

Second Reading

General Institution

BP 3430 PROHIBITION OF HARASSMENT

References:

Education Code Sections 212.5, 44100, 66252, and 66281.5;
Government Code Sections 12923, 12940 and 12950.1;
Civil Code Section 51.9;
Title 2 Sections 10500 et seq.;
Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e;
~~Title 5 Sections 59300 et seq.~~
Age Discrimination in Employment Act of 1967 (ADEA);
Americans with Disabilities Act of 1990 (ADA)

All forms of harassment are contrary to basic standards of conduct between individuals, ~~and are prohibited by state~~ State and federal law, ~~and as well as~~ this policy prohibit harassment, and ~~the District will not tolerate harassment will not be tolerated~~. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of ~~sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence. It shall also be free of other~~ unlawful harassment, including that which is based on any of the following statuses: race, ethnicity, religious creed, color, national origin, ancestry, immigration status, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation ~~of any person~~, or because he ~~/or~~ she /they is perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees and students feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. The District will investigate All-all allegations of retaliation ~~will be~~ swiftly and thoroughly ~~investigated~~. If the District determines that someone has retaliation-retaliated has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student, ~~or~~ employee, unpaid intern, or volunteer who believes that he/she/they has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435 ~~titled Discrimination and~~

Harassment Investigations. ~~The District requires S~~supervisors ~~are mandated~~ to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

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

The Chancellor shall establish procedures that define harassment on campus. The Chancellor shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures ~~for students~~ to resolve complaints of harassment and discrimination. State and federal law and this policy prohibit ~~All participants are protected from~~ retaliatory acts by the District, its employees, students, and agents.

The District will publish and publicize ~~T~~this policy and related written procedures (including the procedure for making complaints) ~~shall be widely published and publicized~~ to administrators, faculty, staff, ~~and~~ students, unpaid interns, and volunteers particularly when they are new to the institution. ~~They~~The District will make this policy and related written procedures (including the procedure for making complaints) shall be available for students and employees in all administrative offices and will post them on the District's website.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion. Unpaid interns who violate this policy and related procedures may be subject to disciplinary measures up to and including termination from the internship or other unpaid work experience program.

Date Adopted: June 16, 2015;
Edited November 20, 2017

General Institution

AP 3430 PROHIBITION OF HARASSMENT

References:

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

NOTE: This procedure is legally required.

The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines sexual harassment and other forms of harassment on campus. The procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member or student within the District is set forth in AP 3435.

This procedure and the related policy protects students and employees in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, a District bus, or at a class or training program sponsored by the District at another location.

Definitions

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

For sexual harassment under Title IX, complainants must proceed under BP 3433 (Prohibition of Sexual Harassment under Title IX, AP 3433 Prohibition of Harassment Based on Sex under Title IX. For other forms of sexual harassment or gender-based harassment, complainants should use this procedure.

Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment if it meets the definition above. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct that could, depending on the circumstances, meet the definition above, or could contribute to a set of circumstances that meets the definition:

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

Physical – Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation or other protected status. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.

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

Environmental – A hostile academic or work environment exists 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.

Sexual Harassment: In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:

- submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
- submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment; or
- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.

This definition encompasses two kinds of sexual harassment:

"Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.

"Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e. a sexual assault.

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.

Examples: Harassment includes, but is not limited to the following misconduct:

- **Verbal:** Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's protected status, including but not limited to sex. 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 of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.
- **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.
- **Visual or Written:** The display or circulation of offensive sexually oriented or other discriminatory visual or written material. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.
- **Environmental:** An academic or work environment that is permeated with racially or sexually-oriented talk, innuendo, insults or abuse 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. An environment may be hostile if unwelcome sexual behavior or other harassing behavior based on a protected status is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his/her immediate surroundings. 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.

Consensual Relationships

Romantic or sexual relationships between supervisors and employees, or between administrators, faculty members, or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty member, or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships

do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

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.

To the extent the harassment policies and procedures are in conflict with the District's policy on academic freedom, the harassment policies and procedures shall prevail. If the faculty member wishes to use sexually explicit materials in the classroom as a teaching technique, the faculty member must review that use with an administrator to determine whether or not this violates the sexual harassment policy.

Any student or employee who believes that he/she has been harassed or retaliated against in violation of this procedure should immediately report such incidents by following the procedures described in AP 3435 titled Discrimination and Harassment Complaint Procedures. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

In cases involving complaints against represented employees, please refer to the collective bargaining agreement for additional procedures and protections.

Date Approved: May 19, 2015; Edited November 2016. Edited 2020.

General Institution

BP 3433 PROHIBITION OF SEXUAL HARASSMENT UNDER TITLE IX

References:

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

NOTE: *This policy is legally required.*

All forms of sexual harassment are contrary to basic standards of conduct between individuals. State and federal law and this policy prohibit sexual harassment and the District will not tolerate sexual harassment. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence.

The District seeks to foster an environment in which all employees, students, applicants for employment, and applicants for admission feel free to report incidents of sexual harassment in violation of this policy and Title IX, without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of sexual harassment in violation of this policy and Title IX or for participating, or refusing to participate, in a sexual harassment investigation. The District will investigate all allegations of Title IX retaliation swiftly and thoroughly. If the District determines that someone has retaliated, it will take reasonable steps within its power to stop such conduct. Individuals who engage in Title IX retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any employee, student, applicant for employment, or applicant for admission who believes he/she/they has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3434. The District requires supervisors to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities, and compensation.

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

The Chancellor shall establish procedures that define sexual harassment on campus. The Chancellor shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding sexual harassment in violation of this policy, and procedures to resolve complaints of sexual harassment in violation of this policy. State and federal law and this policy prohibit retaliatory acts against all participants by the District, its employees, students, and agents.

The District will publish and publicize this policy and related written procedures (including the procedure for making complaints) to administrators, faculty, staff, students, applicants for employment, and applicants for admission, particularly when they are new to the institution. The District will make this policy and related written procedures (including the procedures for making complaints) available in all administrative offices and will post them on the District's website.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion. Volunteers or unpaid interns who violate this policy and related procedures may be subject to disciplinary measure up to and including termination from the volunteer assignment, internship, or other unpaid work experience program.

Date Adopted: _____, 2020

General Institution

AP 3433 PROHIBITION OF SEXUAL HARASSMENT UNDER TITLE IX

References:

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

NOTE: This procedure is legally required.

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

This procedure and the related policy protects students, employees, in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, a District bus, or at a class or training program sponsored by the District at another location.

Definitions

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

- A District employee conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (*quid pro quo* harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
- Sexual assault, including the following:
 - **Sex Offenses.** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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

- **Domestic Violence.** Violence committed:
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or
 - By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.

- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.

Date Approved: _____ 2020.

General Institution

**AP 3434 RESPONDING TO HARASSMENT BASED ON SEX UNDER
TITLE IX**

References:

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

NOTE: This procedure is legally required.

Introduction

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

Title IX Coordinator

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

The Title IX Coordinators' contact information is:

Chabot College	Las Positas College	District Office
Debbie Trigg Dean of Counseling 25555 Hesperian Blvd., Room 755 Hayward, CA 94545 dtrigg@chabotcollege.edu	Anette Raichbart Vice President, Administrative Services 300 Campus Hill Drive, Bldg. 1600 Livermore, CA 94551-7623 araichbart@laspositascollege.edu	David Betts Director, Employee & Labor Relations 7600 Dublin Blvd, 3 rd Floor Dublin, CA 94568 dbetts@clpccd.org

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

with state and federal legal requirements, or share information to implement supportive measures.

A report of sexual harassment to the Title IX Coordinator does not necessarily lead to a full investigation, as discussed more fully below. However, the Title IX Coordinator will make an assessment to determine if there is a safety risk to the campus. If the Title IX Coordinator finds there is a continued risk, the Title IX Coordinator will file the formal complaint without the Complainant's consent or cooperation.

Title IX Harassment Complaints, Investigations, and Hearings

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

Jurisdictional Requirements – Application of Procedures

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

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

Definitions

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

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

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

activity and one can revoke his/her/their consent at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, is not an indicator of consent.

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

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

Decision-Maker: The person(s) who will oversee the live hearing and make a determination of responsibility. The District may have one Decision-Maker determine whether the Respondent is responsible, and another Decision-Maker determine the appropriate level of penalty for the conduct. The Decision-Maker cannot be the Title IX Coordinator or the investigator.

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

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

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

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

- A District employee conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (*quid pro quo* harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
- Sexual assault, including the following:
 - **Sex Offenses.** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - **Rape** (except Statutory Rape). The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
 - **Sodomy.** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
 - **Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.
 - **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.

- **Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse.**
 - **Incest.** Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape – Non-Forcible.** Sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.
- **Dating violence.** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence.** Violence committed:
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or
 - By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.
- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.

Reporting Options

Any individual may report sexual harassment to the College/District Title IX Coordinator.

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

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

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

The District will document reports of sexual harassment in compliance with the Clery Act, a federal law requiring data collection of crime within the campus geography. Under the Clery Act, the District does not document personal information; the District reports the type of conduct, and the time, date, and location. (Also see BP/AP 3540 Sexual and Other Assaults on Campus.)

District Employees and Officials with Authority

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

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

- Executives
- Administrators
- Supervisors

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

Intake and Processing of Report

Receipt of Report

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

Timeframe for Reporting

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

Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered free of charge to the Complainant or the Respondent regardless of whether a formal complaint has been filed. The District will provide the Complainant and Respondent with supportive measures as appropriate and as reasonably available to restore or preserve equal access to the District's education program or activities. These measures are designed to protect the safety of all Parties, protect the District's educational environment, or deter sexual harassment. The District will provide supportive measures on a confidential basis and will only make disclosures to those with a need to know to enable the District to provide the service. Supportive measures may include counseling, extensions of deadlines, other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Removal of Respondent Pending Final Determination

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

Emergency removal

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

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

The College/District Title IX Officer, or designee, will conduct the individualized safety and risk analysis.

If the District/Campus Title IX Officer or designee determines emergency removal is appropriate, he/she/they or designee will provide the person the District is removing from campus on an emergency basis with a notice and opportunity to attend a meeting and challenge the basis of his/her/their removal. The College

President or Vice Chancellor of HR, or designee, will determine whether the emergency removal from campus order is warranted after considering information provided by the Respondent challenging the emergency removal.

Administrative leave

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

Formal Complaint Grievance Process

Notice to Parties

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

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

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

Dismissal of formal complaint

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

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

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

- If at any time during the investigation or hearing: a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations;
- If the Respondent is no longer enrolled or employed by the District; or
- If there are specific circumstances that prevent the District from gathering evidence sufficient to reach a determination regarding responsibility as to the formal complaint or allegations.

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

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

Consolidation of Formal Complaints

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

Equitable Treatment of the Parties

The District's determination of responsibility is a neutral, fact-finding process. The District will treat Complainants and Respondents equitably. The procedures will apply equally to both Parties. The District will not discipline a Respondent unless it

determines the Respondent was responsible for sexual harassment at the conclusion of the grievance process.

Statement of Presumption of Non-Responsibility

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

Bias or Conflict of Interest

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

- The definition of sexual harassment in this procedure;
- The scope of the District's education program or activity;
- How to conduct an investigation;
- The grievance process including conducting hearings, appeals, and informal resolution processes; and
- How to serve impartially, including avoiding: prejudgment of the facts at issue; conflicts of interest; and bias.

Timeline for Completion

The District will undertake its grievance process promptly and as swiftly as possible. The District will complete the investigation and its determination regarding responsibility or the informal resolution process within 180 calendar days.

When appropriate, the Title IX Coordinator may determine that good cause exists to extend the 180-calendar day period to conduct a fair and complete investigation, to accommodate an investigation by law enforcement, to accommodate the unavailability of witnesses or delays by the Parties, to account for District breaks or vacations, or due to the complexity of the investigation. The District will provide notice of this extension to the Complainant and Respondent in writing and include the reason for the delay and anticipated timing of completion.

A Party may request an extension from the Title IX Coordinator in writing by explaining the reason for the delay and the length of the continuance requested. The Title IX

Coordinator will notify the Parties and document the grant or denial of a request for extension or delay as part of the case recordkeeping.

Role of Advisor

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

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

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

Confidentiality Agreements

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

Use of Privileged Information

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

Investigations

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

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

Trained investigators

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

create an investigative report that fairly summarizes relevant evidence and complies with this procedure.

Gathering Evidence and Burden of Proof

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

Notice of Investigative Interview

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

Evidence Review

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

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

Investigative Report

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

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

The investigator will not make a determination regarding responsibility.

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

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

Hearing

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

Notice

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

Hearing Format

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

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

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

Decision-Maker

The Decision-Maker will be free from conflict of interest or bias, including bias for or against Complainants or Respondents.

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

Presenting Witnesses

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

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

Cross-Examination

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

Advisors may only ask relevant cross-examination and other questions of a Party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Decision-Maker need not provide a lengthy or complicated explanation in support of a relevance determination. If a Party or witness disagrees with a relevance determination, that individual has the choice of either (1) abiding by the Decision-Maker's determination and answering the question or (2) refusing to answer the question.

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

Determinations of Responsibility

When the Decision-Maker makes a determination of responsibility or non-responsibility, the Decision-Maker will issue a written determination regarding responsibility, no later than 20 business days after the date that the hearing ends.

When making a determination regarding responsibility, a Decision-Maker will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence. A Decision-Maker may not make credibility determinations based on an individual's status as a Complainant, Respondent, or witness. In evaluating the evidence, the Decision-Maker will use the preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that sexual harassment occurred.

The written determination will include:

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

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

Disciplinary Sanctions and Remedies

The District must have completed the grievance procedures (investigation, hearing, and any appeal, if applicable) before the imposing disciplinary sanctions or any other actions that are not supportive measures against a Respondent. If the Decision-Maker determines the Respondent was responsible for conduct that constitutes sexual harassment, the District will take disciplinary action against the Respondent and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense.

Remedies for the Complainant might include, but are not limited to:

- Providing an escort to ensure that the Complainant can move safely between classes and activities;
- Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area;
- Providing counseling services or a referral to counseling services;
- Providing medical services or a referral to medical services;
- Providing academic support services, such as tutoring;
- Arranging for a Complainant, if a student, to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; and
- Reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant's discipline.

Possible disciplinary sanctions for student Respondents include written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Possible disciplinary sanctions for employee Respondents include written or verbal reprimand, required training or counseling, reduction in, demotion, suspension, or discharge.

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

A Complainant or Respondent may appeal the District's determination regarding responsibility or the dismissal of a formal complaint or any allegations. A Complainant

or Respondent must submit a written appeal within seven business days from the date of the notice of determination regarding responsibility or from the date of the District's notice of dismissal of a formal complaint or any allegations.

Grounds for Appeal

The Chancellor/College President or designee will serve as the Decision-Maker on Appeal. In filing an appeal of the District's determination regarding responsibility or the District's dismissal of a formal complaint, the Party must state the grounds for appeal and a statement of facts supporting those grounds. The grounds for appeal are as follows:

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

Appeal Procedure

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

- Notify the other Party in writing within 5 business days of receiving a Party's appeal;
- Allow the non-appealing Parties at least ten business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome;

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

The Decision-Maker on appeal may extend or otherwise modify the deadlines provided above. Either Party may seek an extension by submitting a written request to the appeal Decision-Maker explaining the need for the extension and the proposed length of the extension. The Decision-Maker will respond to the request within 48 hours in writing and will inform the Parties simultaneously whether the extension is granted.

Informal resolution

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

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

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

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

Retaliation prohibited

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

Dissemination of Policy and Procedures

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

When hired, employees are required to sign acknowledging that they have received the policy and procedures. The District will place the signed acknowledgment of receipt in each employee's personnel file.

Training

The District will provide training to Title IX Coordinators, investigators, Decision-Makers, and any individual who facilitates an informal resolution process, on the definition of sexual harassment, the scope of the District's education program or activities, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Any materials used to train the District's Title IX Coordinator, investigators, Decision-Makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

File retention

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

- The original report or complaint;
- Any actions taken in response to the complaint, including supportive measures;
- The investigative report including all evidence gathered and any responses from the Parties;
- The District's determination regarding responsibility;
- Audio or audiovisual recording or transcript from a hearing;
- Records of any disciplinary sanctions imposed on the Respondent;
- Records of any remedies provided to the Complainant;
- Any appeal and the result;
- Any informal resolution and the result; and
- All materials used to train Title IX Coordinators, investigators, Decision-Makers, and any person who facilitates an informal resolution process. The District will make these training materials publicly available on its website.

The District will make these documents available to the U.S. Department of Education Office for Civil Rights upon request.

Date Approved: _____ 2020.

General Institution

BP 3540 SEXUAL AND OTHER ASSAULTS ON CAMPUS

References:

Education Code Sections 67382, 67385, and 67386;
20 U.S. Code Section 1092(f);
34 Code of Federal Regulations Section 668.46(b)(11)

Any sexual assault or physical abuse, including, but not limited to rape as defined by California law, whether committed by an employee, student or member of the public, that occurs on District property, is a violation of District policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures consistent with state and federal law. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

The Chancellor shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational information about preventing sexual violence is provided and publicized as required by law.

The procedures shall meet the criteria contained in Education Code Sections 67385 and 67385.7, and 67386, and 34 Code of Federal Regulations Section 668.46.

Date Adopted: September 15, 2015

General Institution

AP 3540 SEXUAL AND OTHER ASSAULTS ON CAMPUS

References:

- Education Code Sections 67385 and 67386;
- 20 U.S. Code Section 1092(f);
- 34 Code of Federal Regulations Section 668.46(b)(11)

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assaults, or stalking, as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities or at another location, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (Also see ~~ARP 5512~~AP 5500 titled Standards of Student Conduct ~~and Due Process~~.)

~~“Sexual assault,” includes but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.~~

~~“Dating violence,” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.~~

~~“Domestic violence,” and includes felony or misdemeanor crimes of violence committed by:~~

- ~~a current or former spouse of the victim;~~
- ~~a person with whom the victim shares a child in common;~~
- ~~a person who is cohabitating with or has cohabitated with the victim as a spouse;~~
- ~~a person similarly situated to a spouse of the victim under California law; or~~
- ~~any other person against an adult or youth victim who is protected from that person's acts under California law.~~

~~“Stalking” are defined in Administrative Procedure 3434 – Responding to Harassment Based on Sex under Title IX. means engaging in a course of conduct directed at a specific~~

~~person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.~~

It is the responsibility of each person involved in sexual activity to ensure that he/~~or~~ she/they has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

“Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity.

These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, also see AP 3500 titled Campus Safety, AP 3510 titled Workplace Violence Plan, and AP 3515 titled Reporting of Crimes.)

All students, faculty members or staff members who allege they are the victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the College Title IX Officer, who shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the *College Title IX Officer* is authorized to release such information.

The College Title IX Officer shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with the following:

- A copy of the District's policy and procedure regarding domestic violence, dating violence, sexual assault, or stalking;
- A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents;
- Information about the importance of preserving evidence and the identification and location of witnesses;
- A description of available services, and the persons on campus available to provide those services if requested. Services and those responsible for provided or arranging them include:
 - transportation to a hospital, if necessary;
 - counseling, or referral to a counseling center;
 - notice to the police, if desired;
 - a list of other available campus resources or appropriate off-campus resources.
- The victim's option to:

- notify proper law enforcement authorities, including on-campus and local police;
- be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
- decline to notify such authorities;
- The rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court;
- Information about how the district will protect the confidentiality of victims; and
- Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- A description of each of the following procedures:
 - criminal prosecution;
 - civil prosecution (i.e., lawsuit);
 - District disciplinary procedures, both student and employee;
 - modification of class schedules;
 - tutoring, if necessary.

The College Title IX Officer should be available to provide assistance to District law enforcement unit employees regarding how to respond appropriately to reports of sexual violence.

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP ~~3435-3434~~ AP 3435-3434 titled Discrimination and Harassment Investigations Responding to Harassment Based on Sex under Title IX, regardless of whether a complaint is filed with local law enforcement.

All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the College Title IX Officer of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality consistent with state and federal law.

A Ceomplainant or witness who participates in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District's student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic honesty.

In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the Cecomplainant consented to the sexual activity under either of the following circumstances:

- The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused.
- The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

- The Cecomplainant was asleep or unconscious.
- The Cecomplainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
- The Cecomplainant was unable to communicate due to a mental or physical condition.

The District shall maintain the identity of any alleged victim or witness of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence consistent with state and federal law unless the alleged victim or witness specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on District property shall be referred to the College Title IX Officer to assure that all confidentiality rights are maintained consistent with state and federal law.

Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent sexual assault, domestic violence, dating violence, and stalking and procedures that should be followed after an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any district proceeding arising from such a report. The statement must include the following:

- A description of educational programs to promote the awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;
- Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;

- Information on a student’s right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests, and the right to decline to notify these authorities;
- Information about how the District will protect the confidentiality of victims:
- Information for students about existing on- and off-campus counseling, mental health, victim advocacy, legal assistance or other services for victims;
- Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement;
- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sexual assault, or stalking including a clear statement that:
 - Such proceedings shall provide a prompt, fair, and impartial resolution;
 - Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
 - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
 - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged domestic violence, dating violence, sexual assault or stalking, the procedures for the accused and victim to appeal the results of the disciplinary proceeding, of any ~~changes~~ changes to the results that occurs prior to the time that such results become final, and when such results become final. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused.
- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.

Education and Prevention Information

The College Title IX Officer shall:

- Provide, as part of each campus’ established on-campus orientation program, education and prevention information about domestic violence, dating violence, sexual assault, or stalking. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations, and

shall include the District's sexual assault policy and prevention strategies including empowerment programming for victim prevention, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction.

- Post sexual violence prevention and education information on the campus internet website regarding domestic violence, dating violence, sexual assault, and stalking.

Date Adopted: August 18, 2015

(This is a new procedure recommended by the Policy and Procedure Service.)

Academic Affairs

BP 4300 FIELD TRIPS AND EXCURSIONS

Reference:

Title 5 Section 55220
Government Code Section 11139.8

Field trips specifically related to the learning objectives of a course of study are encouraged by the District and the Colleges. A field trip is defined as any movement of a class outside of its regularly assigned classroom(s) for the purpose of receiving educational experiences not possible in the classroom(s).

Travel study, field trips and excursions outside of the United States require Board approval. Travel to states restricted under Government Code 11139.8 may not be approved in the absence of exceptional circumstances. Any exceptions must be approved by the Chancellor.

Field trips are defined under four classes:

Class I – Class I field trips are on-campus activities extending outside the assigned classroom(s) but limited to the boundaries of the college campus. (Authorization – First line administrator or other designated administrator).

Class II and III – Class II field trips are in-district activities conducted off campus but limited by the boundaries of the Chabot-Las Positas Community College District. (Authorization – President of the College or designee).

Class III field trips are activities conducted outside the boundaries of the Chabot-Las Positas Community College District, but within the State of California. (Authorization – President of the college or designee).

Class IV – Class IV field trips are out-of-state activities conducted outside the State of California. (Authorization – President of the college or designee). Additional authorization will be needed for travel to restricted states (Chancellor) and travel outside of the United States (Board).

~~The procedures necessary to carry out this policy are included in the Administrative Procedures.~~

The Chancellor shall establish procedures that regulate the use of District funds for student travel and attendance at conferences and other activities that are performed as a class assignment or co-curricular activity.

The District may pay for expenses of students participating in a field trip or excursion with auxiliary, grant or categorical program funds if the funds are used consistently with the funding source. The expenses of instructors, chaperones, and other personnel traveling with students may also be paid from District funds.

Students and staff shall at all times adhere to the standards of conduct applicable to conduct on campus.

The District shall not provide transportation for students to and from homes at public expense except as provided for residents of non-District territories as defined in the Education Code.

Adopted: February 18, 2014

Edited November 20, 2017

Academic Affairs

AP 4300 FIELD TRIPS AND EXCURSIONS

Reference:

Title 5 Section 55220

[Government Code Section 11139.8](#)

The District may conduct field trips and excursions in connection with courses of instruction or college-related social, educational, cultural, athletic, or musical activities to and from places in California, or any other state, the District of Columbia, or a foreign country for students. Field trips and excursions outside of the United States require Board approval.

The District shall engage instructors, supervisors, and other personnel as may be necessary for such excursions or field trips who desire to contribute their services over and above the normal period for which they are employed by the District.

The District shall, at the discretion of the Chancellor, transport students, instructors, supervisors, or other personnel by use of District equipment, contract to provide transportation, or arrange transportation by the use of other equipment.

When District equipment is used, the District shall obtain liability insurance, and if travel is to and from a foreign country, the liability insurance shall be secured from a carrier licensed to transact insurance business in the foreign country.

The District may pay expenses of instructors, chaperones and other personnel participating in a field trip or excursion. Payment shall be by way of itemized reimbursement in a form prescribed by the Vice Chancellor of Business Services. The District may pay for expenses of students participating in a field trip or excursion with auxiliary, grant or categorical program funds if the funds are used consistently with the funding source.

No student shall be prevented from making a field trip or excursion which is integral to the completion of the course because of lack of sufficient funds. The District shall coordinate efforts of community services groups to provide funds for students in need-of them.

All persons making a field trip or excursion shall be deemed to have waived all claims against the District for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All adults taking such trips and all parents or guardians of minor students shall sign a statement waiving such claims.

Class I Field Trips – Class I field trips are on-campus activities extending outside the assigned classroom(s) but limited to the boundaries of the college campus.

Authorization. First line administrator or other designated administrator.

Instructor Responsibility - A Class I field trip must be a planned educational experience which is not available in the classroom. The instructor planning a Class I field trip is responsible for:

1. Pre-planning, previewing, leading, and evaluating the field trip as an educational experience.
2. Obtaining verbal authorization from the Division Dean.
3. Advising the division office on the day of the trip of the time to be gone from the classroom and the destination.
4. Obtaining necessary clearance from the College business office for the use of campus facilities other than the assigned classroom(s). After the semester schedule is completed all unassigned space is placed under the jurisdiction of the community services office.

Class II Field Trips – Class II field trips are in-district activities conducted off campus but limited by the boundaries of the Chabot-Las Positas Community College District.

Authorization. President of the College or designee.

Instructor Responsibility - A Class II field trip must be a planned educational experience which is not available in the classroom. The instructor planning a Class II field trip is responsible for:

1. Pre-planning, previewing, leading, and evaluating the field trip as an educational experience.
2. Preparing and submitting the college Field Trip Request Form at least two weeks prior to the date of the trip. Requests will be submitted to the Division Dean or other designated manager. Approved requests will be forwarded by the Division Dean to the office of Academic Services. Approved requests will be submitted by the Vice President of Academic Services or designee to the President of the college or designee.
3. Ensuring ~~that~~ all arrangements are made.
4. Supervising the conduct of the trip.

Division Dean Responsibility - The Division Dean or other designated manager is responsible for:

1. Validating the purpose of the proposed field trip.
2. Ensuring ~~that~~ funds are available either in the division budget or through other sources to defray the costs of the trip.
3. Forwarding approved requests to the office of Academic Services.

Class III Field Trips – ~~Field~~Class III field trips are activities conducted outside the boundaries of the Chabot-Las Positas Community College District, but within the State of California.

Authorization. President of the College or designee.

Instructor Responsibility - A Class III field trip must be a planned educational experience which is not available in the classroom. The instructor planning a Class III field trip is responsible for:

1. Pre-planning, previewing, leading, and evaluating the field trip as an educational experience.
2. Preparing and submitting the college Field Trip Request Form at least one month prior to the date of the trip. Requests will be submitted to the Division Dean or other designated manager. Approved requests will be forwarded by the Division Dean to the office of Academic Services. Approved requests will be submitted by the appropriate Dean or designee to the President of the college or designee.
3. ~~Ensuring that~~ all necessary arrangements are made.
4. Supervising the conduct of the trip.

Division Dean Responsibility - The Division Dean or other designated manager is responsible for:

1. Validating the purpose of the proposed field trip.
2. ~~Insuring~~Ensuring that funds are available either in the division budget or through other sources to defray the costs of the trip.
3. Forwarding approved requests to the office of Academic Services.

Class IV Field Trips – ~~Field~~Class IV field trips are out-of-state activities conducted outside the State of California.

Authorization. President of the college or designee.

In accordance with the Education Code, adult students or parent/guardians of minor students must sign the waiver of claims against the District and the State of California for injury, accident, illness, or death occurring during or by reason of the field trip.

Instructor Responsibility - A Class IV field trip must be a planned educational experience which is not available in the classroom. The instructor planning a Class IV field trip is responsible for:

1. Pre-planning, previewing, leading, and evaluating the field trip as an educational experience.
2. Preparing and submitting the college Field Trip Request Form at least one month prior to the date of the trip. Requests will be submitted to the Division Dean or other designated manager. Approved requests will be forwarded by the Division Dean to the office of Academic Services. Approved requests will be submitted by the appropriate dean or designees to the President of the college or designee.
3. ~~Insuring~~Ensuring that all necessary arrangements are made.

4. ~~Insuring~~ Ensuring that all students and the parents or guardian of minor students have signed and returned the waiver of claims form. Forms for all students must be filed by the instructor in the Vice President of Academic Services office at least three school days before the field trip begins. Failure to file the form with the Vice President shall prevent student(s) from participating in the field trip.
5. Supervising the conduct of the trip.

Division Dean Responsibility - The Division Dean or other designated manager is responsible for:

1. Validating the purpose of the proposed field trip.
2. Ensuring funds are available either in the division budget or through other sources to defray the costs of the trip.
3. Forwarding approved requests to the office of Academic Services.

Field Experience Activities

The description of all approved field experience activities will be included in the class schedule.

The authorization for extended campus activities allows students to report directly to assigned stations off campus at scheduled dates and times. The authorization allows instructors to assign and schedule individual students to alternate stations according to the division master plan. Such assignment may or may not be under the direct supervision of the instructor.

Any movement or assignment of students not shown on the master plan and quarterly schedule will be processed as a Class II or III field trip.

Authorization for field experience activities is granted by the Board on an annual basis.

Division Responsibility - The Dean of each division or other designated manager who is involved with extended campus activities will:

1. Prepare an annual master plan for extended campus activities.
2. Submit a request for authorization to implement the plan. The master plan and request will be submitted to the Vice President of Academic Services or designee on or before February 1 of the preceding year.
3. Submit to the Vice President of Academic Services or designee each semester a schedule showing the extended campus assignments of students.
4. Ensure that all arrangements are made.
5. Coordinate the program during each semester.

Procedures Relating to Both Field Trips and Field Experience

The following limitations are established for field trips:

1. Field trips may not be scheduled on State, legal, or school holidays. Field trips during recess periods require prior discussion and approval of the Vice President of Academic Services or designee.

2. Field trips may not be scheduled during the last two weeks of any semester.
3. Students cannot be required to attend field trips when ~~admission~~ fees are charged.
4. Activities requiring ~~admission~~ fees and other such costs to students should not be scheduled during regular class hours.
5. Field trips that require students to miss other classes should be carefully coordinated in advance with the instructors involved.
6. It is the responsibility of the individual student to notify in advance the instructors of classes which ~~he or she~~ will be missed while on the field trip.
7. Students must make up work missed because of field trips.
8. There will be no penalty for students who miss a class because of a field trip required by another if the trip is verified in advance and if the student makes up the required work within the agreed time.
9. Class sessions held off campus in instructors' homes, students' homes, or elsewhere are authorized only when approved as Class II or III field trips.
10. Instructors cannot be reimbursed for time devoted to field trips held outside of the regularly assigned class hours. Under special circumstances and with appropriate approval for the classification, a field trip may be conducted in lieu of a regularly scheduled class period. In these situations, the instructor can be reimbursed for time equal to the class involved.

Instructor Responsibility

1. Each instructor sponsoring a field trip is an agent of the college and as such is responsible for making proper arrangements for the trip, including a first-aid kit, and conducting the trip in ways which ensure against negligence and safeguard the welfare of the students while under the jurisdiction of the college.
2. Each instructor planning a field trip which will take students from other classes shall prepare a notice of that activity including a roster of the names of the students involved. Copies of this notice and roster will be given to each student for presentation to the instructor(s) of the class(es) ~~he/she will~~ to be missed while on the field trip.
3. When arrangements have been made in advance to have students go on their own to a field trip destination and when the class assembles and convenes at the destination, the instructor may meet them at the destination.
4. ~~When~~ a class is convened on campus and moved as a group from the campus to the field trip destination the instructor must meet the class on campus and accompany it en route unless other arrangements have been approved by the Vice President of Academic Services or designee.

Transportation for Class II, III and IV field trips can be arranged in any one of several ways.

1. The use of District-owned vehicles may be requested on the Field Trip Request Form, dependent upon the number of students participating. The cost of the use of the District-owned vehicles is chargeable to the budget of the appropriate division at the current mileage rate.

2. If the number of persons exceeds the capacity of District vehicles, charter bus transportation may be requested on the Field Trip Request Form. The cost of the charter service is chargeable to the budget of the appropriate division.
3. Instructors may use their own vehicles to provide transportation for students on approved field trips. Approval must be obtained on the Field Trip Request Form.
4. The use of privately-owned vehicles to carry students on field trips is the least desirable method of transportation. Only under unique conditions should this mean of transportation be considered. Under no circumstances will privately owned vehicles be used without prior approval obtained on the Field Trip Request Form.
5. Instructors may suggest that students go on their own to destinations or events to observe, to hear, to see, or otherwise gain experience related to the course of study. The assignment must be voluntary, however, and no penalty can be assessed for students who do not or cannot complete the assignment. Alternative assignments should be provided.

Approved: February 18, 2014

~~(This new procedure replaces current
Administrative Rules and Procedure 6216)~~

Academic Affairs

BP 4400 COMMUNITY ~~EDUCATION~~ SERVICES PROGRAMS

Reference:

Education Code Section 78300

In accordance with provisions of Education Code Section 78300 and Title 5 Section 55002(d), the District provides community ~~education services~~ classes, workshops, and seminars in civic, literacy, health, personal development, general education, ~~and~~ career and technical education, and family and consumer science topics. These classes are designed to provide instruction and to contribute to the physical, mental, moral, economic, or civic development of the individuals enrolled therein and shall be open to all adult members of the community and minors who can benefit from the programs.

Community ~~education services~~ classes shall not carry academic credit and shall be paid for by fees ~~set designed so as~~ to cover the ~~full and complete~~ cost ~~associated with providing of~~ the classes. ~~No state General Fund monies shall be used to establish and maintain community service classes. The District is prohibited from using state General Fund money to establish and maintain such classes. The District may spend district General Fund money to establish and maintain a community services program, or may provide instruction for remuneration by contract or with contributions or donations from individuals or groups. The District may also use a combination of these options to fund the program.~~

Students involved in community ~~education services~~ courses shall be charged a fee not to exceed the total cost of maintaining the courses. Courses may also be offered for remuneration by contract or with contributions or donations of individuals or groups. ~~All community education activities will be self-supporting.~~ Refund procedures shall be established by the colleges and plainly displayed in all program publicity.

Adopted: February 18, 2014

(This policy replaces current CLPCGD Policy
1120)

Academic Affairs

AP 4400 COMMUNITY ~~EDUCATION SERVICES~~ PROGRAMS

Reference:

Education Code Sections 78300 et seq.;
Title 5 Sections 55002 and 55160(b)

The mission statements for Chabot and Las Positas Colleges define the commitment of each college to creative and responsive programs and services for the communities they serve. Providing a variety of high quality, low-cost Community ~~Education Services~~ activities ~~for the community will~~ respond to the continuing education, cultural, and personal development needs of District residents.

Each college may provide a variety of Community ~~Education Services~~ activities including but not limited to workshops, cultural events, short-courses, classes and seminars depending on community needs, financial resources and the availability of appropriate facilities. Offerings are established and maintained in civic, literacy, health, family and consumer science, career technical and general education.

Offerings are designed to provide instruction and to contribute to the physical, mental, moral, economic, or civic development of the individuals or groups enrolled in them. Offerings are open for the admission of adults and those minors that may benefit all community members.

The colleges will coordinate and consult with one another regarding the development, publicity and other aspects of Community ~~Education Services~~ programming. There will also be coordination between Contract Education and Community ~~Education Services~~ staff.

Accountability

The Community ~~Education Services~~ program operated by each college shall have clearly described accountability statements indicating the reporting line, areas of task responsibility associated with each Community ~~Education Services~~ staff member and fiscal procedures to account for revenue and expenditures.

The District shall charge students taking community service also known as community education classes a fee not to exceed the cost of maintaining community education classes. Community education classes are intended to be self-supporting, and the District is prohibited from using state General Fund money to establish and maintain such classes. The District may spend district General Fund money to establish and maintain a community

education program, or may provide instruction for remuneration by contract or with contributions or donations from individuals or groups. The District may also use a combination of these options to fund the program.

~~General fund moneys are not expended to establish and maintain community education offerings.~~

Fees

Students enrolled in community ~~education services~~ offerings may be charged a fee not to exceed the total cost of maintaining community ~~education services~~ classes, or classes may be provided for remuneration by contract, or with contributions or donations of individuals or groups.

~~No refunds shall be made for registration cancellations made less than one week prior to the beginning of a community education class or activity~~

Refund procedures shall be established by the colleges and plainly displayed in all program publicity.

Approved: February 18, 2014

~~(This is a new procedure recommended by the Policy and Procedure Service)~~

Academic Affairs

AP 4500 STUDENT NEWS MEDIA

Reference:

Education Code Sections 66301~~No References~~

Philosophy

~~College-Student~~ news media are any news/feature publications issued under the name of Chabot College or Las Positas College, the college, funded by the District, and produced by students as an integral part of instruction in mass communications studies~~[insert name of relevant discipline or program]~~. It may include, but is not limited to, student newspaper reporting, broadcast news journalism and internet news journalism. The term "editorial" refers to all content other than advertising.

~~College-Student~~ news media, as laboratory publications of any mass communications studies ~~the [insert name of relevant discipline or program]~~ curriculum, shall provide vehicles to train students for careers in mass communication. ~~College-Student~~ news media shall also serve the entire college community by reporting the news, including college events and activities, providing a forum for comment and criticism, and encouraging free expression as guaranteed in the First Amendment to the Constitution of the United States.

~~College-Student~~ news media are valuable aids in establishing and maintaining an atmosphere of free and responsible discussion. ~~College-Student~~ news media shall exercise editorial freedom in order to maintain their integrity as vehicles for free inquiry and free expression in the college community. At the same time, the editorial freedom of the college news media shall entail corollary responsibilities.

Each ~~college-student newspaper or other~~ news medium is published as a learning experience, offered ~~under in~~ the colleges' Mass Communications Department programs ~~[insert name of relevant discipline or program]~~. The editorial and advertising materials published in each news medium, including any opinions expressed, are the responsibility of the student staff. An editorial board should be formed for the news media involved. Under appropriate state and federal court decisions, these materials are free from prior restraint by virtue of the First Amendment to the United States Constitution. These procedures are adopted so as to encourage a responsible exercise of such freedom.

Journalism Grievance Procedures

Definition of a Grievance—A journalistic grievance is a complaint that alleges facts which, if true, would demonstrate a violation of the grievant's right to free inquiry, free speech, or fair treatment; contains allegations that appear to be substantially credible; and is not frivolous.

The student grievance process is described in AP 5530 Student Rights and Grievances and allows for both informal and formal proceedings. These are described specifically in the administrative procedure and apply to any journalistic grievance.

~~**Informal Grievance Proceedings**— Describe a procedure that includes a written complaint to those with direct responsibility for the program and their responsibilities to respond in a timely manner.~~

~~**Formal Grievance Proceedings**— More formal grievance procedures may include a grievance hearing committee and appeal to the Chancellor or designee in a timely fashion. The procedures should include how grievance hearings should be conducted, access to and maintenance of related records, and the responsibility of the authorities to respond to the grievance in a timely fashion.~~

Approved: February 18, 2014

(This is a new procedure recommended by the
Policy and Procedure Service)

Academic Affairs

AP 4610 INSTRUCTIONAL SERVICE AGREEMENTS

Reference:

Education Code Section 78015 and 84752;
Title 5 Sections 51006, 53410, 55002, 55003, 55005, 55300-55302, 55600 et seq.,
55805.5, 58051(c) – (g), 58051.5, 58055, 58056, 58058(b), and 58100-58110
58102-58108

All District instructional service agreements will be in compliance with Education Code and Title 5. The District will maintain written agreements with the contractor stating the responsibilities of each party and the district responsibility for the educational program conducted on site. It is the responsibility of the governing board, prior to establishing an instructional service agreement to meet a career education need, to conduct a study of the labor market demand, and determine whether or not the results justify the proposed program.

The agreement/contract shall contain terms and conditions relating to: enrollment period; student enrollment fees; the number of class hours sufficient to meet the stated performance objectives; supervision and evaluation of students; withdrawal of students prior to completion of a course or program; and cancellation and termination of the arrangement.

Instruction claimed for apportionment under the agreement/contract, shall be under the immediate supervision and control of an employee of the District who has met the minimum qualifications for instruction.

Where the instructor is not a paid employee, the District shall have a written agreement or contract with each instructor conducting instruction for which full-time employees are to be reported and stating that the District has the primary right to control and direct the instructional activities of the instructor.

The District shall list the minimum qualifications for instructors teaching these courses and that the qualifications are consistent with requirements in other similar courses given in the District.

The course must be held at facilities which are clearly identified as being open to the general public. Enrollment in the course must be open to any person who has been admitted to the District and has met any applicable prerequisites. The District policy on open enrollment must be published in the district college catalogue, schedule of classes,

and any addenda to the schedule of classes, along with a description of the course and information about whether the course is offered for credit and is transferable.

Course outlines of record for advanced public safety courses will not list as a prerequisite public safety employment or possession of a basic course diploma. Appropriate health and safety prerequisites or enrollment limitations can include the requirement to pass a California Department of Justice Live Scan or other additional requirements that comply with the law.

Course outlines of record for advanced public safety courses should include a sufficiently detailed list of prerequisites that are directly related to the content of the advanced course so that all prospective students can be assessed for enrollment eligibility. Prerequisites may not be established or construed to prevent academically qualified persons not employed in public safety agencies from enrolling in and attending courses.

A student may request an evaluation of previous experience and coursework to determine if it is equivalent to the listed requirements. A student found not to meet the prerequisite requirements may challenge the requirements through the Credit for Prior Learning process defined in AP 4235. The college must maintain documentation that demonstrates processes for assessing student eligibility for enrollment were followed.

College publications shall inform students regarding the method by which they may seek an evaluation for equivalency enrollment eligibility for advanced public safety courses. College publications, including the course outline and syllabi, shall include a notification that approval of equivalent enrollment eligibility is not a guarantee that state regulatory or licensing agencies will also grant equivalency for licensure or employment purposes.

Degree and certificate programs must have been approved by the ~~System~~ California Community College Chancellor's Office and courses that make up the programs must be part of the approved programs, or the ~~District college~~ must have received delegated authority to approve those courses locally.

The courses of instruction are specified in the agreement, the outlines of record for such courses and are approved by the ~~District college~~ curriculum committee as meeting Title 5 course standards, and the courses have been approved by the district board of trustees.

Procedures used by the District to assure that faculty teaching different sections of the same course, teach in a manner consistent with the approved outline of record for that course are applied to courses and faculty covered under the agreement and students are held to a comparable level of rigor.

Records of student attendance and achievement shall be maintained by the District. Records will be open for review at all times by officials of the District and submitted on a schedule developed by the District.

It is agreed that both contractor and the District shall ~~ensure that~~ ancillary and support services are provided for the students.

The District must certify that it does not receive full compensation for the direct education costs of the course from any public or private agency, individual or group.

The District is responsible for obtaining certification verifying that the instructional activity to be conducted will not be fully funded by other sources.

The District shall comply with the requirements of Title 5 Sections 55230-55232 concerning approval by adjoining high school or community college districts and use of non-district facilities, if classes are to be located outside the boundaries of the District.

Approved: February 18, 2014

~~(This is a new procedure recommended by the
Policy and Procedure Service)~~

Student Services

BP 5030 FEES

References:

Education Code Sections [76300 et seq.](#); [58508](#), [66060](#), [66753](#), [76060.5](#), [76140](#), [76141](#), [76142](#), [76223](#), [76380](#), [76395](#), [78300](#), [79120](#), and [79121](#)
[76300](#) [Title 5 Section 58520](#);
[ACCJC Accreditation Standard I.C.6](#); [76350](#), [76355](#), [76360](#), [76361](#), [76365](#), [76370](#), [76380](#), [76395](#), [78300](#), [79120](#), and [79121 et seq.](#)

The Board authorizes the following fees. The Chancellor shall establish procedures for the collection, deposit, waiver, refund, and accounting for fees as required by law. The procedures shall also assure those who are exempt from or for whom the fee is waived are properly enrolled and accounted for. Fee amounts shall be published in the college catalogs.

1. Enrollment Fee (Education Code Section-76300)

Each student shall be charged a fee for enrolling in credit courses as required by law. This fee will be based upon the total number of units and will reflect adherence to Education Code and/or Title 5 guidelines and provisions.

~~The District will refund a portion of the enrollment fee under the procedural guidelines established in accordance with required code and regulations; except in cases where the refund request is due to military withdrawal (MW). Full refund shall be made to those persons receiving an "MW".~~

~~Unless expressly exempted, or entitled to a waiver, all students enrolling for college credit must pay the enrollment fee. Under Title 5, Section 58502, students must be charged the enrollment fee at the time of enrollment, but Section 58502 also allows college districts to defer collection of the enrollment fee.~~

~~The District may waive enrollment fees which were not collected in a previous semester or term where the enrollment fees were not collected as a result of the District's error in awarding a enrollment fee waiver to an ineligible student and not through the fault of the student, and to collect the enrollment fee would cause the student undue hardship.~~

~~The District will refund a portion of the enrollment fee under the procedural guidelines established in accordance with required code and regulations; except in cases where the refund request is due to military withdrawal (MW). Full refund shall be made to those persons receiving an "MW".~~

Instruments as determined by the appropriate ~~Administrative and~~ Education Code sections, and as described in the ~~applicable a~~Administrative ~~r~~Rules and

Procedures, will be utilized in the granting of fee credit(s) and waivers and enrollment fee deferments.

2. Instructional Materials Fee (Education Code ~~Section 76365; Title 5 Sections 59400-76365 et seq.~~; ~~Title 5 Sections 69400 et seq.~~)

Students may only be required to provide ~~required~~ instructional ~~and other~~ materials for a credit or non-credit course, ~~which provided such materials~~ are of continuing value to the student outside the classroom ~~setting~~ and provided that such materials are not solely or exclusively available from the District. Instructional materials may include, but are not limited to, textbooks, tools, equipment, clothing, and those materials which are necessary for a student's vocational training and employment. The District shall charge instructional materials fees in accordance with CLPCCD Board Policy 5031 and Administrative Procedure 5031 – Instructional Materials Fees.

3. Parking Fee (Education Code Section 76360)

The Chancellor shall present for Board approval fees for parking. Revenue so generated will be used to provide for the parking service and related expenses to include, but not limited to, the purchase, construction, and operation and maintenance of parking facilities. Parking fees may not exceed the actual cost of providing parking and may only be charged to those who use parking services. The District shall charge parking fees in accordance with CLPCCD Board Policy 6750 and Administrative Procedure 6750 – Parking.

~~Parking fees for disabled students with current DMV placard may be waived by the Chief Student Services Officer.~~

4. Health Fee (Education Code Section-76355)

The Chancellor shall present ~~for to the~~ Board ~~for~~ approval ~~for~~ a fee to be charged to each ~~full time~~ student for student health services. A health fee will be charged each semester ~~and term~~. The health fee will be charged to all students, whether or not they choose to use the health services. Not all services provided by student health services are provided free of charge to students. Select health services will incur a cost to be borne by the student. A complete listing of all health services available to students at no cost or at a cost will be posted on the student health services website at each college.

~~Revenue so generated will be used for health services~~ to include, but not limited to: costs incurred in the planning, supervision, and evaluation of student health programs and services; administrative salaries; cost of instructional materials for health education; consultants directly involved in student health service programs; rental and lease of space for the conduct of student health programs and services; cost of equipment and medical supplies; salaries of student health personnel directly involved in the delivery of student health services (including fringe benefits); student health and/or hospitalization insurance; mental health services; and travel with student health services is limited to student health personnel and only for student health related activities. The District shall assess health fees in accordance with CLPCCD Board Policy 5200 and Administrative Procedure 5200 – Student Health Services.

Section 76355 requires the Board to adopt rules and regulations that exempt certain students from the payment of health fees by the established deadline. The District must exempt students who depend on prayer for healing, and students attending community college under an approved apprenticeship program. The District must also ensure that the existence of the two statutory exemptions is communicated effectively to students so that they will be aware of potential applicable exemptions.

Auditing of Courses (Education Code Section 76370)

The District does not allow for the auditing of courses. ~~is not permitted.~~

Persons auditing a course shall be charged a fee of (not more than \$15.00) per unit per semester. The fee amount shall be adjusted proportionally based upon the term length. Students enrolled in classes to receive credit for 10 or more semester credit units shall not be charged this fee to audit three or fewer units per semester.

Physical Education Facilities (Education Code Section 76395)

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

Student Transportation Costs (Education Code Section 76361)

~~Where the District incurs additional expenses due to transportation costs a fee for the purpose of recovering the cost for use of a incurred by the District for services provided to students and employees.~~ The District may require students to pay a fee for the purpose of reducing fares for services provided to these students by common carriers or municipally-owned transit systems, or to partially or fully recover transportation costs incurred by the District. The District will charge a transportation fee by college if a majority of all students at the college vote for such a proposition. The District shall charge a transportation fee each semester and term. Revenue from the transportation fee shall be used to pay for subsidized ridership on common carriers or municipally-owned transit systems. Students may not be exempt from paying the transportation fee.

Student Representation Fee (Education Code Section 76060.5)

~~The college's student body association may order that an election be held for the purpose of establishing a student representation fee of one dollar (\$1) per semester to provide support for student governmental affairs representation. A student may refuse to pay the fee for religious, political, financial or moral reasons and shall submit such refusal in writing.~~ The District shall charge a student representation fee each semester and term. Revenue from the student representation fee will be used to help establish and support the operation of a statewide community college student organization in order to support student participation and engagement in statewide higher education policy and advocacy activities to the required goals of the statewide community college student organization. Revenue from the student representation fee may also be used to provide support for governmental affairs representatives of local or statewide student body organizations who may be stating their positions and viewpoints before city, county, and district governments, and before offices and agencies of state government. Students may request to be exempt from the

student representation fee without providing a reason for refusing to pay the fee by the established deadline.

Student Activities Fee

The District shall charge a student activities fee each semester and term. Revenue from the student activities fee may be used to support co-curricular and extracurricular activities at the colleges. The District defines co-curricular activities in CLPCCD Board Policy 5430 and Administrative Procedure 5430 – Co-Curricular Activities. Furthermore, revenue from the student activities fee may be used to compensate student officers for fulfilling their duties per the student government or student senate constitution and bylaws. Students may request to be exempt from the student activities fee without providing a reason for refusing to pay the fee by the established deadline.

Transcript Fees (Education Code Section 76223)

The District shall charge a reasonable amount for furnishing copies of any student record to a student or former student. The Chancellor is authorized to establish the fee, which shall not ~~to~~ exceed the actual cost of furnishing copies of any student record.

In accordance with the Education Code, the District shall furnish upon request of students (or former students) a maximum of two (2) transcripts and/or enrollment verifications of academic record at District expense. There shall be no charge for searching for or retrieving any student record. Furthermore, federal law and regulation prohibit the charging of fees for any documentation required for a student's receipt of Title IV student financial aid.

Transcripts and/or enrollment verifications in excess of two (2) shall also be furnished upon the request of students (or former students) at a reasonable charge not to exceed the actual cost of furnishing the copy. All monies derived from this source shall be deposited in an account to support each college's Admissions and Records operations. ~~in accordance with the allocation model.~~ The District shall assess an additional expedited service fee when a student requests the transcript or enrollment verification copy without having to wait the usual waiting period.

International Students Application

Processing Fee (Education Code Section 76142)

The District shall charge nonresident applicants students who are both citizens and residents of a foreign country a fee to process their his/her application for admission and other documentation required by the federal government. No processing fee can be charged to an applicant who would be eligible for an exemption from nonresident tuition pursuant to Education Code section 76140, or who can demonstrate economic hardship as defined by the District in accordance with certain parameters specified in section 76142. This processing fee and regulations for determining economic hardship may be established by the Chancellor. The fee shall not exceed the lesser of 1) the actual cost of processing an application and other documentation required by the U.S. government; or 2) one hundred dollars (\$100), which shall be deducted from the tuition fee at the time of enrollment.

Nonresident Tuition (Education Code Section 76140)

The District shall charge a nonresident tuition fee in order to admit nonresidents. The District shall assess nonresident tuition in accordance with CLPCCD Board Policy 5020 and

Administrative Procedure 5020 – Nonresident Tuition. The District shall exempt the following students from nonresident tuition:

1. Students taking noncredit classes. (Education Code Section 76380)
2. Concurrently enrolled students (high school students enrolled in college classes) who are eligible for the ~~Senate~~ **Assembly** Bill 2364 waiver of nonresident tuition while still in high school.
3. Refugees and special immigrant visa holders in accordance with Assembly Bill 343, Assembly Bill 2210, and Education Code Section 68064.
4. Apprentices taking classes of related and supplemental instruction. (Education Code Section 76350 and California Labor Code 3074)
5. Students who are members of the armed forces of the United States stationed or domiciled in this state on active duty, except those assigned to California for educational purposes. (Education Code Section 68075)
6. Students who are members of the armed forces of the United States and who are eligible for the Veterans Access, Choice, and Accountability Act (VACA).
7. Out-of-state student veterans under Chapter 31, Vocational Rehabilitation and Employment (VR&E).
8. A student who is natural or adopted child, stepchild, or spouse who is dependent of a member of the armed forces of the United States stationed or domiciled in this state on active duty. (Education Code Section 68074)
9. A parent who is a federal civil service employee and their natural or adopted dependent children if the parent moved to California as a result of a military realignment action that involves the relocation of at least 100 employees. (Education Code Section 68084)
10. Certain job transferees. (Education Code Section 76143)
11. Nonresident minor students taking a class for high school credit only.
12. Students who qualify as eligible nonresident per Assembly Bill 540 and as amended.
13. A dependent of any individual killed in the September 11, 2001, terrorist attacks, if they meet the financial need requirements for the Cal Grant A program pursuant to Education Code Section 69432.7 and either the dependent was a resident of California on September 11, 2001, or the individual killed in the attacks was a resident of California on September 11, 2001.
14. A student who currently resides in California and is 19 years of age or under at the time of enrollment, who is currently a dependent or ward of the state through California's child welfare system, or was served by California's child welfare system and is no longer being served either due to emancipation or aging out of the system.

International Student Tuition

The District shall charge ~~tuition fee for~~ international students, non-immigrant aliens or students on other types of visas a set dollar per unit rate **tuition fee**, in addition to the enrollment fee in effect at the time of enrollment, and other college fees. Failure to make payment deadlines may jeopardize an international student's visa status.

Foreign Citizen/~~Foreign~~ Resident Capital Outlay Fee (Education Code Section 76141)

The District shall charge nonresident students who are both citizens and residents of a foreign county a capital outlay fee. The amount of the fee cannot exceed the amount that

was expended for capital outlay in the preceding fiscal year divided by the total full-time equivalent students in the preceding fiscal year. Additionally, the fee cannot be more than 50 percent of the nonresident tuition fee charged. Students are exempt from nonresident tuition fees under Education Code Section 68130.5 cannot be charged the capital outlay fee.

Community Services Classes (Education Code Section 78300)

The District shall charge students taking community service also known as community education classes a fee not to exceed the cost of maintaining community education classes. Community education classes are intended to be self-supporting, and the District is prohibited from using state General Fund money to establish and maintain such classes. The District may spend district General Fund money to establish and maintain a community education ~~classes~~program, or may provide instruction for remuneration by contract or with contributions or donations from individuals or groups. The District may also use a combination of these options to fund the ~~classes~~program. The District shall charge community education ~~services~~ fees in accordance with CLPCCD Board Policy 4400 and Administrative Procedure 4400 – Community ~~Education~~Services Programs.

Child Care Fees (Education Code Sections 66060, 79120, and 79121 ~~et seq.~~)

The District shall charge child care fees for the operation of child development programs. The District has the authority to charge student parents a fee for child care services for their children in programs that are not specifically established as child development programs. The child care fees are charged to parents who voluntarily choose to use this service. The District will not charge a student a fee other than the enrollment fee to enroll in child development classes.

Foreign Citizen/Resident Capital Outlay Fee (Education Code Section 76141)

~~The District shall charge nonresident students who are both citizens and residents of a foreign county a capital outlay fee. The amount of the fee cannot exceed the amount that was expended for capital outlay in the preceding fiscal year divided by the total full-time equivalent students in the preceding fiscal year. Additionally, the fee cannot be more than 50 percent of the nonresident tuition fee charged. Students are exempt from nonresident tuition fees under Education Code Section 68130.5 cannot be charged the capital outlay fee.~~

Cross Enrollment (Education Code Section 66753)

The District recognizes that the cross enrollment program permits students who are enrolled at a community college, a campus of the California State University, or a campus of the University of California, under certain limited circumstances, to cross-enroll in one state-supported course per term at an institution from one of the other systems on a space-available basis at the discretion of the appropriate campus authorities on both campuses. Students do not need to go through the formal admissions process and are exempt from required fees, except that the host campus may charge participating students an administrative fee, not to exceed an amount sufficient for the campus to recover the full amount of the administrative costs it incurs.

Credit by Examination Fee (Education Code Section 76300)

The District shall charge fees for credit by examination offered pursuant to Title 5, Education Code Section 55050. A reasonable fee for credit by examination is the per unit

enrollment fee established by Education Code Section 76300. Furthermore, the District may charge reasonable fees due to verifiable expenses in connection with offering credit by examination.

Refund Processing Fee (Education Code Section 58508)

The District shall retain the maximum allowable by law or regulation from enrollment fees as a refund processing fee. However, general authority is not granted to retain portions of other mandatory fees or to charge a processing fee to refund other mandatory fees. The District may charge a refund processing fee for optional fees that students voluntarily pay, if certain conditions are satisfied.

Fee Refunds

Students may request a refund of enrollment fees as long as the student withdraws from the class during the first two weeks of instruction for a regular-term class or by the ten percent point of the length of a short-term class. Refunds are not automatic. Requests for refunds must be filed by June 30 for the academic year just ended. Credit balances do not carry over from one academic year to the next.

A student who must withdraw for military purpose shall be refunded 100% fees paid, regardless of the date of withdrawal. In this case, requests for refunds made after the end of the academic year will be honored.

Outstanding Debt Collection

The District may refer a student's outstanding debt to a collection agency and/or the State of California Franchise Tax Board (FTB) for collection. Once referred, additional fees may apply and credit rating may be affected. If debt is referred to the FTB, amounts owed may be deducted from a student's state tax refund, California lottery prize, or unclaimed property.

Returned Checks

Pursuant to Civil Code Section 1719, the District will assess a service charge for any check passed on insufficient funds.

In addition and in accordance with the Education Code and the California Community Colleges Chancellor's Office Student Fee Handbook, each college may also additional charge fees as permitted and as applicable. for admissions and records services (e.g. verification of enrollment, student identification cards, etc.) as applicable.

Date Adopted: June 17, 2014

(This policy replaces CLPCCD Policies 3215, 5121, 5245, and 5320)

Student Services

AP 5030 FEES

References:

Education Code Sections 66025.3, 68120, 70902 subdivision (b)(9), 76300, and 76300.5, ~~and 66025.3~~;
~~Civil Code Section 1719~~;
Title 5 Sections 51012, 58520, and 58629;
California Community College Chancellor's Office (CCCCO) Student Fee Handbook;
ACCJC Accreditation Standard I.C.6

Required fees include:

1. **Enrollment Fee** (Education Code Section 76300 and 76300.5; Title 5 Sections 58500 and 58509)
California residents, except those exempt by law, must pay a enrollment fee for classes at the colleges.

The District may waive enrollment fees which were not collected in a previous session as a result of the District's error -through no fault of the student- in awarding a California College Promise Grant (formerly known as Board of Governors Fee Waiver) to an ineligible student, if to collect the enrollment fee would cause the student undue hardship.

2. **Nonresident Tuition Fee** with these permissive exemptions (Education Code Sections 76140 and 76140.5):
 - a. All nonresident students enrolling for 6 or fewer units; or
 - b. A student who is a citizen and resident of a foreign country who demonstrates financial need and this required exemption (Education Code Section 68130.5);
 - c. All students, other than nonimmigrant aliens under 8 U.S. Code Section 1101 subdivision (a)(15), who meet the following requirements:
 - i. ~~i.~~ high school attendance in California for three or more years;
 - ii. graduation from a California high school or attainment of the equivalent thereof;
 - iii. registration or enrollment in a course offered for any term commencing on or after January 1, 2002;
 - iv. completion of a questionnaire form prescribed by the State Chancellor's Office verifying eligibility for this nonresident tuition exemption; and
 - v. in the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize

~~his/her~~their immigration status, or will file an application as soon as
~~he/she~~he
~~v.i.~~ is eligible to do so.

Fees authorized by law include:

- **Instructional Materials Fee** (Education Code Sections 73365, 81457, and 81458; Title 5 Sections 59400 and 59408). Each college will develop its own procedure for charging instructional materials fees. These fees will reflect actual costs of consumable materials in certain designated classes.
- **Parking Fee** (Education Code Section 76360)
Students are required to register the vehicle they wish to park on campus. Vehicles are registered at the beginning of each semester. New parking permits/decals of a different color will be issued each semester. One parking permit/decal is issued for each registered vehicle upon payment of the parking fee. Daily parking tickets are available at the ticket dispenser machines located on all student lots, and the permit shall be displayed on the dashboard on the driver's side.

~~Parking fees for disabled students with current DMV placard may be waived by the College Vice President of Student Services based on financial need.~~

~~Enforcement of parking rules and regulations shall begin the third week of instruction of each semester and tickets will be issued for violators.~~

- **Health Fee** (Education Code Section 76355)
Each college will develop its own procedure for charging health fees. These fees will reflect the actual cost of health services & related expenses.
- **Noncredit courses** (Education Code Section 76385)
- **Community ~~service courses~~ Services Programs** (Education Code Section 78300)
- **Cross-Enrollment with the California State University (CSU) or University of California (UC)** (Education Code Section 66753)
- **Nonresident application processing** (Education Code Section 76142)
- **Nonresident capital outlay** (Education Code Section 76141)
- **Refund processing** (Title 5 Section 58508)
- **Credit by Examination** (Education Code Section 76300; Title 5 Section 55050)
- **Use of facilities financed by revenue bonds** (Education Code Section 81901 subdivision (b)(3))
- **Copies of student records** (Education Code Section 76223)

• ~~Telephone registration (Education Code Section 70902 subdivision (a))~~

- **Credit Card Use** (Education Code Section 70902(b)(9))
- **International Student Medical Insurance** (Education Code Section 70902(b)(9))
- **Child care** (Education Code Sections 79121 et seq. and 66060)
- **Student Center** (Education Code Section 76375; Title 5 Section 58510)
- **Student representation** (Education Code Section 76060.5; Title 5 Sections 54801 and 54805)
- **Transportation** (Education Code Sections 76361 and 82305.6)

• ~~Instructional Tape Lease/Deposit (Education Code Section 70902 subdivision (b)(9))~~

- **Physical fitness test** (Education Code Section 70902 subdivision (b)(9))
- **Athletic insurance** (Education Code Section 70902 subdivision (b)(9))
- **Non-District physical education facilities** (Education Code Section 76395)

Collection and Refund of Fees

- **Fee Refunds** – Students may request a refund of enrollment fees as long as the student withdraws from the class during the first two weeks of instruction for a regular-term class or by the ten percent point of the length of a short-term class. Refunds are not automatic. Requests for refunds must be filed by June 30 for the academic year just ended. Credit balances do not carry over from one academic year to the next.

A student who must withdraw for military purpose shall be refunded 100% fees paid, regardless of the date of withdrawal. In this case, requests for refunds made after the end of the academic year will be honored.

- **Fees to be collected when enacted by the Legislature following registration by the student will be placed on the student account to be paid before the end of the term.**
- **Fees collected in error - If fees have been collected in error, the student's account will be credited for the entire amount of the error.**
- **Outstanding Debt Collection** – The District may refer a student's outstanding debt to a collection agency and/or the State of California Franchise Tax Board (FTB) for collection. Once referred, additional fees may apply and credit rating may be

affected. If debt is referred to the FTB, amounts owed may be deducted from a student's state tax refund, California lottery prize, or unclaimed property.

- **Returned Checks** – Pursuant to Civil Code Section 1719, the District will assess a service charge for any check passed on insufficient funds.

Prohibited Fees

The District shall not charge any fees prohibited by the California Community College Chancellor's Office (CCCCO) Student Fee Handbook.

Apprenticeship Fees

Education Code section 76350 prohibits community colleges from imposing resident or nonresident charges or fees for apprenticeship courses offered pursuant to Labor Code section 3074. However, enrollment fees may be charged to apprentices enrolled in courses other than those required for apprenticeship studies.

Waiver of Fees

The District may waive enrollment fees which were not collected in a previous session where the enrollment fees were not collected as a result of the District's error in awarding a California College Promise Grant (formerly known as Board of Governors Fee Waiver) to an ineligible student and not through the fault of the student, and to collect the enrollment fee would cause the student undue hardship.

Date Approved: March 18, 2014

~~Edited: August 21, 2018~~

Business and Fiscal Affairs

AP 6750 PARKING

Reference:

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 for motor vehicles. 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.

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 parking lots at a speed greater than 10 miles per hour. No person shall operate a motor vehicle at a speed greater then 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.

[The district is not responsible for damage, theft, or loss to vehicles parked on district premises.](#)

See Administrative Procedure 3253 Total Cost of Ownership

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

Board Reviewed: November 12, 2019