered with the goal of achieving a fair outcome. The inability to achieve a fair outcome may result in the student being referred to the grievance or complaint process.

Day – Days during fall and spring semesters when the College is in session and regular classes are held, excluding Saturdays and Sundays. ~~For~~ During the summer session, the number of days—for purposes of notice and response under this Administrative Procedure- - may be reasonably extended to ensure the responsible parties are able to appropriately attend to the issue. Notice of extension will be provided to the student.

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

Grievance Hearing Committee: The college President shall at the beginning of each academic year, establish a standing panel of members of the college community, including students, faculty members, classified professionals and administrators, from which one or more Grievance Hearing Committees may be appointed. The panel will be established with the advice and assistance of the Associated Students Organization, the Classified Senate, and the Academic Senate, ~~who~~ which shall each submit names to the Chancellor for inclusion on the panel.

An Instructional Services Grievance or Grade Grievance Hearing Committee shall be constituted in accordance with the following:

- It shall include at least 1 student, 1 instructor, and 1 college administrator selected from the panel described above.

An Other Service Grievance Hearing Committee shall be constituted in accordance with the following:

- It shall include at least 1 student, 1 classified professional, and 1 college administrator selected from the panel described above.

No person shall serve as a member of a Grievance Hearing Committee if that person has been personally involved in any matter giving rise to the grievance, has made any statement on the matters at issue, or could otherwise not act in a neutral manner. Any party to the grievance may challenge for cause any member of the hearing committee prior to the beginning of the hearing by addressing a challenge to the Grievance Officer who shall determine whether cause for disqualification has been shown. If the Grievance Officer feels that sufficient ground for removal of a member of the committee has been presented, the Grievance Officer shall remove the challenged member or members and substitute a member or members from the panel described above. This determination is subject to appeal as defined below.

The appropriate Grievance Officer shall sit with the Grievance Hearing Committee but shall not vote, except to break a tie. The Grievance Officer shall coordinate all scheduling of hearings, shall serve to assist all parties and the Hearing Committee to facilitate a full, fair and efficient resolution of the grievance, and shall avoid an adversary role.

SECTION THREE- INSTRUCTIONAL SERVICES AND GRADE GRIEVANCES

An Instructional Service Grievance or Grade Grievance is a grievance that occurs during the delivery of instruction, counseling, or library services within a scheduled class, library service, or counseling session by a faculty member to the student grievant. The instructional services and grade grievance procedure is intended to provide all parties with due process in the event of an issue or complaint regarding instructional services and classroom policies or grades.

This grievance process does not address personality, character, or styles of teaching or delivery of instructional services; rather it takes into account state laws and regulations concerning grades, as well as district and college policies.

~~Course grades, to the extent permitted by Education Code Section 76224(a), which provides:~~Community College grading is regulated by law. California Education Code Section 76224(s) states: “When grades are given for any course of instruction taught in a community college district, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student’s grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final.” “Mistake” may include, but is not limited to errors made by an instructor in calculating a student’s grade and clerical errors. A student seeking a grade change must bring forth evidence that would support a grade grievance.

Filing a Grievance- Any student who believes he/she has an instructional services grievance or grade grievance shall file an Instructional Services and Grade Grievances Statement of Grievance with the ~~appropriate~~ College Grievance Officer within 10 days of the incident on which the grievance is based, or 10 days after the student learns of the basis

for the grievance, whichever is later. The Statement of Grievance must be filed

whether or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official. Within 5 days following receipt of the Statement of Grievance Form, the College Grievance Officer shall advise the student of his or her rights and

responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance form.

If at the end of 10 days following the student's first meeting with the Grievance Officer, there is no informal resolution of the complaint which is satisfactory to the student, the student shall have the right to request a grievance hearing.

Informal Resolution – Each student who has a grievance shall make a reasonable effort to resolve the matter on an informal basis prior to requesting a grievance hearing, and shall attempt to solve the problem with the person with whom the student has the grievance, that person's immediate supervisor, or the local college administration. The student may seek the assistance of the Ombuds in attempting to resolve a grievance informally. The Grievance Officer may refer the student to the Ombuds for assistance.

Informal meetings and discussion between persons directly involved in a grievance are essential at the outset of a dispute and should be encouraged at all stages. An equitable solution should be sought before persons directly involved in the case have stated official or public positions that might tend to polarize the dispute and render a solution more difficult. At no time shall any of the persons directly or indirectly involved in the case use the fact of such informal discussion, the fact that a grievance has been filed, or the character of the informal discussion for the purpose of strengthening the case for or against persons directly involved in the dispute or for any purpose other than the settlement of the grievance.

Request for Grievance Hearing – A request for a grievance hearing shall be filed on a Instructional Services and Grade Grievance Request for a Grievance Hearing no later than 10 days following the student's first meeting with the College Grievance Officer.

Review to Determine Sufficient Grounds for a Hearing

Within 15 days following receipt of the request for grievance hearing, the Grievance Officer shall appoint a Grievance Hearing Committee as described above, and the Grievance Hearing Committee shall meet in private and without the parties present to select a chair and to determine on the basis of the Statement of Grievance whether it presents sufficient grounds for a hearing.

The determination of whether the Statement of Grievance presents sufficient grounds for a hearing shall be based on the following:

- The statement contains facts which, if true, would constitute a grievance under these procedures;
- The grievant is a student as defined in these procedures, which include

- applicants and former students;
- The grievant is personally and directly affected by the alleged grievance;
 - The grievance was filed in a timely manner;

 - The grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment.

If the grievance does not meet each of the requirements, the College Grievance Officer shall notify the student in writing of the rejection of the Request for a Grievance Hearing, together with the specific reasons for the rejection and the procedures for appealing denial of a Grievance Hearing. This notice will be provided within 5 days of the date the decision is made by the Grievance Hearing Committee.

If the Request for Grievance Hearing ~~meets~~ ~~satisfies~~ each of the requirements, the College Grievance Officer shall schedule a grievance hearing. The hearing will begin within 15 days following the decision to grant a Grievance Hearing. All parties to the grievance shall be given not less than 5 days notice of the date, time and place of the hearing.

The hearing will be scheduled with due consideration for the student's class schedule, documented required work assignment, or other extenuating circumstances. The grievant may request that the hearing take place via CCC Confer conference call, or that there be a paper review only of written documentation in lieu of a hearing.

Hearing Procedure

The decision of the Grievance Hearing Committee chair shall be final on all matters relating to the conduct of the hearing unless there is a vote of a majority of the other members of the panel to the contrary.

The members of the Grievance Hearing Committee shall be provided with a copy of the grievance and any written response provided by the respondent before the hearing begins.

Each party to the grievance may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

Unless the Grievance Hearing Committee determines to proceed otherwise, each party to the grievance shall be permitted to make an opening statement. Thereafter, the grievant or grievants shall make the first presentation, followed by the respondent or respondents. The grievant(s) may present rebuttal evidence after the respondent(s)' evidence. The burden shall be on the grievant or grievants to prove by substantial evidence that the facts alleged are true and that a grievance has been established as specified above.

Each party to the grievance may represent himself/herself, and may also have the right to be represented by a person of his/her choice; ~~except that a party shall not be represented by an attorney unless, in the judgment of the Grievance Officer, complex legal issues are involved.~~ If a party 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 one party is permitted to be represented by an attorney, any other party shall have the right to be represented by an attorney. The hearing committee may also request legal assistance through the

Grievance Officer. Any legal advisor provided to the hearing committee may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.

Hearings shall be closed and confidential unless all parties request that it be open to the public. Any such request must be made no less than 5 days prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the committee agree to the contrary.

The hearing shall be recorded by the Grievance Officer either by audio recording or stenographic recording, and 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 audio recording, the Grievance Hearing Committee Chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. The audio recording shall remain in the custody of the District, either at the college or the District office, at all times, unless released to a professional transcribing service. Any party may request a copy of the audio recording.

All testimony shall be taken under oath; the oath shall be administered by the Grievance Hearing Committee 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 shall be considered to be unavailable.

Within 10 days following the close of the hearing, the Grievance Hearing Committee shall prepare and send to the college President a written decision. The decision shall include specific factual findings regarding the grievance, and shall include specific conclusions regarding whether a grievance has been established as defined above. The decision shall also include a specific recommendation regarding the relief to be afforded the grievant, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original grievance, any written response, and the oral and written evidence produced at the hearing.

President's Decision: Within 10 days following receipt of the Grievance Hearing Committee's decision and recommendation(s), the college President shall send to all

parties his/her written decision, together with the Hearing Committee's decision and recommendations. The President may accept or reject the findings, decisions and recommendations of the Hearing Committee. The factual findings of the Hearing Committee shall be accorded great weight. If the President does not accept the decision or a finding or recommendation of the Hearing Committee, the President shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the President shall be final, subject only to appeal as provided below.

Appeals:

Appeal of Denial of a Grievance Hearing Any appeal relating to a Grievance Hearing Committee decision that the Statement of Grievance does not present a grievance as defined in these procedures shall be made in writing to the college President within 5 days of that decision. The President shall review the Statement of Grievance and Request for Grievance Hearing in accordance with the requirements for a grievance provided in these procedures, but shall not consider any other matters. The President's decision whether or not to grant a grievance hearing shall be final and not subject to further appeal.

Appeal of Decision From Grievance Hearing Any party to the grievance may appeal the decision of the President after a hearing before a Grievance Hearing Committee by filing an appeal with the President. The President may designate a college administrator or request that the Chancellor designate a District administrator to review the appeal and make a recommendation to the President.

Any such appeal shall be submitted in writing within five days following receipt of the President's decision and shall state specifically the grounds for appeal.

The written appeal shall be sent to all concerned parties. All parties may submit written statements on the appeal.

The appeal is a paper review process only; there are no interviews or oral statements accepted by any party for the appeal. The President or President's designee shall review the record of the hearing and the documents submitted in connection with the appeal, but shall not consider any matters outside of the record. Following the review of the record and appeal statements, the President's designee shall make a written recommendation to the President regarding the outcome of the appeal.

The President may decide to sustain, reverse or modify the decision of the President's designee. The President's decision shall be in writing and shall include a statement of reasons for the decision. The President's decision shall then be final.

The decision on appeal shall be reached within five days after receipt of the appeal documents. Copies of the appeal decision shall be sent to all parties. The Instructional Services Grievance or Grade Grievance will be deemed concluded at that time.

Results of Instructional Services and Grade Grievances:

If at the conclusion of a Grade Grievance, a grade change results from the decision, then

the grade change document shall be submitted and signed by the appropriate manager, with a notation that the grade was changed “ by a Grade Grievance decision.

“from

to

In the event that a grievance is sustained and further investigation or other remedial actions
are part of the final decision, the protections
and restrictions articulated in the CLPFA/CLPCCD Agreement shall apply.

Time Limits:

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

SECTION FOUR- OTHER SERVICE GRIEVANCES

An Other Service Grievance is a grievance that occurs outside the delivery of instruction, counseling, or library services and does not involve a student grade. The other service grievance procedure is intended to provide all parties with due process in the event of an issue or complaint regarding a college decision or action.

Other service grievances involve violation of policies and procedures by the college to the extent they have violation has a direct and significant impact on the student, such as on the student’s exercise of rights of free expression. Under this section, a grievance may also be initiated by a student alleging the violation of college/district policies and procedures against an instructor, an administrator or a member of the classified staff which has directly and significantly impacted the student.

The Vice President of Student Services will serve as the Grievance Officer for Other Service Grievances.

Filing an Other Service Grievance

Any student who believes he/she has a grievance shall file an Other Service Grievance Statement of Grievance with the ~~appropriate~~ Grievance Officer within 10 days of the incident on which the grievance is based, or 10 days after the student learns of the basis for the grievance, whichever is later. The Statement of Grievance must be filed whether

or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official. Within 5 days following receipt of the Statement of Grievance Form, the Grievance Officer shall advise the student of his or her rights and responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance form.

If at the end of 10 days following the student's first meeting with the Grievance Officer, there is no informal resolution of the complaint which is satisfactory to the student, the student shall have the right to request a grievance hearing.

Informal Resolution – Each student who has an other service grievance ~~shall~~must make a reasonable effort to resolve the matter on an informal basis prior to requesting a grievance hearing, and ~~shall~~ attempt to solve the problem with the person with whom the student has the grievance, that person's immediate supervisor, or ~~the local~~with college administration. The student may seek the assistance of the Ombuds in attempting to resolve a grievance informally. The Grievance Officer may refer the student to the Ombuds for assistance.

Informal meetings and discussion between persons directly involved in a grievance are essential at the outset of a dispute and should be encouraged at all stages. An equitable solution should be sought before persons directly involved in the case have stated official or public positions that might tend to polarize the dispute and render a solution more difficult. At no time shall any of the persons directly or indirectly involved in the case use the fact of such informal discussion, the fact that a grievance has been filed, or the character of the informal discussion for the purpose of strengthening the case for or against persons directly involved in the dispute or for any purpose other than the settlement of the grievance.

Request for Grievance Hearing – A request for a grievance hearing shall be filed on an Other Service Grievance Request for a Grievance Hearing no later than 10 days following the student's first meeting with the Grievance Officer.

Review to Determine Sufficient Grounds for a Hearing

Within 10 days following receipt of the request for grievance hearing, the Grievance Officer shall appoint a Grievance Hearing Committee as described above, and the Grievance Hearing Committee shall meet in private and without the parties present to select a chair and to determine on the basis of the Statement of Grievance whether it presents sufficient grounds for a hearing.

The determination of whether the Statement of Grievance presents sufficient grounds for a hearing shall be based on the following:

- The statement contains facts which, if true, would constitute a grievance under these procedures;
- The grievant is a student as defined in these procedures, which include applicants and former students;
- The grievant is personally and directly affected by the alleged grievance;
- The grievance was filed in a timely manner;
- The grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment.

If the grievance does not meet each of the requirements, the Grievance Officer shall notify the student in writing of the rejection of the Request for a Grievance Hearing,

together with the specific reasons for the rejection and the procedures for appeal. This notice will be provided within 5 days of the date the decision is made by the Grievance Hearing Committee.

If the Request for Grievance Hearing satisfies each of the requirements, the College Grievance Officer shall schedule a grievance hearing. The hearing will begin within 15 days following the decision to grant a Grievance Hearing. All parties to the grievance shall be given not less than 5 days notice of the date, time and place of the hearing.

The hearing will be scheduled with due consideration for the student's class schedule, documented required work assignment, or other extenuating circumstances. The grievant

may request that the hearing take place via CCC Confer conference call, or that there be a paper review only of written documentation in lieu of a hearing.

Hearing Procedure

The decision of the Grievance Hearing Committee chair shall be final on all matters relating to the conduct of the hearing unless there is a vote of a majority of the other members of the panel to the contrary.

The members of the Grievance Hearing Committee shall be provided with a copy of the grievance and any written response provided by the respondent before the hearing begins.

Each party to the grievance may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

Unless the Grievance Hearing Committee determines to proceed otherwise, each party to the grievance shall be permitted to make an opening statement. Thereafter, the grievant or grievants shall make the first presentation, followed by the respondent or respondents. The grievant(s) may present rebuttal evidence after the respondent(s)' evidence. The burden shall be on the grievant or grievants to prove by substantial evidence that the facts alleged are true and that a grievance has been established as specified above.

Each party to the grievance may represent himself/herself, and may also have the right to be represented by a person of his/her choice; ~~except that a party shall not be represented by an attorney unless, in the judgment of the Grievance Officer, complex legal issues are involved.~~ If a party 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 one party is permitted to be represented by an attorney, any other party shall have the right to be represented by an attorney. The hearing committee may also request legal assistance through the Grievance Officer. Any legal advisor provided to the hearing committee may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.

Hearings shall be closed and confidential unless all parties request that it be open to the public. Any such request must be made no less than 5 days prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the committee agree to the contrary.

The hearing shall be recorded by the Grievance Officer either by audio recording or stenographic recording, and 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 audio recording, the Grievance Hearing Committee Chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. The audio recording shall remain in the custody of the District, either at the college or the District office, at all times, unless released to a professional transcribing service. Any party may request a copy of the audio recording.

All testimony shall be taken under oath; the oath shall be administered by the Grievance Hearing Committee 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 shall be considered to be unavailable.

Within 10 days following the close of the hearing, the Grievance Hearing Committee shall prepare and send to the college President a written decision. The decision shall include specific factual findings regarding the grievance, and shall include specific conclusions regarding whether a grievance has been established as defined above. The decision shall also include a specific recommendation regarding the relief to be afforded the grievant, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original grievance, any written response, and the oral and written evidence produced at the hearing.

President's Decision: Within 10 days following receipt of the Grievance Hearing Committee's decision and recommendation(s), the college President shall send to all parties his/her written decision, together with the Hearing Committee's decision and recommendations. The President may accept or reject the findings, decisions and recommendations of the Hearing Committee. The factual findings of the Hearing Committee shall be accorded great weight. If the President does not accept the decision or a finding or recommendation of the Hearing Committee, the President shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the President shall be final, subject only to appeal as provided below.

Appeals:

Appeal of Denial of a Grievance Hearing Any appeal relating to a Grievance Hearing Committee decision that the Statement of Grievance does not present a grievance as defined in these procedures shall be made in writing to the college President within 5

days of that decision. The President shall review the Statement of Grievance and Request for Grievance Hearing in accordance with the requirements for a grievance provided in these procedures, but shall not consider any other matters. The President's decision whether or not to grant a grievance hearing shall be final and not subject to further appeal.

Appeal of Decision From Grievance Hearing Any party to the grievance may appeal the decision of the President after a hearing before a Grievance Hearing Committee by filing an appeal with the President. The President may designate a college administrator or request that the Chancellor designate a District administrator to review the appeal and make a recommendation to the President.

Any such appeal shall be submitted in writing within five days following receipt of the President's decision and shall state specifically the grounds for appeal.

The written appeal shall be sent to all concerned parties. All parties may submit written statements on the appeal.

The appeal is a paper review process only; there are no interviews or oral statements accepted by any party for the appeal. The President or President's designee shall review the record of the hearing and the documents submitted in connection with the appeal, but shall not consider any matters outside of the record. Following the review of the record and appeal statements, the President's designee shall make a written recommendation to the President regarding the outcome of the appeal.

The President may decide to sustain, reverse or modify the decision of the President's designee. The President's decision shall be in writing and shall include a statement of reasons for the decision. The President's decision shall then be final.

The decision on appeal shall be reached within five days after receipt of the appeal documents. Copies of the appeal decision shall be sent to all parties. The Other Services

Grievance will be deemed concluded at that time.

Date Approved: March 18, 2014; Revised September 19, 2018

(This procedure replaced Administrative Rules and Procedures 5513)

Business and Fiscal Affairs

AP 6750 PARKING

References:

Education Code Section 76360;

Vehicle Code Section 21113

These procedures are intended to promote safe and orderly movement of traffic within District property for the safe and orderly parking of vehicles and bicycles.

All applicable provisions of the California Vehicle Code are expressly applicable both on and off paved roadways.

Parking of motor vehicles and bicycles is limited to specially designated areas. Fee permits are required. Vehicles or bicycles parked in violation of the provisions of this code are subject to fines, towing, or impoundment.

All persons who enter on the college are charged with knowledge of the provisions of this procedure and are subject to the penalties for violations of such provisions.

In accordance with California Vehicle Code Section 21113a, it shall be a misdemeanor for any person to do any act forbidden or fail to perform any act required in these procedures.

Board Policy authorizes student parking on the Chabot and Las Positas College campuses, and requires that the College Presidents establish parking rules and regulations to ensure the safe and efficient use of available parking spaces. Enforcement of these rules and regulations shall be in accordance with California Vehicle Code section 21113.

Student Parking Permits

A parking permit shall be required for parking any motor vehicle, including motorcycles and motor scooters, on the campuses during all periods when classes are in session or, unless otherwise posted. Parking permits shall be issued to students upon payment of a prescribed fee approved by the Board of Trustees.

Student parking permits must be attached to the vehicle's rear view mirror, displayed on the dashboard of the vehicle, or on the frame of a motorcycle/motor scooter with the entire face of the permit in plain view. No portion of the permit may be covered or obscured in any manner. Permits improperly displayed are not considered to be valid.

The proper display of a parking permit on a motor vehicle entitles the student to park in any student parking lot at either college where parking spaces are available. Parking in a staff parking lot or in restricted areas designated by signs or colored curbing is not authorized and will result in a parking citation being issued.

A student parking permit is invalid if it is not for the current semester, summer session, or day if a daily parking permit, or any portion of the parking permit is not legible, or the parking permit has been reported to the college Department of Safety and Security as being lost or stolen by the student who originally purchased the parking permit. The use of an invalid student parking permit will result in a parking citation being issued and confiscation of the permit.

The colleges are not responsible for the replacement of lost or stolen student parking permits. The full student parking permit fee will be charged for permit replacement.

Refunds of parking permit fees will be made during the first two weeks of any semester or summer session. Refunds will be made only upon submission of a Parking Permit Refund Application Form, available from the college Departments of Safety and Security, along with the receipt for the purchase of the permit, and the parking permit.

Faculty/Staff Parking Permits

Chabot College, Las Positas College, and District Services full time and regular part-time faculty, staff, and managers will be issued parking permits at the beginning of each academic year. Part-time faculty and staff will be issued parking permits at the beginning of each semester or summer session. The proper display of the parking permit entitles the employee only to park a motor vehicle in any faculty/staff or student parking lot where parking spaces are available. Parking in restricted areas designated by signs or colored curbing is not authorized and will result in a parking citation being issued. Faculty and staff parking permits may not be used by a college faculty or staff member's family, relatives or acquaintances. The use of a faculty or staff permit by these individuals will result in a parking citation being issued.

Restricted Parking Areas

Certain parking spaces/areas are restricted in use and may not be used for general parking purposes. Restricted areas will be identified by signs or by colored curbing and/or pavement striping or markings. The following parking areas are restricted as noted below:

- a. Red Zone – No parking or stopping is permitted at any time, whether the vehicle is attended or not.
- b. Blue Zone – Identifies parking spaces to facilitate access by persons with disabilities. These spaces are hereafter referred to as “Accessible Parking Spaces”. A valid state placard authorizing parking in Accessible Parking Spaces, a vehicle license plate identifying the driver as having a disability, or a temporary disabled permit issued by the college must be displayed.

Note: Disabled persons with vehicles displaying a valid placard may also park in any available space in student or staff parking lot.

- c. White Zone – Parking restricted to the loading or unloading of passengers. The vehicle shall not be left unattended.
- d. Yellow Zone – Indicates an area for the loading and unloading of vehicles, and the parking of service vehicles.
- e. Green Zone – Indicates an area for temporary parking.
- f. ~~Electric Vehicle Charging Zone – Restricted to the use of electric vehicle parking/charging at each college. Contact the College Departments of Safety and Security for information and locations of these charging stations. Electricity is provided at no cost however valid parking permits are required.~~

Electric Vehicle Charging Zone

The Electric Vehicle Charging Zone identifies restricted use of electric vehicle parking/charging at each college. Parking in the Electric Vehicle Charging Zone is restricted to electric vehicles actively charging, and the college will set time limits for charging. Valid parking permits are required for vehicles in the Electric Vehicle Charging Zone.

The colleges may establish fees for electric vehicle charging services to recover the costs of vendor services, capital renewal costs, periodic maintenance, electricity, and other costs associated with the total cost of ownership in accordance with Administrative Procedure 3253.

Individuals may contact the College Departments of Safety and Security for information and locations of these charging stations.

General Parking/Traffic/Safety Regulations: Enforcement

The Chabot and Las Positas College Departments of Safety and Security are authorized to enforce all College Parking/Traffic/Safety Regulations. Department staff is authorized to issue citations to individuals or vehicles on the college campuses not complying with these regulations or the California Vehicle Code.

All Parking regulations are in effect seven days per week unless otherwise posted.

Parking citations require the payment of bail amounts approved by the Board of Trustees.

Individuals receiving parking citations may avail themselves of an Appeals Process as defined by Section 40215, California Vehicle Code. Information concerning the appeals process is described in detail on the citation and is also available from the College Departments of Safety and Security.

No vehicle may be driven in a willful, wanton or reckless manner that jeopardizes the safety of other persons or property.

No person shall disobey any sign, colored curb or pavement marking intended to direct or

restrict the operation and parking of motor vehicles on the college campuses.

No person shall ride a skateboard, in-line skates or roller skates on college sidewalks, roadways or parking lots unless the activity is a part of a scheduled class or other approved college activity.

No person shall ride or walk a horse on the college campuses

No person shall drive or park a motor vehicle, motor scooter, or bicycle on any paved sidewalks, lawn or planted area, unplanted dirt area, or unpaved pathway area. This regulation does not apply to emergency or District service vehicles.

No person shall park any motor vehicle on campus containing food or merchandise intended for sale, without the written authorization of the college president or designee.

No person shall sleep in or remain overnight in any vehicle parked on a college campus.

Drivers of motor vehicles shall yield the right of way to a pedestrian crossing any roadway or parking area.

No driver approaching from the rear a vehicle that is yielding the right of way to a pedestrian shall overtake or pass that vehicle.

All motor vehicles shall only park within a designate parking space. Vehicles shall park head-in between the two white lines defining the parking space and shall not encroach into another adjacent parking space.

No vehicle shall be parked on a college campus after 11:00 p.m. or before 5:00 a.m. except by special permit and only in areas designated by the College Departments of Safety and Security.

Motorcycles, motor scooters and bicycles must be parked in designated motorcycle/motor scooter or bicycle parking areas.

No person shall park in an area posted or marked "Parking By Permit Only" unless a valid parking permit for that area is displayed on the vehicle.

No person shall display, possess, or furnish to another person(s) a forged or altered student, staff, or temporary parking permit.

No person shall abandon any vehicle on a college campus for 72 or more consecutive hours. All such vehicles will be towed from the college campus and will be stored at owner's expense in accordance with Section 22651 of the California Vehicle Code.

No person shall operate a motor vehicle on college campus roadways or parking lots at a speed greater than 10 miles per hour. No person shall operate a motor vehicle at a speed greater than is reasonable or prudent.

No person shall drive a motor vehicle into campus parking areas except by using

roadways and drive lanes. All vehicles must travel only in the direction indicated by traffic signs or markings.

Temporary/Overnight Parking Permits

Temporary Parking Permits may be issued by the College Departments of Safety and Security or by other authorized college departments. Temporary Parking Permits are valid only for the period indicated on the permit, and only in the parking area specified.

Authorized college and district departments may obtain blank Temporary Parking Permits from the college Departments of Safety and Security. Duplicated Temporary Parking Permits are not valid and will result in a parking citation being issued to the vehicle.

A Temporary Parking Permit must be obtained from the college Departments of safety and security to park any oversized vehicle on the campuses. An oversized vehicle is defined as a vehicle that, because of its size or shape, cannot park within a single parking space.

Temporarily disabled persons may apply for a Temporary Disabled Parking Permit. Applications are available at the Disabled Student Resource Center and require a supporting physician's statement. A Temporary Disabled Parking Permit will allow parking in restricted disabled areas or in any other legal parking space on campus.

Overnight parking at either college is restricted to persons required to leave their vehicles on campus while on college business. Examples of such circumstances include but are not limited to:

1. Coaches and students required to travel out of town as part of the college sports program when carpooling or using a college vehicle(s).
2. Faculty and students attending academic events requiring out of town travel when using a college vehicle(s) or carpooling.
3. Other events as necessary with prior approval by the Director of College Safety and Security or Vice President of Business Services.

Persons wishing to park on campus overnight shall contact the College Department of Safety and Security and obtain a temporary parking permit. The vehicle owner will be required to sign a waiver of liability releasing the college from any liability from theft or damage to the vehicle while parked on campus. Only those parking areas designated by the College Departments of Safety and Security shall be used for overnight parking.

See Administrative Procedure 3253 Total Cost of Ownership

Date Approved: March 18, 2014, Revised September 19, 2018

