

General Institution

AP 3435 DISCRIMINATION AND HARASSMENT COMPLAINT
PROCEDURES

References:

~~Board Policies 3410 and 3430;~~
~~Education Code Sections 212.5, 231.5, 66281.5, and 6738644100, 66250 et~~
~~seq., 66281.5; 72010 et seq., 76234, 87100 et seq., 87740;~~
~~Civil Code Section 47;~~
~~Government Code Sections 11135, 12926.1, 12940 et seq., 12950.1;~~
~~Title 5 of the California Code of Regulations, sections 59320, 59324, 59326,~~
~~59328, and 53000 et seq., 59324, 59326, 59300 et seq.;~~
~~Title 2 Sections 11023 and 11024;~~
~~Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), Title VII of the Civil~~
~~Rights Act of 1964 (42 U.S.C. § 2000e), Title IX of the Education~~
~~Amendments of 1972 (20 U.S.C. § 1681 et seq.), Section 504 of the~~
~~Rehabilitation Act of 1973 (29 U.S.C. § 794), the Americans with Disabilities~~
~~Act of 1990 (42 U.S.C. § 12100 et seq.), the Age Discrimination Act (42~~
~~U.S.C. § 6101 et seq.; 34 C.F.R. 110.1 et seq.), and the Age Discrimination in~~
~~Employment Act (21 U.S.C. § 621 et seq.);~~
~~34 CFR sections 104, 104.4, 104.7, 106, 106.8, 110.25, 110.26; 28 CFR 35.107;~~
~~Accreditation Standard II.B.2.c.;~~
~~OCR Interim Guidance, September 2017, permitting use of mediation.~~

NOTE: *This procedure is legally required.*

For sexual harassment under Title IX, Complainants must proceed under BP 3433 Prohibition of Sexual Harassment under Title IX, AP 3433 Prohibition of Sexual Harassment under Title IX, and AP 3434 Responding to Harassment Based on Sex under Title IX. For other forms of sexual harassment or gender-based harassment, Complainants should use this procedure.

1. Definitions

- ~~a. Accused:~~ The District, or any person identified in a Formal or Informal Complaint alleged to have engaged in Harassment, Discrimination, or Retaliation as defined in this procedure.
- ~~b. Days:~~ Calendar days.

~~c. DFEH: The California Department of Fair Employment and Housing.~~

~~d. Discrimination or Harassment: All references to alleged discrimination, harassment, or retaliation in this procedure refer to allegations relating to District employment, or participation in the District's education programs or activities, including academic, educational, extra-curricular, athletic, and other programs, whether they take place in the District's facilities, on a District bus, at a class or training program sponsored by the District at another location, or elsewhere. Harassment or discrimination includes the following:~~

~~(1) the denial or limitation of full and equal access or equal treatment in relation to District employment, or participation in the District's education programs, activities, or services on the basis of having, or associating with someone who has, one or more of the following actual or perceived characteristics:~~

- ~~• Age;~~
- ~~• Ancestry;~~
- ~~• Color;~~
- ~~• Religious Creed (including religious dress and grooming practices);~~
- ~~• Family and Medical Care Leave;~~
- ~~• Disability (mental and physical) including HIV and AIDS;~~
- ~~• Marital Status;~~
- ~~• Medical Condition (including cancer and genetic characteristics);~~
- ~~• Genetic Information~~
- ~~• Military and Veteran Status;~~
- ~~• National Origin (including language use restrictions);~~
- ~~• Race;~~
- ~~• Sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding);~~
- ~~• Gender, Gender Identity, and Gender Expression;~~
- ~~• Sexual Orientation; or~~

~~(2) harassing conduct, including verbal, nonverbal, physical aggression, or intimidation, (such as name calling, graphic or written statements, physical threats, or humiliating conduct), on the basis of the above referenced actual or perceived characteristics. Harassment or Discrimination includes all of the foregoing in violation of any of the following:~~

~~—— (1) Board policies 3410 or 3430;~~

- ~~—— (2) Education Code sections 212.5, 44100, 66250 et seq., 66281.5, 72010 et seq., or 87100 et seq.;~~
 - ~~—— (3) regulations adopted by the Board of Governors of the California Community Colleges (Title 5, California Code of Regulations, sections 59300 et seq., or 53000 et seq.); or~~
 - ~~—— (4) Federal law (Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act, or the Age Discrimination in Employment Act).~~
- ~~e. Discrimination Not Involving Employment: Discrimination, Harassment, or Retaliation, as defined in this procedure, which is alleged to have occurred against a student or other non-employee in which the Accused party is: (1) the District; (2) a student or employee of the District; or (3) a third party.~~
- ~~f. Discrimination Involving Employment: Discrimination, Harassment, or Retaliation, as defined in this procedure, which is alleged to have occurred against an employee.~~
- ~~g. District: Chabot Las Positas Community College District or any District program or activity that is funded directly by the state or receives financial assistance from the state. This includes any organization associated with the District or its college(s) that receives state funding or financial assistance from or through the District.~~
- ~~h. EEOC: The U.S. Equal Employment Opportunity Commission.~~
- ~~i. Formal Complaint: A written and signed statement filed with the District or the State Chancellor's office that alleges Harassment, Discrimination, or Retaliation in violation of the nondiscrimination regulations adopted by the Board of Governors of the California Community Colleges, as set forth at title 5, sections 59300 et seq.~~
- ~~j. Informal Complaint: An informal complaint is any of the following: (1) An unwritten allegation of Harassment, Discrimination, or Retaliation; (2) a written allegation of Harassment, Discrimination, or Retaliation that falls outside the timelines for a Formal Complaint; or (3) a written complaint alleging Harassment, Discrimination, or Retaliation filed by an individual who expressly indicates that he or she does not want to file a Formal Complaint.~~
- ~~k. Informal Resolution: An informal resolution is the end result of an Informal Complaint or a Formal Complaint following efforts undertaken by the RDO or designee to resolve the matter informally. It is a written document that~~

~~memorializes a resolution between, and satisfactory to, the Victim and the Accused.~~

- ~~l. OGR: The Office for Civil Rights of the U.S. Department of Education.~~
- ~~m. Official Reporter: An individual who submits an Informal or Formal Complaint alleging that another or others, not himself or herself, has suffered Harassment, Discrimination, or Retaliation, and who learned of the alleged Discrimination, Harassment, and/or Retaliation in his or her official capacity as a District faculty member or administrator as described in title 5, section 59328. When an Official Reporter files a complaint on behalf of an individual victim, the District will require revocable written consent from the Victim for the Official Reporter to act on her or his behalf as a Victim Advocate, if the Victim chooses to have her or him to do so.~~
- ~~n. Responsible District Officer ("RDO"): The person responsible for receiving Informal and Formal Complaints and implementing the procedures set forth in AP 3435. The District's RDO is the Vice Chancellor of Human Resources. The RDO may delegate the performance of duties required to implement these procedures; however, delegation of such duties does not relieve the RDO of his or her responsibility for implementing these procedures.~~
- ~~o. Retaliation: Any adverse action taken in response to someone: (1) filing an Informal or Formal Complaint; (2) reporting alleged Discrimination or Harassment; (3) participating in an investigation of an Informal or Formal Complaint; or (4) representing or serving as an advocate for an alleged Discrimination or Harassment victim or alleged offender.~~
- ~~p. Sex-Based Harassment: A particular form of Harassment that is either sexual in nature ("sexual harassment") or motivated by gender ("gender-based harassment"). Sexual harassment may include unwelcome sexual advances, requests for sexual favors, sexual favoritism, sexual violence, other verbal or physical conduct, or communications of a sexual nature. Gender-based harassment may include negative stereotyping, or other harassing conduct (such as name calling, graphic or written statements, physical threats, or humiliating conduct) based on sex or gender/gender identity made by someone from or in the workplace or educational setting.~~
- ~~q. Third Party Reporter: An individual other than an Official Reporter who submits an Informal or Formal Complaint alleging that another or others, and not himself or herself, has suffered Harassment, Discrimination, or Retaliation. When a Third Party Reporter files a complaint on behalf of an individual victim, the District will require revocable written consent from the~~

~~Victim for the Third Party Reporter to act on her or his behalf as a Victim Advocate.~~

~~r. Victim: An individual who is alleged to have personally suffered Harassment, Discrimination, or Retaliation.~~

~~s. Victim Advocate: An individual designated by the Victim, in a written document submitted to the RDO or designee, to whom the Victim grants revocable authorization to act on the Victim's behalf and receive information from the District.~~

~~2. Informing Students and Employees of Procedures for Filing Informal and Formal Reporting and Filing Complaints~~

~~The law prohibits coworkers, supervisors, managers, and third parties with whom an employee comes into contact from engaging in harassment, discrimination, or retaliation. Any person who has suffered harassment, discrimination, or retaliation or who has learned of harassment, discrimination, or retaliation may report harassment, discrimination, or retaliation. Complainants may have the option of filing a Complaint. The District encourages any individual who believes he or she has been the Victim of Harassment, Discrimination, or Retaliation, or who believes that another has been the Victim of Harassment, Discrimination, or Retaliation, to file an Informal or Formal Complaint. No employee may be retaliated against as a result of lodging a complaint or participating in any workplace investigation.~~

~~The timelines under which a Formal Complaint must be filed are set forth in section 6.2 of these procedures (employment matters within 180 days and non-employment matters within one year). To enable the District's prompt and effective action in addressing concerns, the District strongly encourages the filing of Informal and Formal Complaints within 30 days of the alleged incident or as soon as possible within the timelines under section 6.2. While all Informal and Formal Complaints are taken seriously and will be investigated promptly, delay in filing impedes the District's ability to investigate and take remediating action.~~

~~The procedures for filing Informal and Formal Complaints that are set forth in this Administrative Procedure shall be (1) widely published and publicized to students and employees; (2) posted on the District's website and each college's website; (3) provided to all students as part of any orientation program conducted for new students at the beginning of each term; (4) provided to all employees at the time they are first employed and as part of any orientation program for new employees; (5) displayed in a prominent location in the main administrative building of each campus and the District office; and (6) published in each college course catalog. The Formal Complaint form prescribed by the State Chancellor shall be available at each college department of student services, the office of each college President, the District human resources department, and by a "link" published on the District's and each college's website.~~

~~(Education Code, §§ 66252, 66270, 66281.5, Government Code, § 11135, Title 5, § 59326.)~~

~~3. Interim Measures Upon Receipt of an Informal or Formal Complaint~~

~~Upon receipt of an Informal or Formal Complaint, the RDO shall immediately assess whether interim steps are warranted. Examples of interim measures may include steps to prevent contact between an alleged Victim and the Accused while the complaint is being investigated and/or resolved, counseling, academic support, health and mental services, and/or escort services. In making this assessment, the RDO will consider the seriousness of the allegations, whether they include allegations of physical or sexual violence, whether they include allegations of Retaliation, and the power differential between the parties. When preventing contact between the parties is found to be warranted, the RDO or designee may take a variety of steps as he or she deems appropriate such as: (1) placing the Accused on paid administrative leave or immediate, interim suspension; (2) changes in the academic schedule or work assignment of the Victim and/or Accused; or (3) prohibiting the Accused from having any contact with the alleged Victim pending the results of the investigation. When taking steps to separate the alleged Victim and the Accused, the District shall minimize the burden on the alleged Victim. When any such steps are taken, the RDO or designee will make clear to all parties that these are non-disciplinary, interim measures pending the completion of an investigation and that no findings of wrongdoing have been made.~~

~~4. Informal Complaints~~

~~Any person may submit an Informal Complaint to the RDO or any other District or college administrator. Administrators receiving an Informal Complaint shall immediately notify the RDO in writing of all pertinent information and facts alleged in the Informal Complaint. Upon receipt of an Informal Complaint, the RDO or designee will notify the person bringing the Informal Complaint of his or her right to file a Formal Complaint, if the incident falls within the timeline for a Formal Complaint, and explain the procedure for doing so. If the individual is within the timelines and chooses not to submit a Formal Complaint, the RDO or designee will present the individual with a written description of the Formal Complaint process and a summary of the allegations provided by the individual making the Informal Complaint. This document will clearly indicate that the RDO or designee advised the individual of his or her option to file a Formal Complaint and that the individual chose not to do so. The RDO or designee will request the individual to sign and date the document. Signing the document does not preclude the individual from later deciding to file a Formal Complaint, if within the timelines to do so. If the individual chooses not to file a Formal Complaint, or if the alleged conduct falls outside the timeline to file a Formal Complaint, the RDO or designee shall consider the allegations contained in the Informal Complaint and determine the appropriate course of action. This may include efforts to informally resolve the matter, and/or a fact-finding investigation. Investigation of an informal complaint will be appropriate if the RDO or designee determines that the allegation(s), if proven true, would constitute a violation of the District policy prohibiting Harassment, Discrimination, or Retaliation. The RDO or~~

~~designee will explain to any individual bringing an Informal Complaint that the RDO or designee may decide to initiate an investigation, even if the individual does not wish the RDO or designee to do so. The RDO or designee shall not disregard any allegations of Harassment, Discrimination, or Retaliation on the basis that the alleged conduct falls outside the deadline to file a Formal Complaint.~~

~~(Title 5, §§ 59324, 59327, 59328, 34 CFR 106.8.)~~

Complaints

A Complaint is a written or verbal statement filed with the District that alleges harassment, discrimination, or retaliation in violation of the District's Board Policies, Administrative Procedures, or in violation of state or federal law. Formal Complaints must be filed with the Vice Chancellor of HR or designee unless the Party submitting the Formal Complaint alleges discrimination, harassment, or retaliation against the Vice Chancellor of Human Resources or designee, in which case it should be submitted directly to the Chancellor.

The District may request, but shall not require the Complainant to submit a Complaint on the form prescribed by the Chancellor of the California Community Colleges. A copy of the form will be available at <http://districtazure.clpccd.org/hr/eeo-complaint.php>. A Complainant shall report a verbal Complaint to the Vice Chancellor Human Resources or designee. The Vice Chancellor Human Resources or designee shall record the verbal complaint in writing. The Vice Chancellor Human Resources or designee will take steps to ensure the writing accurately reflects the facts alleged by the Complainant.

A Complaint must meet **each of the following** criteria:

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

If the Complaint does not meet the requirements set forth above, the Vice Chancellor Human Resources or designee will promptly contact the Complainant and specify the defect. If the Complainant is unable to fix the defect in the Complaint, the Vice Chancellor

of Human Resources or designee shall consider the allegations contained in the Complaint and determine the appropriate course of action. This may include efforts to informally resolve the matter or a fact-finding investigation.

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

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

Who May File a Complaint: Any student, employee, parent of a minor, or an individual with legal authority on behalf of a student or employee who believes the student or employee has been discriminated against or harassed by a student, employee, or third party in violation of this procedure and the related policy.

Where to File a Complaint: A student, employee, parent of a minor, or an individual with legal authority on behalf of a student or employee who believes the student or employee has been discriminated against or harassed in violation of this policies and procedures may make a complaint orally or in writing directed to the Vice Chancellor of HR or designee. Complaints may, but are not required to, use the form prescribed by the Chancellor Z of the California Community Colleges. These forms are available on the District website and at the California Community Colleges Chancellor's Office website.

Complainants may but are not required to use the form prescribed by the Chancellor of the California Community Colleges. The forms are available from the Human Resources website and at the California Community Colleges Chancellor's Office website.

Employment-Related Complaints

Complainants filing employment-related complaints shall be notified that they may file employment discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH).

Any District employee who receives a harassment or discrimination complaint shall notify the RDO or designee immediately.

Filing a Timely Complaint: Since failure to report harassment and discrimination impedes the District's ability to stop the behavior, the District strongly encourages anyone who believes they are being harassed or discriminated against, to file a complaint. The District also strongly encourages the filing of such complaints within 30 days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the District's ability to investigate and remediate.

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination, the existence of a hostile, offensive, or intimidating work environment, and acts of retaliation.

The District will investigate complaints involving acts that occur off campus if they are related to an academic or work activity or if the harassing conduct interferes with or limits a student's or employee's ability to participate in or benefit from the school's programs or activities.

Communicating that the Conduct is Unwelcome: The District further encourages students and staff to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste or inappropriate.

Intake and Processing of the Complaint: Upon receiving notification of a harassment or discrimination complaint, the RDO or designee shall:

- Consider whether the District can undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules, obtaining apologies, providing informal counseling, training, etc.
- Advise all Parties that he/she/they need not participate in an informal resolution of the complaint, as described above, and they have the right to end the informal resolution process at any time.
- Advise a student Complainant that he/she/they may file a complaint with the Office for Civil Rights of the U.S. Department of Education, and employee Complainants may file a complaint with the Department of Fair Employment and Housing. All Complainants should be advised that they have a right to file a complaint with local law enforcement if the act complained of is also a criminal act. The District must investigate even if the Complainant files a complaint with local law enforcement. In addition, the District should ensure that Complainants are aware of any available resources, such as counseling, health, and mental health services.
- Take interim steps to protect a Complainant from coming into contact with an accused individual, especially if the Complainant is a victim of sexual violence. The RDO or designee should notify the Complainant of his/her/their options to avoid contact with the accused individual and allow students to change academic situations as appropriate. For instance, the District may prohibit the accused individual from having any contact with the Complainant pending the results of the investigation. When taking steps to separate the Complainant and accused individual, the District shall minimize the burden on the Complainant. For example, it is not appropriate to remove Complainants from classes or housing while allowing accused individuals to remain.

5. Informal Resolution Process

~~Whenever any person brings allegations of Harassment, Discrimination, or Retaliation to the attention of the District, the RDO or designee shall undertake efforts to informally resolve the matter between the alleged Victim and the Accused party or parties as follows:~~

- ~~a. The victim may participate in the informal resolution process described below through, or with the assistance of, a Victim Advocate, with the following limitations:
 - ~~i. The Victim Advocate must sign a confidentiality agreement stating that he or she is precluded from disclosing information obtained through the resolution process, unless such disclosure is authorized by law, and is made on behalf of the Victim with his or her approval.~~
 - ~~ii. If the Accused is a District employee, his or her consent is required for the participation of a Victim Advocate who is a non-management or subordinate District employee.~~
 - ~~iii. No Informal Resolution of an individual complaint may be adopted without the approval of the Victim himself or herself.~~~~
- ~~b. When Informal Resolution efforts occur in response to an Informal Complaint, the RDO or designee is not required to initiate an investigation or engage in the procedural steps that apply to a Formal Complaint. However, the RDO or designee shall advise the alleged Victim that he or she may file a Formal Complaint at any time during the informal resolution process if the incident falls within the permissible timeline for a Formal Complaint (see section 6.2 -- (employment matters within 180 days and non-employment matters within one year). The informal resolution process may continue after the filing of a Formal Complaint; however, all timelines and procedural requirements for Formal Complaints must be met. The informal resolution process does not extend the time limitations for filing a Formal Complaint;~~
- ~~c. When the District is first made aware of allegations of Harassment, Discrimination, or Retaliation through the filing of a Formal Complaint, the RDO or designee will inform the alleged Victim that he or she may engage in an informal resolution process. However, if he or she opts for an informal resolution process, all timelines and procedural requirements for Formal Complaints (see section 6.2) must be met;~~
- ~~d. The RDO or designee shall advise the alleged Victim that the informal resolution process is optional;~~

- ~~e. The RDO or designee shall advise the alleged Victim that the informal resolution process does not require that he or she confront or work out problems directly with the Accused, and that in cases involving allegations of sexual assault, mediation is not appropriate even on a voluntary basis;~~
- ~~f. If the alleged Victim has filed a Formal Complaint, any efforts at informal resolution shall not exceed ninety (90) Days after the District's receipt of the Formal Complaint, in conformance with the timeline for an administrative determination as provided in section 6.8 of this procedure;~~
- ~~g. If the alleged Victim has filed an Informal Complaint, the RDO or designee should generally seek to conclude the informal resolution process as soon as possible but within 90 days after receipt of the Informal Complaint. If the RDO or designee determines that, due to extenuating circumstances, the informal resolution process should be extended beyond 90 days, the RDO or designee will provide written notice to the alleged Victim and the Accused advising them that the informal resolution process will be extended for a specified number of days, by the end of which the RDO or designee will conclude the informal resolution process. The time period for any such extension shall be reasonable under the circumstances and not due to lack of diligence by the District;~~
- ~~h. At all times, it remains within the sole discretion of the District to determine whether alleged Harassing, Discriminatory, or Retaliatory conduct warrants discipline. An alleged Victim and the Accused do not have the authority to include in an informal resolution the disposition of discipline. However, the District may take into consideration the results of an informal resolution in determining whether and what discipline is appropriate. Similarly, even if an alleged Victim withdraws his or her Informal or Formal Complaint as the result of a successful informal resolution, the RDO or designee may require the investigation to continue if he or she determines that the allegation(s), if proven to be true, would constitute a violation of District policies prohibiting Discrimination, Harassment, or Retaliation; the District will inform the Victim of this possibility before initiating informal resolution;~~
- ~~i. If the matter is resolved, the RDO or designee will put the resolution in writing and meet with the alleged Victim and the Accused, who will review and sign the document memorializing the resolution. The Victim shall be responsible for informing the RDO or designee if the Accused fails to comply with the terms of the informal resolution. Upon such notice, the RDO or designee shall be responsible for enforcing the terms of the Informal Resolution agreement;~~

- ~~j. If it becomes clear to the RDO or designee that an informal resolution cannot be reached, he or she will convey the determination to both parties. The RDO or designee will also inform the alleged Victim of his or her right to file a Formal Complaint if he or she has not already done so;~~
- ~~k. If a Formal Complaint submitted by an Official Reporter is resolved through the informal resolution process, the RDO or designee will notify the Official Reporter that the alleged Victim and the Accused participated in the Informal Resolution process and successfully resolved the matter. The Official Reporter is not entitled to receive any other information about the resolution unless he or she would otherwise receive this information due to his or her supervisory role over the Accused, or due to her or his role as a Victim Advocate; and~~
- ~~l. If a Third Party Reporter or Official Reporter files an Informal Complaint alleging that a class of Victims has suffered Discrimination, Harassment, or Retaliation, the Third Party Reporter or Official Reporter may participate in the Informal Resolution Process as set forth in this Section 5 as if standing in the shoes of the Victims. For example, a Third Party or Official Reporter may file a Complaint for an alleged failure to provide wheelchair accessible facilities. In such cases, the District may work directly and solely with the Third Party or Official Reporter to reach an informal resolution.~~

~~(Title 5, §§ 59324, 59327; 59328, 59334, 59336, and 59339; 34 CFR 106.8; 34 CFR 110.25; and 28 CFR 35.107.)~~

~~6. FORMAL COMPLAINTS~~

~~Anyone may file a Formal Complaint, including: (1) an alleged Victim; (2) a Third Party Reporter, or (3) an Official Reporter. Formal Complaints must be submitted to the State Chancellor or the RDO unless the party submitting the Formal Complaint alleges Discrimination, Harassment, or Retaliation against the RDO, in which case it should be submitted directly to the District Chancellor or the State Chancellor.~~

~~(Title 5, §§ 59324, 59327; 34 CFR 106.8.)~~

~~6.1 USE OF THE PRESCRIBED FORMAL COMPLAINT FORM~~

~~Formal Complaints should be submitted on the form prescribed by the State Chancellor. A copy of the form will be available at each college department of student services, the office of each college President, the District human resources~~

department, and on each college's and the District's web sites. A copy of the form may be downloaded at the following web pages:

<http://extranet.cccco.edu/Divisions/Legal/Discrimination.aspx#CmpltForm>

or

<http://www.clpccd.org/HR/HRGovForms.php> – *Unlawful Discrimination Complaint Form*

Any party may file the form with the RDO or mail it directly to the State Chancellor's Office of the California Community Colleges. The address for the State Chancellor's Office is provided on the form.

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

(Title 5, §§ 59311, 59328.)

6.2—REQUIRED ELEMENTS OF A FORMAL COMPLAINT

A Formal Complaint must meet each of the following criteria:

- a. It must allege facts with sufficient specificity to show that the allegations, if true, would constitute a violation of District policies or procedures prohibiting Discrimination, Harassment, and/or Retaliation;
- b. The complainant must sign and date the Formal Complaint;
- c. The complainant must file any Formal Complaint not involving employment within one year of the date of the alleged Discriminatory, Harassing, or Retaliatory conduct or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation(s) of Discrimination, Harassment, and/or Retaliation.
- d. The complainant must file any Formal Complaint alleging Discrimination, Harassment, and/or Retaliation in employment within 180 Days of the date of the alleged Discriminatory, Harassing, or Retaliatory conduct, except that this period shall extended by no more than 90 Days following the expiration of the

~~180 Days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 Days.~~

~~If the Formal Complaint does not meet the requirements set forth above, the RDO or designee will promptly return it to the complainant with a written notice specifying the defect. If the Formal Complaint was filed by an alleged Victim or an Official Reporter, the RDO or designee will also send a copy of the notice of defect to the State Chancellor at the same time he or she sends it to the complainant. If the sole defect is that the Formal Complaint was filed outside the applicable proscribed timeline, the RDO or designee will handle the matter as an Informal Complaint.~~

~~Immediately upon receiving a Formal Complaint that: (1) meets the requirements stated above; and (2) was filed by an alleged Victim or an Official Reporter, the RDO or designee shall forward a copy of the Formal Complaint to the State Chancellor. The RDO is not required to forward Formal Complaints filed by other Third Party Reporters to the State Chancellor.~~

~~(Title 5, §§ 59328, 59330, 59332.)~~

~~6.3 RIGHT TO FILE A COMPLAINT WITH THE OCR, THE DFEH, THE EEOC, OR LOCAL LAW ENFORCEMENT~~

- ~~a. Upon receipt of an Employment-Based Formal Complaint, the RDO or designee shall (1) advise the complainant that he or she may file a complaint with the EEOC or DFEH; and (2) forward a copy of any filing by the individual with the DFEH or the EEOC to the State Chancellor's Office for a determination of whether the issues presented require an independent investigation of the matter.~~
- ~~b. Upon receipt of a Non-Employment-Based Formal Complaint, the RDO or designee shall advise the complainant that he or she may file a complaint with the OCR.~~
- ~~c. The RDO or designee shall advise any individual submitting a Formal Complaint that he or she has a right to file a complaint with local law enforcement. The District must investigate Formal Complaints even if the complainant also files a complaint with local law enforcement or OCR.~~

~~(Title IX—see OCR, Questions and Answers on Title IX and Sexual Violence, April 29, 2014, p. 13; Title 5, §§ 59327, 59328.)~~

~~6.4 INVESTIGATION~~Investigation

The RDO or designee shall:

- Authorize the investigation of the Complaint, and supervise or conduct a thorough, prompt, and impartial investigation of the Complaint, as set forth below. Where the Parties opt for informal resolution, the designated officer will determine whether further investigation is necessary to ensure resolution of the matter and utilize the investigation process outlined below as appropriate. The investigation will include interviews with the Complainant, the accused, and any other persons who may have relevant knowledge concerning the complaint. This may include victims of similar conduct.
- Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, or other unlawful discriminatory conduct, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.

Investigation of the Complaint: The District shall promptly investigate every Complaint. No claim of workplace or academic harassment or discrimination shall remain unexamined. This includes Complaints involving activities that occur off campus and in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, on a District bus, or at a class or training program sponsored by the District at another location. The District shall promptly investigate complaints of harassment or discrimination that occur off campus if the alleged conduct creates a hostile environment on campus. The District shall notify the Complainant that the District will commence an impartial fact-finding investigation of the allegations contained in the complaint.

As set forth above, where the Parties opt for an informal resolution, the RDO or designee may limit the scope of the investigation, as appropriate. The District will keep the investigation confidential to the extent possible but cannot guarantee absolute confidentiality because release of some information on a "need-to-know-basis" is essential to a thorough investigation. When determining whether to maintain confidentiality, the District may weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the Complainant's age; whether there have been other harassment complaints about the same individual; and the accused individual's rights to receive information about the allegations if the information is maintained by the District as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S. Code Section 1232g; 34 Code Federal Regulations Part 99.15. The District will inform the Complainant if it cannot maintain confidentiality.

Investigation Steps: The District will fairly and objectively investigate harassment and discrimination complaints. Individuals designated to serve as investigators under this policy shall have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the District's grievance procedures

operate. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially.

Investigators will use the following steps: interviewing the Complainant(s); interviewing the accused individual(s); identifying and interviewing witnesses and evidence identified by each Party; identifying and interviewing any other witnesses, if needed; reminding all individuals interviewed of the District's no-retaliation policy; considering whether any involved person should be removed from the campus pending completion of the investigation; reviewing personnel/academic files of all involved Parties; reach a conclusion as to the allegations and any appropriate disciplinary and remedial action; and see that all recommended action is carried out in a timely fashion. When the District evaluates the complaint, it shall do so using a preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that discrimination or harassment has occurred.

Timeline for Completion: The District will undertake its investigation promptly and swiftly as possible. To that end, the investigator shall complete the above steps, and prepare a written report within 90 days of the District receiving the Complaint.

Cooperation Expected: All employees are expected to cooperate with a District investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a Complainant or witnesses does not relieve the District of its obligation to investigate. The District will conduct an investigation if it is discovered that harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a Complaint is filed. No employee will be retaliated against as a result of lodging a Complaint or participating in any workplace investigation.

Written Report

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

- A description of the circumstances giving rise to the Complaint;
- A description of the procedural steps taken during the investigation, including all individuals contacted and interviewed;
- A summary of the testimony provided by each witness, including the complainant and any available witnesses identified by the Complainant in the Complaint;
- An analysis of relevant data or other evidence collected during the course of the investigation, including a list of relevant documents;
- A specific finding as to whether each factual allegation in the complaint occurred based on the preponderance of the evidence standard;
- A table of contents if the report exceeds ten pages and
- Any other information deemed appropriate by the District.

Confidentiality of the Process

Investigations are best conducted within a confidential climate. Therefore, the District does not reveal information about ongoing investigations except as necessary to fulfill its legal obligations. The District will keep the investigation confidential to the extent possible, but it cannot guarantee absolute confidentiality because release of some information on a “need-to-know-basis” is essential to a thorough investigation and to protect the rights of student and employee Respondents during the investigation process and any ensuing discipline.

Administrative Determination

In any case not involving employment discrimination, within 90 days of receiving a Complaint, the district shall complete its investigation and forward a copy or summary of the report, and written notice to the Complainant setting forth all of the following:

- The District’s determination as to whether unlawful discrimination occurred with respect to each allegation in the complaint based on a preponderance of the evidence standard;
- In the event a discrimination allegation is substantiated, a description of actions taken, if any, to prevent similar acts of unlawful discrimination from occurring in the future;
- The proposed resolution of the Complaint;
- The Complainant’s right to appeal to the District’s Board of Trustees and the California Community Colleges Chancellor’s Office; and
- In matters involving student sexual misconduct, the Respondent’s right to appeal to the District’s Board of Trustees any disciplinary sanction imposed upon the Respondent.

In any case involving employment discrimination, within 90 days of receiving a Complaint, the District shall complete its investigation and forward a copy or summary of the report and written notice to the Complainant setting forth all the following:

- The District’s determination as to whether discrimination occurred with respect to each allegation in the complaint based on the preponderance of the evidence standard;
- If a discrimination allegation is substantiated, a description of actions taken, if any, to prevent similar acts of unlawful discrimination from occurring in the future;
- The proposed resolution of the complaint; and
- The Complainant’s right to appeal to the District’s Board of Trustees and to file a complaint with Department of Fair Employment and Housing.

The District shall also provide the Respondent the following:

- The District's determination as to whether unlawful discrimination occurred with respect to each allegation in the complaint based on the preponderance of the evidence standard;
- The proposed resolution of the complaint, including any disciplinary action against the Respondent; and
- In matters involving student sexual misconduct not subject to Title IX, the Respondent's right to appeal to the District's Board of Trustees any disciplinary sanction imposed upon the Respondent.

Discipline for Student Sexual Misconduct Not Subject to Title IX

In a complaint involving student sexual misconduct not subject to Title IX, if a student Respondent is subject to severe disciplinary sanctions, and the credibility of witnesses was central to the investigative findings, the District will provide an opportunity for the student Respondent to cross-examine witnesses indirectly at a live hearing, either in person or by videoconference and a live hearing conducted by a neutral decision-maker other than the investigator. The District shall appoint a neutral third party to attend the hearing solely for the purpose of asking any questions to the witnesses. The neutral third party shall not be the student Respondent, the student Respondent's representative, or any individual charged with making a final determination regarding discipline. The student Respondent may submit written questions before and during the cross-examination, including any follow-up questions. The neutral third-party asking questions shall not exclude any questions unless there is an objection to the question by any individual charged with making a final determination regarding discipline.

Discipline and Corrective Action

If harassment, discrimination, or retaliation occurred in violation of the policy or procedure, the District shall take disciplinary action against the accused and any other remedial action it determines to be appropriate consistent with state and federal law. The action will be prompt, effective, and commensurate with the severity of the offense. Remedies for the Complainant might include, but are not limited to:

- providing an escort to ensure that the Complainant can move safely between classes and activities;
- ensuring that the Complainant and alleged perpetrator do not attend the same classes or work in the same work area;
- preventing offending third parties from entering campus;
- providing counseling services or a referral to counseling services;
- providing medical services or a referral to medical services;
- providing academic support services, such as tutoring;

- arranging for a student Complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; and
- reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant being disciplined.

If the District imposes discipline, the nature of the discipline will not be communicated to the Complainant. However, the District may disclose information about the sanction imposed on an individual who was found to have engaged in harassment when the sanction directly relates to the Complainant; for example, the District may inform the Complainant that the harasser must stay away from the Complainant.

Disciplinary actions against faculty, staff, and students will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.

The District shall also take reasonable steps to protect the Complainant from further harassment, or discrimination, and to protect the Complainant and witnesses from retaliation as a result of communicating the complaint or assisting in the investigation.

The District will ensure that Complainants and witnesses know how to report any subsequent problems and should follow-up with Complainants to determine whether any retaliation or new incidents of harassment have occurred. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all Parties to the extent possible without impeding the District's ability to investigate and respond effectively to the complaint.

If the District cannot take disciplinary action against the accused individual because the Complainant refuses to participate in the investigation, it should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence.

Appeals

If the District imposes discipline against a student or employee as a result of the findings in its investigation, the student or employee may appeal the decision using the procedure for appealing a disciplinary decision.

If the Complainant is not satisfied with the results of the administrative determination, he/she/they may, within 30 days, submit a written appeal to the Board of Trustees.

In a complaint involving student sexual misconduct not subject to Title IX, a Respondent who is not satisfied with the results of the administrative determination may submit a written appeal to the District's Board of Trustees within 30 days.

The Board shall review the original complaint, the investigative report, the administrative decision, and the appeal. The Board shall issue a final District decision in the matter

within 45 days after receiving the appeal. A copy of the decision rendered by the Board shall be forwarded to the Complainant and the Respondent. The Complainant shall also be notified of his/her/their right to appeal this decision.

If the Board does not act within 45 days, the administrative determination shall be deemed approved on the forty-sixth day and shall become the final decision of the District in the matter. The District shall promptly notify the Complainant and the Respondent of the Board 's action, or if the Board took no action, that the administrative determination is deemed approved.

In any case not involving workplace discrimination, harassment, or retaliation, the Complainant shall have the right to file a written appeal with the California Community Colleges Chancellor's Office within 30 days after the Board issued the final District decision or permitted the administrative decision to become final. Such appeals shall be processed pursuant to the provision of Title 5 Section 59350.

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

Remand

The California Community College Chancellor's Office may remand any matter to the District for any of the following reasons: to cure defects in the investigation or in procedural compliance; to consider new evidence not available during the investigation despite the Complainant's due diligence that would substantially impact the outcome of the investigation; or to modify or reverse a decision of the District's Board of Trustees based upon misapplication of an applicable legal standard or an abuse of discretion.

If the California Community College Chancellor's Office remands a matter to the District, the District shall take necessary action and issue a decision after remand within 60 days. In any case not involving employment discrimination, the Complainant may appeal the District's amended determination to the California Community College Chancellor's Office within 30 days by following the appeal procedures above.

Extension of Time

If the District is unable to comply with the 90-day deadline, the District may extend the time to respond by up to 45 additional days. An extension may be taken only once without permission from the California Community Colleges Chancellor's Office, and must be necessary for one of the following reasons:

- a need to interview a party or witness who has been unavailable;
- a need to review or analyze additional evidence, new allegations, or new complaints related to the matter; or
- to prepare and finalize an administrative determination.

The District shall send a written notice to the Complainant and to a Respondent who is aware of an investigation indicating the necessity of an extension, the justification for the extension, and the number of days the deadline will be extended. The District shall send this notice no later than 10 days prior to the initial time to respond.

The District may request additional extensions from the California Community Colleges Chancellor's Office after the initial 45-day extension. The District shall send a copy of the extension request to the Complainant and to a Respondent who is aware of an investigation. The Complainant and Respondent may each file a written objection with the California Community Colleges Chancellor's Office within 5 days of receipt.

Disclosures to the California Community Colleges Chancellor's Office

Upon request of the California Community Colleges Chancellor's Office, the District shall provide copies of all documents related to a discrimination complaint, including the following: the original complaint, any investigative report unless subject to the attorney-client privilege, the written notice to the Complainant setting forth the results of the investigation, the final administrative decision rendered by the Board or a statement indicating the date upon which the decision became final, and a copy of the notification to the Complainant of his/her/their appeal rights, the Complainant's appeal of the District's administrative determination, any other non-privileged documents or information the Chancellor requests.

The District shall provide to the California Community Colleges Chancellor's Office an annual report with the following information: the number of employment and non-employment discrimination complaints and informal charges received in the previous academic year; the number of complaints and informal charges resolved in the previous academic year; the number of complaints of unlawful discrimination received in the previous academic year, and the number of those complaints that were sustained in whole or in part; and any other information requested by the Chancellor.

File Retention

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

- the original complaint;
- the investigatory report;
- the summary of the report if one is prepared;
- the notice provided to the Parties, of the District's administrative determination and the right to appeal;
- any appeal; and
- the District's final decision.

For any appeal to the California Community Colleges Chancellor's Office, the District shall provide all relevant, non-privileged documents upon request of the Chancellor.

Dissemination of Policy and Procedures

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

When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee's personnel file. In addition, these policies and procedures are incorporated into the District's course catalogs and orientation materials for new students.

Training

By January 1, 2021, the District shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees. All new employees must be provided with the training and education within six months of their assumption of his/her/their position. After January 1, 2021, the District shall provide sexual harassment training and education to each employee once every two years. An employee who received this training and education in 2019 is not required to have refresher training until after two years thereafter.

The training and education required by this procedure shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and the remedies available to victims of sexual harassment in employment, a review of "abusive conduct," and harassment based on gender identity, gender expression, and sexual orientation. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. Supervisor's harassment training must also address potential exposure and liability for employers and individuals, supervisor's obligation to report sexual harassment, discrimination, and retaliation when they become aware of it, appropriate remedial measures to correct harassing behavior.

The District will maintain appropriate records of the training provided, including the names of the supervisory employees trained, the date of training, sign in sheets, copies of all certificates of attendance or completion issued, the type of training provided, a copy of all written or recorded training materials, and the name of the training provider. If the training is provided by webinar, the District will maintain a copy of the webinar, all written materials used by the training and all written questions submitted during the webinar, and document all written response or guidance the trainer provided during the webinar. The District will retain these records for at least two years.

- ~~a. Upon receiving a Formal Complaint that meets all of the applicable requirements set forth in section 6.2, the RDO or designee shall initiate a fact-finding investigation. No Formal Complaint of Harassment, Discrimination, or Retaliation shall remain unexamined.~~
- ~~b. The RDO or designee shall notify the complainant that he or she has initiated an investigation.~~
- ~~c. If a Formal Complaint was filed by an alleged Victim or by an Official Reporter, the RDO or designee shall notify the State Chancellor that he or she has initiated an investigation.~~
- ~~d. The RDO or designee may conduct the investigation or assign it to other staff or outside persons or organizations under contract with the District. Other staff, not reporting to the RDO, or an outside person or organization, will perform the investigation whenever the RDO is named in the Formal Complaint or implicated by the allegations in the Formal Complaint.~~
- ~~e. In all instances, the person conducting the investigation will have relevant investigative experience or training and knowledge of pertinent District policies and laws governing Harassment, Discrimination, and Retaliation.~~
- ~~f. The District will fairly and objectively investigate all Formal Complaints. This shall include giving the Victim or other complainant and the Accused an equal opportunity to inform the investigator of evidence and witnesses that they believe to be relevant to assessing the allegations. The investigator has the ultimate authority to determine who it is necessary to interview and what documents to review in order to complete a thorough, fair, objective and timely investigation. However, he or she will not unreasonably fail to consider evidence identified by the Victim, other complainant, or Accused. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially.~~

~~6.5 Written Report~~

~~The results of the investigation of a Formal Complaint shall be set forth in a written report that will include at least all of the following information:~~

- ~~a. A description of the circumstances giving rise to the Formal Complaint;~~
- ~~b. A summary of the testimony provided by each witness interviewed by the investigator;~~
- ~~c. An analysis of relevant evidence collected during the course of the investigation;~~
- ~~d. A specific finding as to whether there is probable cause to believe that Discrimination, Harassment, and/or Retaliation occurred with respect to each allegation in the Formal Complaint; and~~
- ~~e. Any other information deemed appropriate by the District.~~

~~(Title 5, §§ 59320, 59324, 59334.)~~

~~6.6 CONFIDENTIALITY OF THE PROCESS~~

~~Investigative processes can best be conducted within a confidential climate. Therefore, the District does not reveal information about such matters except as necessary to fulfill its legal obligations. The District will keep the investigation confidential to the extent possible, but it cannot guarantee absolute confidentiality because release of some information on a "need-to-know-basis" is essential to a thorough investigation and to protect the rights of Accused students and employees during the investigation process and any ensuing discipline.~~

~~(Cal. Const. Art. I, § 1.)~~

~~6.7— ADMINISTRATIVE DETERMINATION IN CASES NOT INVOLVING EMPLOYMENT~~

~~The RDO or designee shall complete the investigation and provide a copy of the investigative report to the District Chancellor in sufficient time for the Chancellor or designee to issue an administrative decision within ninety (90) Days after receipt of a Formal Complaint. The District shall take the following actions within ninety (90) Days after receipt of a Formal Complaint:~~

~~a. The RDO or designee shall forward to the alleged Victim and/or Victim Advocate and to the Accused:~~

~~(1) a copy or summary of the investigative report;~~

~~(2) the administrative determination of the District Chancellor or his or her designee as to whether there is probable cause to believe Discrimination, Harassment, or Retaliation occurred with respect to each allegation in the Formal Complaint;~~

~~(3) a description of actions taken, if any, to stop any Discrimination, Harassment, or Retaliation found, to prevent similar problems from occurring in the future, and to remedy the effects of Discrimination, Harassment, or Retaliation on the Victim and other individuals, as necessary, provided, however, that the Accused will not be notified of the individual remedies offered or provided to the Victim that do not relate directly to limitations or consequences imposed on the Accused;~~

~~(4) the proposed resolution of the Formal Complaint; and~~

~~(5) notice of the right of the alleged Victim to appeal the determination to the District governing board and to the State Chancellor.~~

~~b. If a Third Party Reporter or Official Reporter files a Formal Complaint alleging Discrimination, Harassment, or Retaliation, against a class of Victims, (such as an allegation that facilities are not wheelchair accessible), the Third Party Reporter or Official Reporter shall stand in the shoes of the Victims for the purposes of Section 6.7, subdivision a.~~

~~c. If the Formal Complaint was filed by an alleged Victim or an Official Reporter, the RDO or designee shall forward to the State Chancellor:~~

~~(1) a copy of the investigative report;~~

~~(2) the administrative determination of the District Chancellor or his or her designee as to whether there is probable cause to believe Discrimination, Harassment, or Retaliation occurred with respect to each allegation in the Formal Complaint;~~

~~(3) a description of actions taken, if any, to stop any Discrimination, Harassment, or Retaliation found, to prevent similar problems from occurring in the future, and to remedy the effects of Discrimination, Harassment, or Retaliation on the Victim;~~

~~(4) the proposed resolution of the Formal Complaint; and~~

~~(5) a copy of the notice sent to the alleged Victim advising him or her of his or her right to appeal the determination to the District governing board and to the State Chancellor.~~

~~d. If the Formal Complaint was filed by an Official Reporter on behalf of an individual rather than a class of Victims, the District will advise the Official Reporter that the District completed the investigation and apprised the alleged Victim and the Accused of the District's findings.~~

~~(Title 5, §§ 59328, 59336, 59338, 59339.)~~

~~6.8 — ADMINISTRATIVE DETERMINATION IN CASES INVOLVING EMPLOYMENT~~
The District shall complete the investigation and take the following actions within ninety (90) Days after receipt of a Formal Complaint.

~~a. — The RDO or designee shall forward to the alleged Victim and/or Victim Advocate and to the Accused:~~

~~(1) — A copy or a summary of the investigative report;~~

~~(2) — The administrative determination of the District Chancellor or his or her designee as to whether there is probable cause to believe Discrimination, Harassment, or Retaliation occurred with respect to each allegation in the Formal Complaint;~~

~~(3) — A description of actions taken, if any, to stop any Discrimination, Harassment, or Retaliation found, to prevent similar problems from occurring in the future, and to remedy the effects of Discrimination, Harassment, or Retaliation on the Victim and/or the broader student population;~~

~~(4) — The proposed resolution of the Formal Complaint; and~~

~~(5) — The alleged Victim's right to appeal the determination to the District governing board and/or to file a complaint with the DFEH.~~

~~b. — If the Formal Complaint was filed by an Official Reporter on behalf of an individual rather than a class of Victims, the District will advise him or her that the District completed the investigation and apprised the alleged Victim and the Accused of the findings.~~

~~(Title 5, §§ 59328, 59336, 59338, 59339.)~~

~~6.9 — APPEALS~~

~~An alleged Victim has the right to file an appeal if he or she is not satisfied with the results of the District's administrative determination. Victims may utilize the Appeals process with the assistance of a Victim Advocate. The following procedures apply to appeals:~~

~~a. — First Level of Appeal: An alleged Victim has the right to file a written appeal to the District's governing board within fifteen (15) Days from the date of notice of the administrative determination. The District's governing board will review the original Formal Complaint, the investigative report, the administrative determination, and the appeal.~~

~~The District's governing board will issue a final District decision in the matter within forty five (45) Days after receiving the appeal. Alternatively, the District's governing board may elect to take no action within forty five (45) Days, in which case the original decision in the administrative determination shall become the final District decision in the matter. The RDO or designee will provide a copy of the final decision to the alleged Victim and the Accused.~~

~~b. — Second Level of Appeal~~

~~(1) — Cases Not Involving Employment: If the alleged Victim is not satisfied with the result of the First Level Appeal, he or she has the right to file a written appeal with the State Chancellor's Office within thirty (30) Days of the District's final decision following an appeal to the District's governing board. The written appeal must be accompanied by (1) a copy of the decision of the governing board; or (2) evidence showing the date on which the party filed an appeal with the governing board, accompanied by a statement under penalty of perjury that the party did not receive a response from the governing board within forty five (45) Days from that date.~~

~~(2) — Cases Involving Employment: The alleged Victim has the right to file a complaint with the DFEH or the EEOC, where the case is within the jurisdiction of that agency.~~

~~c. — Complaints by Third Party Reporters or Official Reporters: If a Third Party Reporter or Official Reporter files a Formal Complaint alleging Discrimination, Harassment, or Retaliation, against a class of Victims (such as an allegation that facilities are not wheelchair accessible), the Third Party Reporter or Official Reporter shall stand in the shoes of the Victims for the purposes of this Section.~~

~~(Title 5, §§ 59328, 59338, 59339; Title 2, § 10001.)~~

~~6.10 — PROVISION OF INFORMATION ABOUT APPEALS TO STATE CHANCELLOR~~

~~In any case involving alleged Discrimination, Harassment, or Retaliation, not involving employment, if the Formal Complaint was filed by an alleged Victim or an Official Reporter, the RDO or designee will, within 150 days of receiving a Formal Complaint, either:~~

~~a. — Notify the State Chancellor that the alleged Victim did not file an appeal with the District's governing board and that the District has closed its file; or~~

~~b. — Forward the following to the State Chancellor: (1) a copy of the notice of appeal rights the District sent to the alleged Victim; (2) a copy of the alleged Victim's appeal of the District's administrative determination; (3) a copy of the final District decision; and (4) any other information the State Chancellor may require.~~

~~The reporting obligations specified above do not apply to Formal Complaints submitted by other Third Party Reporters.~~

~~6.11 — EXTENSIONS~~

~~If the District is unable to comply with the 90-Day or 150-Day deadlines (specified above in sections 6.7 and 6.10) for reasons beyond its control, the RDO or designee may file a written request with the State Chancellor requesting an extension of the deadline. The RDO or designee must submit the request no later than 10-Days prior to the expiration of the deadline. The request must set forth the reasons for the request and the date by which the District expects to be able to submit the required materials.~~

~~The RDO or designee shall send a copy of the request for an extension to the alleged Victim and provide him or her with notice that he or she may file written objections to the request for an extension with the State Chancellor within 5-Days of receipt. If the complaint was filed by a Third Party reporter on behalf of a class of individuals, the Third Party Reporter shall stand in the shoes of the alleged Victim for purposes of this Section. If the State Chancellor grants the request for an extension of the 90-day deadline, the 150-day deadline is automatically extended by an equal amount.~~

~~(Title 5, § 59342.)~~

~~6.12 — FILE RETENTION~~

~~The District will retain on file for a period of at least three years after closing the case copies of (1) the original Formal Complaint; (2) the investigatory report; (3) the summary of the report if one is prepared; (4) the notice provided to alleged Victim, or Third Party Reporter of a class complaint, of the District's administrative determination and his or her right to appeal; (5) any appeal; and (6) the District's final decision. The District will make such documents available to the State Chancellor upon request.~~

~~(Title 5, §§ 59328, 59338 and 59340.)~~

7. — Discipline and Corrective Action

Upon investigation of any Informal or Formal Complaint, if the District determines that Harassment, Discrimination and/or Retaliation occurred, the District shall take remedial action. The action will be prompt, effective, and commensurate with the severity of the offense.

~~7.1 CORRECTIVE ACTIONS~~

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

- ~~a. providing an escort to ensure that the Victim can move safely between classes and activities;~~
- ~~b. ensuring that the Victim and perpetrator do not attend the same classes or work in the same work area;~~
- ~~c. preventing offending third parties from entering campus;~~
- ~~d. providing counseling services and/or a referral to counseling services;~~
- ~~e. providing medical services and/or a referral to medical services;~~
- ~~f. providing academic support services, such as tutoring;~~
- ~~g. arranging for a student Victim to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Victim's academic record; and~~
- ~~h. reviewing any disciplinary actions taken against the Victim to see if there is a causal connection between the Harassment, Discrimination, and/or Retaliation and the misconduct that may have resulted in the Victim being disciplined.~~

Remedies for the broader student population, if appropriate, might include notifying students of the availability of campus and community counseling, health, mental health, and other student services; providing training to students and District employees; developing materials to distribute to students and post on campus; creating a committee of students and campus officials to identify strategies for ensuring that students know about the District's prohibition against discrimination, including harassment; conducting a "climate check" to assess the effectiveness of efforts to ensure the campus is free from discrimination and harassment and using the resulting information to inform future proactive steps.

~~7.2 DISCLOSURE OF DISCIPLINARY ACTION TAKEN~~

If discipline is imposed, the details of the discipline will not be communicated to the Victim or Victim Advocate, without the permission of the Accused, except as set forth in this section. The District may disclose to a Victim or Victim Advocate that discipline has been imposed or other corrective measures taken, except that such information will not be disclosed to a Victim Advocate where the matter involves employee discipline and the Victim Advocate is a non-managerial or subordinate employee to the Accused. The District may also disclose information to a Victim about the sanction imposed on an individual who was found to have engaged in Harassment when the sanction directly relates to the Victim; for example, the District may inform the Victim that the harasser must stay away from him or her.

~~7.3 ADHERENCE TO DISCIPLINE PROCEDURES~~

If the District determines that discipline should be imposed against a student or employee based on the findings in its investigation, the discipline process will comport with due process and related principles, and will conform to all applicable statutes, regulations, personnel policies and procedures, employment contracts, and collective bargaining agreements.

~~7.4 — NOTICE TO VICTIM OF OUTCOME OF APPEAL~~

~~The RDO or designee shall provide written notice to the Victim promptly after any appeal is upheld or denied. If a successful appeal may impact the Victim, such as a return of the Accused individual to campus, the RDO or designee shall take steps as needed to remediate the environment for the alleged Victim.~~

~~The District shall also take reasonable steps (1) to protect the Victim from further Harassment and/or Discrimination; and (2) to protect the Victim, any Third-Party Reporter or Victim Advocate, and witnesses, from Retaliation. The District will ensure that Victims, Third-Party Reporters, and witnesses, know how to report any subsequent Harassment, Discrimination, and/or Retaliation.~~

~~(Ed. Code, § 76234)~~

~~8. — EDUCATION AND TRAINING FOR STUDENTS AND EMPLOYEES~~

~~The RDO or designee shall provide or make arrangements to provide training and education to employees and students on the District's Harassment, Discrimination, and Retaliation policies and procedures and how to file an Informal or Formal Complaint.~~

~~a. — The District will provide all employees with a copy of the District's written policies and procedures on Harassment, Discrimination, and Retaliation upon hire and at the beginning of the first term of each college year.~~

~~b. — The District will provide training on the District's Harassment, Discrimination, and Retaliation policies and procedures for all employees during the first year of their employment.~~

~~c. — Because of their special responsibilities under the law, supervisors will undergo mandatory training within six months of assuming a supervisory position and thereafter once every two years. In years in which a substantive policy or procedural change has occurred, all District employees will attend a training update and/or receive a copy of the revised policies and procedures.~~

~~d. — In order to take proactive measures to prevent and address Discrimination and Harassment, including sexual harassment and sexual violence toward students, the District will provide preventive education programs and Victim resources and services. The District will educate students about such programs, resources, and services in orientation programs for new students, in training for student athletes and coaches, and in training provided to students who lead student organizations. These programs will include discussion of what constitutes Discrimination and Harassment, including sexual harassment and sexual violence, the District's policies and disciplinary procedures, the consequences of violating these policies, and how to file an Informal or Formal Complaint. The District will make such educational programs and information available to all students at least once annually.~~

~~e. — Student education programs will also include information aimed at encouraging students to report incidents of sexual violence to the appropriate college, District, and law enforcement authorities. Since Victims or third parties may be deterred from reporting incidents if alcohol, drugs, or other violations of District or campus rules were~~

~~involved, the District will inform students that the primary concern is for student safety, and that use of alcohol or drugs never makes the Victim at fault for sexual violence.~~

~~f. If training is provided by webinar, the District will record and maintain a copy of the webinar, including all written materials used by the training and the questions and answers addressed during the webinar. The District will retain these records for at least two years.~~

~~(Ed. Code, § 66281.5; Gov. Code, § 12950.1; Title 5, §§ 59324, 59326, 59300 et seq.; 34 C.F.R. § 106.8(b); 28 CFR 35.107; 34 CFR 104.)~~

~~[See also BP and AP 3410 (Nondiscrimination) and BP and AP 3430 (Prohibition of Harassment).]~~

Date Approved: July 21, 2015;

Edited November 20, 2017;~~Revised November, 2021.~~

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".~~

Instruments as determined by the appropriate ~~Administrative and~~ Education Code sections, and as described in the ~~applicable a~~Administrative ~~r~~Rules and ~~p~~Procedures, will be utilized in the granting of fee credit(s) and waivers and enrollment fee deferments.

Instructional Materials Fee (Education Code ~~Section 76365~~; Title 5 Sections ~~59400~~[76365 et seq.](#); Title 5 Sections [59400 et seq.](#))

Students may be required to provide required instructional and other materials for a credit or non-credit course, provided such materials are of continuing value to the student outside the classroom and provided that such materials are not solely or exclusively available from the District. [The District shall charge instructional materials fees in accordance with CLPCCD Board Policy 5031 and Administrative Procedure 5031 – Instructional Materials Fees.](#)

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. [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.

Health Fee (Education Code Section 76355)

The Chancellor shall present for to the Board for approval a fee to be charged to each full-time student for student health services.

Apprenticeship Fee (Education Code Section 76350)

Apprentices shall not be charged any fees to attend related and supplemental instruction affiliated with their registered apprenticeship. 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.

Auditing of Courses (Education Code Section 76370)

The District does not allow for the aAuditing of courses ,is not permitted.

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 each term if a majority of all students at the college vote for such a proposition. 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. Students will be charged a \$2 fee each term to be used to provide support for student governmental affairs representation. A student may request to be exempt from the student representation fee without providing a reason for refusing to pay the fee by the established deadline.

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.

Student Activities Fee

The District shall charge a student activities fee each 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. No charge shall be made for furnishing up to two transcripts of students' records, or for two verifications of various records.

~~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. 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. Failure to make payment deadlines may jeopardize an international student's visa status. No processing fee shall be charged to an applicant who would be eligible for an exemption from

[nonresident tuition pursuant to Section 76140 or who can demonstrate economic hardship.](#)

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

[See also AP 5030 Fees](#)

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 an [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.

[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 an 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".](#)

2. **Nonresident Tuition Fee** (Education Code Section 76140 and 76140.5) [The District shall charge nonresident tuition in order to admit nonresidents. The District shall assess nonresident tuition in accordance with CLPCCD Board Policy 5020 and](#)

Administrative Procedure 5020- Nonresident Tuition. ~~with these~~ The following permissive exemptions are by law:

- 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
 - 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 ~~is~~ eligible to do so.

Fees authorized by law include:

- **Auditing of Courses** (Education Code Section 76370)
- **Dormitory** (Education Code Section 81670)
- **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. The District shall follow in accordance with CLPCCD Board Policy 5030 and Administrative Procedure 5030 – Instructional Materials Fees.
- **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~~term~~. One parking permit/decal is issued for each registered vehicle upon payment of the parking fee. Daily parking ~~tickets~~ permits 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.

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 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. A health fee will be charged each term and published on the College websites. 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. 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.

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.

- **Noncredit courses** (Education Code Section 76385)
- **Community ~~service courses~~ Services Programs** (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 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. The District shall charge community education services fees in accordance with CLPCCD Board Policy 4400 and Administrative Procedure 4400 – Community Services Programs.
- **Cross-Enrollment with the California State University (CSU) or University of California (UC)** (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.

- **Nonresident application processing** (Education Code Section 76142)
- **Nonresident capital outlay** (Education Code Section 76141)
- ~~**Refund processing** (Title 5 Section 58508)~~
- **Credit by Examination for Prior Learning** (Education Code Section 76300; Title 5 Section 55050)
The District may charge reasonable fees due to verifiable expenses in connection with offering credit for prior learning.
- **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)
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 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.
- **Student Center** (Education Code Section 76375; ~~Title 5 Section 585101~~)
- **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)
- [Refund processing \(Title 5 Section 58508\)](#)

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. Because of the student's reduction in units or withdrawal from an educational program.~~ 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.](#)
- [Notice – The District will give notice to students of availability of exemptions from certain mandatory and authorized fees.](#)
- **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.](#)

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.

[See also BP 5030 Student Fees](#)

Date Approved: March 18, 2014

~~Edited: August 21, 2018~~

Student Services

BP 5031 INSTRUCTIONAL MATERIALS FEES

References:

Education Code Section 76365;
Title 5 Sections 59400 et seq.

In accordance with the provisions of Title 5 Section 59400, the ~~Governing Board of the District Trustees~~ may require students to provide instructional and other materials required for credit or non-credit courses provided that such materials are of a continuing value to a student outside the classroom and provided that such materials are not solely or exclusively available from the District.

Except as specifically authorized, ~~it shall be the policy of~~ the District shall not ~~to~~ require students to pay a fee for instructional or other materials required for the various courses offered by Chabot and Las Positas Colleges.

Also see BP/AP 5030 Student Fees and AP 5031 Instructional Materials Fees.

Adopted: June 17, 2014

(~~This policy r~~Replaces former CLPCCD Policy 6120)

Revised:

Student Services

AP 5031 INSTRUCTIONAL MATERIALS FEES

References:

Education Code Section 76365;
Title 5 Sections 59400 et seq.

Students may be required to provide instructional materials required for a credit or noncredit course. Such materials shall be of continuing value to a student outside of the classroom setting and shall not be solely or exclusively available from the District.

Required instructional materials shall not include materials used or designed primarily for administrative purposes, class management, course management, or supervision.

Where instructional materials are available to a student temporarily through a license or access fee, the student shall be provided options at the time of purchase to maintain full access to the instructional materials for varying periods of time ranging from the length of the class up to at least two years. The terms of the license or access fee shall be provided to the student in a clear and understandable manner prior to purchase.

Instructors shall take reasonable steps to minimize the cost and ensure the necessity of instructional materials.

The District will publish these regulations in each college catalog.

Definitions

"Required instructional materials" means any materials which a student must procure or possess as a condition of registration, enrollment or entry into a class; or any such material which the instructor determines is necessary to achieve the required objectives of a course.

"Solely or exclusively available from the District" means that the instructional material is not available except through the District, or that the District requires that the instructional material be purchased or procured from it. A material shall not be considered to be solely or exclusively available from the District if it is provided to the student at the District's actual cost; and 1) the instructional material is otherwise generally available, but is provided solely or exclusively by the District for health and safety reasons; or 2) the instructional material is provided in lieu of other generally available but more expensive material which would otherwise be required.

"Required instructional materials which are of continuing value outside of the classroom setting" are materials which can be taken from the classroom setting and which are not wholly consumed, used up, or rendered valueless as they are applied in achieving the required objectives of a course to be accomplished under the supervision of an instructor during the class.

Establishing Required Materials and Related Fees include:

- How need is determined and by whom.
- How compliance with definitions is determined and by whom.
- How materials will be provided and by whom.
- Procedures for publishing and collecting fees.
- Who is responsible for gathering related data and responding to the State California Community Colleges Chancellor's Office inquiries regarding these fees.

Also see BP/AP 5030 Student Fees and BP 5031 Instructional Materials Fees.

Approved: March 18, 2014

Revised:

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

AP 5041 STUDENT RECORDS - PREFERRED NAME AND GENDER

References:

Title IX, Education Amendments of 1972, 42 U.S.C. 1681
Education Code, Section 201
Education Code 210.7
Education Code 220
Education Code 66250 et seq.;
Education Code 72010 et seq.
California Code of Regulations
Title 5 Section 59311
Weathers v. Superior Court (1976) 54 Cal.App.3d 286, 288
Code of Civil Procedure Section 1275 et seq.;
Code of Civil Procedure Section 1279.5

The District is committed to providing an inclusive, supportive, and non-discriminatory learning environment for all students and equal opportunity in educational programs and activities.

The District recognizes that some students may prefer to use names other than their legal names to identify themselves. The District further recognizes that students may wish to identify by a preferred gender, or nonbinary options, other than their sex assigned at birth. A preferred name, preferred pronoun, and preferred gender may be used when possible on certain documents and unofficial records maintained by the District, and in situations where a legal name and gender are not required by law. The following guidelines and procedures have been established to help clarify the use of preferred names, pronouns, and gender at the District. Students may not use a preferred name or gender for inappropriate purposes, such as fraud or misrepresentation.

A. Definitions

For purposes of this Administrative Procedure, the following definitions apply:

Legal Name: A name designated on official government issued documents including but not limited to birth certificates, passports, social security cards, immigration documents and identification cards or permits. In order to change a person's legal name, a court order is required under California law.

Preferred Name: A name that a person can designate on District-related unofficial documents and records, as defined below, in place of the person's legal name and in

furtherance of their preferred gender. It is the name that the person wishes to be known or identified by, and is different from the person's legal name.

Preferred Pronoun: The pronoun that a person wishes to designate on District-related documents and unofficial records.

Sex Assigned at Birth: This refers to the sex designation recorded on an infant's birth certificate should such a record be provided at birth.

Gender Identity: This refers to an individual's internal sense of gender. A person's gender identity may be different from or the same as the person's sex assigned at birth.

Nonbinary: Nonbinary is an umbrella term that describes a gender identity that is neither exclusively man nor woman.

Preferred Gender: The gender identity that a person wishes to designate on District-related documents and unofficial records.

Official Records: Official records are those records the District is required to maintain as part of a student's permanent record and which are required, by law or District policy or practice, to contain a student's legal name.

Official records include, but are not limited to, registration documents, official and unofficial transcripts, health records, diplomas, financial aid documents, payroll records and federal immigration documents.

Unofficial Records: Unofficial records are those records which do not require a legal name. These records include but are not limited to academic and extracurricular rosters, identification badges, and District email addresses.

B. Official Records

The District will change a student's name and/or gender on official records when the name or gender of the student is changed through civil records or court action, such as by a change of name proceedings. Once the District receives notice of an order change, it will use the new legal name and/or gender in all District records going forward to reflect the change.

C. Unofficial Records

The District shall permit a student to use a preferred name and preferred gender on District-related unofficial documents and records where the use of the legal name is not required by law or District policy. Before a student's preferred name and gender will appear on unofficial records, a student must submit, to the Admissions and Records Office of each College as appropriate, a completed Change of Information Form.

The District shall input the student's preferred name and preferred gender, if applicable, in the appropriate fields in the District's electronic data system to indicate how the student's name and gender will appear on unofficial records. The District shall also enter the preferred name and gender as an Also Known As ("AKA") in the student's permanent records folder.

D. Names and Pronouns

Every effort should be made to use the preferred names and pronouns consistent with a student's preferences.

Also see BP and AP 3410 Nondiscrimination.

Date Approved:

BP 5110 COUNSELING

References:

Education Code Section 72620;
Title 5 Section 51018;
[ACCJC Accreditation Standard II.C.5](#)

Counseling services are an essential part of the educational mission of the District.

The Chancellor shall assure the provision of counseling services including academic, career, [mental health](#), and personal counseling that is related to the student's education.

~~Counseling shall be required for all first-time students enrolled for more than six units, students enrolled provisionally, and students on academic or progress probation. The District shall provide counseling, advising, and other educational planning with the goal of providing students with the support services necessary to assist them in achieving their educational goal and identified course of study.~~

[Also see AP 5110 Counseling.](#)

Adopted: June 17, 2014

~~(This is a new policy recommended by the Policy and Procedure Service and its legal counsel)~~ **Revised:**

AP 5110 COUNSELING

References:

Education Code Sections 72620 and 72621;
Title 5 Section 51018;
[ACCJC Accreditation Standard II.C.5](#)

The counseling services available ~~in the District's counseling program at the Colleges~~ include at least the following:

- Academic counseling, in which the student is assisted in assessing, planning, and implementing ~~his/her~~ immediate and long-range academic goals;
- ~~Career counseling, in which the student is assisted in assessing his/her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;~~
- [Mental health counseling, in which the student is assisted with therapeutic counseling sessions and mental health referrals related to the student's educational success;](#)
- Personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education;
- Coordination with the counseling aspects of other ~~student~~ services ~~to students~~ which exist on campus, including but not limited to those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

Confidentiality of Counseling Information:

Information of a personal nature disclosed by a student 12 years of age or older in the process of receiving counseling from a counselor is confidential, and shall not become part of the student record without the written consent of the person who disclosed the confidential information. However, the information shall be disclosed when permitted by applicable law, including but not limited to disclosure as necessary to report child abuse or neglect; reporting to the Chancellor or other persons when the counselor has reason to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student or other persons living in the ~~college~~-District community; reporting information to the Chancellor or other persons as necessary when the student indicates that a crime involving the likelihood of personal injury or significant or substantial property losses will or has been committed; reporting information to one or more persons specified in a written waiver by the student.

Also see BP 5110 Counseling.

Approved: March 18, 2014

~~(This is a new procedure recommended by the Policy and Procedure Service and its legal counsel)~~ **Revised:**

BP 5120 TRANSFER CENTER

References:

Education Code Sections 66720 – 66744;
Title 5 Section 51027

The District incorporates as part of its mission the transfer of its students to baccalaureate level institutions. The District is further ~~recognizes~~ committed that to students who have been historically ~~been~~ underrepresented in transfer to baccalaureate level institutions are a special responsibility and eliminating institutional barriers to their successful completion of educational goals.

The Chancellor shall assure that a transfer center plan is implemented that identifies appropriate target student populations, is designed to increase the transfer applications of underrepresented students and complies with law and regulations.

Also see AP 5120 Transfer Center.

Adopted: June 17, 2014

~~(This is a new policy recommended by the Policy and Procedure Service and its legal counsel)~~ **Revised:**

AP 5120 TRANSFER CREDITCENTER

References:

Education Code Sections 66720-66744;
Title 5 Section 51027

The District has a transfer center plan that complies with the requirements of Title 5. The plan identifies appropriate target student populations and is designed to increase the transfer applications of underrepresented students among transfer students.

Plan components include, but are not limited to:

- Services to be provided to students
- Facilities
- Staffing
- An advisory committee
- Evaluation and reporting
- Transfer path requirements for each articulated baccalaureate major

[The College Transfer Plans are maintained and updated by the Vice President of Student Services or designee.](#)

[Also see BP 5120 Transfer Center.](#)

Approved: March 18, 2014

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

~~-Revised:~~

BP 5150 EXTENDED OPPORTUNITY PROGRAMS AND SERVICES

References:

Education Code Sections 69640–69656;
Title 5 Sections 56200 et seq.

Support services and programs that are over and above and in addition to the traditional student services programs shall be provided in order to assist students who have language, social, educational, and economic disadvantages to succeed academically in the District.

The Extended Opportunity Programs and Services (EOPS) is established to provide services that may include, but are not limited to, outreach, recruitment, orientation, assessment, tutorial services, financial aid, counseling, and advising, and with the goal of promoting retention and academic financial aid success.

The Chancellor shall assure that the EOPS program conforms to all requirements established by the relevant law and regulations.

Also see AP 5150 Extended Opportunity Programs and Services.

Adopted: June 17, 2014

~~(This is a new policy recommended by the Policy and Procedure Service and its legal counsel)~~ **Revised:** _____

AP 5150 EXTENDED OPPORTUNITY PROGRAMS AND SERVICES

References:

Education Code Sections 69640-69656;
Title 5 Sections 56200 et seq.

[The College's Extended Opportunity Programs and Services \(EOPS\) Plans, implementing guidelines, and documents](#) address the following requirements:

- Staffing and program management.
- Documentation and data collection system.
- An EOPS advisory committee.
- A full-time director.
- Eligibility criteria.
- Student responsibility requirements.
- Recruitment and outreach services.
- Cognitive and non-cognitive assessment, advising, orientation services and registration assistance.
- Basic skills instruction, seminars, and tutorial assistance.
- Counseling and retention services.
- Career employment services.
- Transfer services.
- Direct aid to students.
- Establishment of objectives to achieve the goals in implementing extended opportunity programs and services, and.
- Review and evaluation of the programs and services and including the submission of related reports.

[The College EOPS Plans are maintained and updated by the Vice President of Student Services or designee.](#)

[Also see BP 5150 Extended Opportunity Programs and Services.](#)

Approved: March 18, 2014

Revised:

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

Student Services

BP 5205 STUDENT ACCIDENT INSURANCE

Reference:

Education Code Section 72506

The District shall assure that students are covered by accident insurance in those instances required by law or contract.

Adopted: June 17, 2014

~~(This is a new policy recommended by the Policy and Procedure Service and its legal counsel)~~ **Reviewed:**

AP 5211 Student COVID-19 Vaccination Requirement**References:**

California Code of Regulations, Title 8 Section 3203
California Constitution, Article IX, Section 14
Education Code, Section 70902
Education Code, Section 76020
Education Code, Section 76403
Education Code, Section 87408
United States Code Title 29 Section 654 (a) (1)
United States Equal Employment Opportunity Commission guidance
California Community Colleges Chancellor's Office 2021-01 Advisory

The Chabot-Las Positas Community College District is committed to providing a safe and healthy environment for its District community. This includes students, employees, visitors, and contractors. A student is defined as any person admitted or enrolled in Chabot-Las Positas Community College District instructional activities and services. Visitors include prospective students.

Request for COVID-19 Vaccine Certification

Effective Spring 2022 semester, the District requires all students and visitors who wish to be physically present on District premises, participate in District activities, or be inside a District building or office to either be fully vaccinated against COVID-19 or subject to the approval of a medical or religious exemption. Any student or visitor who does not provide fully vaccinated certification will be considered unvaccinated and may be denied access to District in person programs and services. If a student or visitor's vaccination status changes, the student or visitor can submit an updated certification.

If it is determined by the CDC or other federal, state or local public health authorities that a vaccine booster is required to assure the ongoing effectiveness of the COVID-19 vaccine, proof of having received the booster in addition to the initial dose(s) may be required.

The District prohibits discrimination, harassment, or retaliation based on vaccination status or the use of face coverings.

Any student falsifying information or in non-compliance with the procedure outlined will be referred to the college Vice President of Student Services or designee for the student conduct process which can lead to disciplinary action, up to and including removal from programs.

Students and visitors who do not follow these procedures will be unable to register for on campus courses or utilize District in person services until proof of vaccination is provided or exemption is granted.

Enrolling for Classes

Prior to attending any in person classes or accessing on campus or District services, students must provide proof of vaccination via a digital secure upload to the District's designated service provider, CLEARED4. Unvaccinated students have the option to enroll in online distance education courses and access online student support services.

Visitors

In order to access the District's campus and facilities, all persons must be fully vaccinated against COVID-19 and submit proof of vaccination.

Event and Performance Visitors: For reservation-based events at District facilities, including performance theatres, visitors will be subject to the vaccination requirement and verified prior to entrance. Additionally, event and performance visitors will be required to wear a mask while indoors at any district facility, and all large events will follow CDPH and local county health officer guidance.

Personal Protective Equipment (PPE)

Cal-OSHA masking requirements will be followed for all indoor locations except as specified in federal, state, and local public health agency guidelines. In the event that the directives of federal, state, and local governing public health agencies differ, the District will comply with the most stringent or restrictive mandate.

When mandated, proper use of face coverings is required for all students and visitors while indoors or in shared district vehicles. Individuals may source their own face covering if it consists of a surgical mask, a medical procedure mask or a mask constructed of tightly woven fabric or non-woven material of at least two layers. Face coverings must be free of visible holes and cover the nose and mouth at all times, when required. A face covering does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, or single layer of fabric.

How to Apply for an Exemption

Students may request a COVID-19 Vaccination Exemption as defined in federal or state laws and regulations based on the following: 1) a sincerely held religious belief, practice, or observance that conflicts with the District's requirement that such students receive a COVID-19 vaccination. 2) a medical reason due to a condition for which receiving an approved vaccine presents a significant risk of a serious adverse reaction.

Students can find exemption forms on the Colleges' Vaccination Information webpage as well as information on where forms will be accessible on campus.

The District will consider requests for exemptions on an individual basis. Exemptions will not be approved based on a purely personal preference to not take the COVID-19

vaccine. Opposition to the COVID-19 vaccine due to medical beliefs does not constitute a conflict with the vaccination requirement based on a sincerely held religious belief.

Students must complete the Exemption Form in full and submit according to directions on the Colleges' Vaccination Information webpage. Exemptions will be considered on an individual basis and responses will be provided by the Chancellor/President or designee. The District will rely on the information submitted to manage the health and safety of the District's students and community.

The District is not required to provide an exemption accommodation if doing so would pose a direct threat to the student or others in the District community or would create an undue hardship for the District.

A person who is approved for an exemption from vaccination will be required to adhere to other safety measures while on site at any college campus or district facility for the health and safety of the District community.

Protected Information

All related student records will be kept in a confidential manner according to the District's policies and the District will only disclose such information to the extent necessary and only to employees with a legitimate need for such information.

The District is authorized to use student vaccination status information for the following purposes: For legitimate, non-discriminatory business and academic purposes where information regarding student vaccination status is necessary for the District to make decisions authorized by or in order to comply with District protocols, federal, state, or local law, or regulation that takes a person's vaccination status into account.

This procedure supplements and does not replace District policies and procedures governing other safety measures.

Definitions

Approved Vaccine: A COVID-19 vaccine that has received full approval from the U.S. Food & Drug Administration (FDA) and is recommended for use by the U.S. Centers for Disease Control and Prevention (CDC). The following COVID-19 vaccines shall also be deemed to be approved vaccines for the purpose of satisfying the vaccination requirement in this policy: (a) a COVID-19 vaccine administered under an FDA Emergency Use Authorization; or (b) a COVID-19 vaccine administered outside of the United States that has been approved by the World Health Organization.

Certification: Submission of information establishing that a student has received an approved vaccine or qualifies for an exemption from the vaccine requirement. The District will require from every student who seeks access to District and campus facilities the following, as applicable: (1) proof of receiving an approved COVID-19 vaccine; or (2) declaration of medical exemption; or (3) declaration of religious exemption. Each certification shall include an attestation by the student that the

information provided is accurate and truthful. The District may request other information including, but not limited to, date of full vaccination, vaccine type, and lot number.

Contractor: A person or entity, including an auxiliary organization, that agrees to conduct work for the District as specified under the terms of a contract or agreement.

District community: The entirety of the public that interacts with the District, the Colleges of the District, and District operations. This includes students, employees, visitors, and contractors.

Exemptions: A student may be approved for an exemption from the vaccination requirement due to verified Medical Exemption and Religious Exemption as defined in federal or state laws and regulations. A person who is granted an exemption will be required to adhere to other safety measures for the health and safety of the District community.

Medical Exemption: The Exemption due to Medical Reasons Form can be filed if a student has a legitimate medical reason due to a medical (including mental health) condition for which receiving an approved vaccine presents a significant risk of a serious adverse reaction. The request must include verification from the student's medical provider as specified in the form. A person who is granted medical exemption will be required to adhere to other safety measures.

Religious Exemption: The Exemption due to Religion Form can be filed if a student is requesting religious accommodation for a sincerely held religious belief, practice, or observance that conflicts with the District's requirement that such students receive a COVID-19 vaccination.

Any person submitting a declaration of religious exemption shall verify they will promptly provide a statement that describes the applicable religious or other comparable belief that is the basis for their exemption upon request by the District. A person who is granted religious exemption will be required to adhere to other safety measures.

Fully Vaccinated: Two weeks after receiving the second dose in a two-dose series or following a single-dose vaccine.

On Campus Programs: Any campus, property or facility owned or operated by the District in connection with its teaching, public service, or other programs and services. Any in-person program or activity (on- or off-campus) operated or controlled by the District. Instruction and services provided by request at a non-District site are not considered operated or controlled by the District.

Other Safety Measures: Any action, as determined by the District, other than getting an approved vaccine that decreases the likelihood of COVID-19 transmission or illness and allows the core mission and activities of the campus to continue. Other safety measures may include asymptomatic (public health surveillance) testing and symptomatic testing;

physical/social distancing; avoiding large gatherings; wearing face coverings and personal protective equipment; frequent handwashing and cleaning; practicing respiratory etiquette; and staying home and/or quarantining when warranted.

Student: Any person admitted or enrolled in Chabot-Las Positas Community College District instructional activities and services.

Visitor: Any person not affiliated with District employment or admitted or enrolled in Chabot-Las Positas Community College District instructional activities and services.

General Provisions

Access and Availability of Vaccinations and Testing. COVID-19 testing required by the District shall be provided to students at no charge. Information about the availability of approved vaccines and COVID-19 testing, including those offered free-of-charge, shall be widely disseminated through any combination of written information statements, verbal communications, or online or in-person training programs.

Accessibility. This procedure shall be governed by applicable District policies regarding accessibility, as well as applicable state and federal law.

Accommodations. The District will attempt to reasonably accommodate students for individuals claiming an exemption. Accommodations may involve offering online learning and services to the extent possible, adjustments to student activities and/or job duties, and other safety measures.

Apprenticeship, Contract Education, and Off-Site Programs. Apprenticeship, Contract Education, and any form of program or activity occurring at a non-District site are not subject to this administrative procedure, but are required to abide by applicable federal, state and local health regulations for the safety of their students.

Broad Dissemination of Policy Information. Information about the COVID-19 vaccination requirement shall be widely disseminated through any combination of written information statements, verbal communications, or online or in-person training programs. Such information shall provide appropriate point(s) of contact, including email and telephone numbers.

Confidentiality of Information. This procedure (including in connection with data collection) shall be governed by applicable District policies regarding confidentiality, privacy, student records security, as well as state and federal law. Information shall be used only for the specific purpose intended and only be accessible to District personnel who have a business need-to-know.

Contractors. As visitors to District facilities, contractors shall ensure that their agents and employees undertake appropriate safety measures as required by the California Department of Public Health. In consideration of the nature of the contractor's services

(including proximity to members of the District community), duration, and extent of District's campus and facility presence, the District may require that a contractor's agents and employees receive an approved vaccine. The District, at its discretion, may also require additional safety measures. If a contractor, vendor or visitor discriminates, harasses or retaliates against a student, faculty, staff or other member of the campus community for wearing or not wearing a face covering, or fails to comply with any District policy, they may be barred from District property and have their business relationship with the District suspended or terminated.

Dual Enrollment Students. Dual Enrollment instruction is considered an off-site program and not subject to this administrative procedure. The District shall coordinate with local K-12 school districts and their respective county offices of education regarding abiding by applicable federal, state and local health regulations for the safety of students.

Provided Information All students shall receive information as part of their enrollment and education, concerning:

- a. The potential benefits for COVID-19 vaccination;
- b. The potential health consequences of COVID-19 illness for themselves, family members and other contacts, coworkers, patients, and the community;
- c. Safe practices related to reducing the spread of the virus.
- d. Requirements for compliance with the COVID-19 vaccination policy.

Superseding Public Health Directives In the event that a federal, state, or local governing public health agency imposes a requirement that restrictively conflicts with this policy or implementation of this policy, the applicable public health mandate shall govern and be implemented.

Withdrawal of Consent to Remain on Campus

Withdrawal of consent to remain on campus may be imposed by the campus safety administrator/supervisor or designee on any person in accordance with California Penal Code Section 626.4 where the campus safety administrator/supervisor or designee has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

Effective Dates

This procedure shall be effective immediately and shall remain in effect until the District determines that this procedure is no longer necessary.

Also see BP 5210 Communicable Disease Protocols for Students
AP 5520 Student Discipline Procedures
BP/AP 5500 Standards of Student Conduct
BP/AP 5040 Student Records, Directory Information, and Privacy

Approved:

Student Services

**BP 5220 SHOWER FACILITIES FOR ~~HOMELESS~~ STUDENTS
EXPERIENCING HOUSING INSECURITY**

Reference:

Education Code Section 76011

The Chancellor ~~or Chancellor's designee~~ shall establish procedures necessary to make on-campus shower facilities available to any ~~homeless~~ student experiencing housing insecurity who is enrolled in coursework, has paid enrollment fees, and is in good standing with the District.

Adopted: April 18, 2017

Revised:

Student Services

AP 5220 SHOWER FACILITIES FOR STUDENTS EXPERIENCING HOUSING INSECURITY

Reference:

Education Code Section 76011

The District maintains shower facilities for student use on campus that may be used by any student experiencing housing insecurity who is enrolled in credit or noncredit coursework, has paid enrollment fees, and is in good standing with the District.

A student experiencing housing insecurity is defined as a student who does not have a fixed, regular, and adequate nighttime residence. This includes, but is not limited to, students who: are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, transitional housing, or camp grounds due to lack of secure accommodations; are living in emergency or transitional shelters; have a primary nighttime residence that is a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings; or are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.

The Chancellor or Chancellor's designee at each college shall create a protocol for use of shower facilities by students experiencing housing insecurity. The protocol shall include at a minimum:

- The locations of shower facilities open to use by students experiencing housing insecurity.
- The days and hours of availability (not less than two hours per weekday).
- The plan of action if hours of operation conflict with an intercollegiate athletic program.
- The means by which the availability of shower facilities and related information will be made known.

Also see BP 5220 Shower Facilities for Students Experiencing Housing Insecurity.

Approved: April 18, 2017

Revised:

Student Services

BP 5500 STANDARDS OF STUDENT CONDUCT

References:

Education Code Sections 66300 and 66301;

~~Accreditation Standard II.A.7.b~~ ACCJC Accreditation Standards I.C.8 and 10

The Chancellor shall establish procedures for the imposition of discipline on students in accordance with the requirements for due process of the federal and state law and regulations.

The procedures shall clearly define the conduct that is subject to discipline, and shall identify potential disciplinary actions, including but not limited to the removal, suspension, or expulsion of a student.

The Board of Trustees shall consider any recommendation from the Chancellor for expulsion. The Board shall consider an expulsion recommendation in closed session unless the student requests that the matter be considered in a public meeting. Final action by the Board on the expulsion shall be taken at a public meeting.

The procedures shall be made widely available to students through the college catalogs and other means.

The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension, or expulsion of a student, except for conduct that constitutes sexual harassment under Title IX, which shall be addressed under BP 3433 Prohibition of Sexual Harassment under Title IX:-

- Causing, attempting to cause, or threatening to cause physical injury to another person.
- Possession, sale, or otherwise furnishing any firearm, knife, explosive, or other dangerous object, including but not limited to any facsimile firearm, knife, or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a District employee, which is concurred in by the college president.
- Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the California Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or

offering, arranging, or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.

- Committing or attempting to commit robbery or extortion.
- Causing or attempting to cause damage to District property or to private property on campus.
- Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
- Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
- Sexual assault or sexual exploitation regardless of the victim's affiliation with the District.
- Committing sexual harassment as defined by law or by District policies and procedures.
- Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.
- Engaging in intimidating conduct or bullying against another student or member of the District community through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying.
- Willful misconduct which results in injury or death to a student or to college personnel ~~or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.~~
- Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel or members of the District community.
- Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty.
- Dishonesty, forgery, alteration, or misuse of college documents, records, or identification; or knowingly furnishing false information to the District.
- Unauthorized entry upon or use of college facilities.
- Lewd, indecent, or obscene conduct on District-owned or controlled property or at District-sponsored or supervised functions.
- Engaging in expression which is obscene; libelous, or slanderous; or which so incites students as to create a clear and present danger of the commission of unlawful acts on college premises, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District.
- Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
- Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any District policy or administrative procedure.

Students who engage in any of the above are subject to the procedures outlined in AP 5520 Student Discipline Procedures.

District community is defined as the entirety of the public that interacts with the District, its Colleges, and District operations. This includes students, employees, visitors, and contractors.

~~The Chabot-Las Positas Community College District encourages all students to pursue academic studies and other college-sponsored activities. In pursuit of these goals, the student should be free of unfair or improper action from any member of the academic community. The District accords every student the right of protection. Students, however, are responsible for complying with college and District regulations and for meeting the appropriate college requirements. The Colleges have an obligation to maintain conditions under which the work of the colleges can go forward freely, in accordance with the highest standards of quality, institutional integrity and freedom of expression. In joining the academic community, the student enjoys the right of freedom to learn and shares responsibility in exercising that freedom. A student is expected to conduct himself or herself in accordance with standards of the college.~~

~~When a student is charged with misconduct such charge shall be processed in accordance with the District policy and procedure in order to protect the student's rights and the college's interest. Disciplinary action may be imposed on a student for violation of law, District and college policy and regulations, the Education Code and the Administrative Code. Provisions related to disciplinary action shall be published and available to students, faculty and management staff. Student conduct may result in disciplinary action by the college and/or criminal prosecution. It is the policy of the District not to impose student discipline for acts occurring away from the college and not connected with college activities, unless the student's conduct affects the functions of the college.~~

~~A. Expulsion, Suspension and Probation of Students~~

~~A college student may be expelled, suspended, placed on probation or given a lesser sanction for good cause and in accordance with procedures consistent with due process. Good cause includes, but is not limited to, one or more of the following behaviors which must be related to college activity or attendance:~~

- ~~1. Cheating or plagiarism in connection with a college academic program.~~
- ~~2. Forgery, alteration or misuse of college documents, records, or identification or knowingly furnishing false information to a college representative in connection with the performance of official duties.~~
- ~~3. Misrepresentation of oneself or of an organization as an agent of the college/ District.~~

- ~~4. Obstruction or disruption, on or off campus property, of the college educational process, administrative process, or other college or District function or operation.~~
- ~~5. Physical abuse on or off college property of the person or property of any member of the college community or of members of his/her family or the threat of such physical abuse.~~
- ~~6. Theft of, or non-accidental damage to, college property, or property in the possession of, or owned by, a member of the college community.~~
- ~~7. Unauthorized entry into, unauthorized use of, or misuse of college property.~~
- ~~8. On college property, the sale or knowing possession of dangerous drugs, restricted dangerous drugs, alcoholic beverages or narcotics as those terms are used in California statutes except when lawfully prescribed or permitted.~~
- ~~9. Knowing possession or use of explosives, dangerous chemicals or deadly weapons on college property or at a college function.~~
- ~~10. Engaging in lewd, indecent, or obscene behavior on college property or at a college function.~~
- ~~11. Abusive behavior directed toward, or hazing of, a member of the college community.~~
- ~~12. Violation of any order of the District Chancellor, College President or designee or notice of which had been given prior to such violation and during the academic term in which the violation occurs. This includes notice by publication in the college newspaper, or by posting on an official bulletin board designated for this purpose, and which order is not inconsistent with any of the other provisions of this section.~~
- ~~13. Soliciting or assisting another to do any act which would subject a student to expulsion, suspension, probation, or other sanction pursuant to this article.~~
- ~~14. Harassment, including sexual harassment, in violation of state or federal law.~~
- ~~15. Discrimination based on race, color, religion, gender, national origin, ancestry, age, marital status, disability, sexual orientation, and/or Vietnam era or special disabled veteran status.~~

- ~~16. Commission of a computer-related crime.~~
- ~~17. Use of any electronic listening or recording device in any classroom without the prior consent of the instructor, except as necessary to provide reasonable auxiliary aids and academic accommodations to students with disabilities.~~
- ~~18. Persistent misconduct where other means of correction have failed to bring about proper conduct.~~
- ~~19. Violation of college/District parking and traffic regulations.~~
- ~~20. Formation of/or membership in secret organizations.~~
- ~~21. Violation of the District/college policy related to time, place and manner of expression.~~
- ~~22. Obstruction or disruption of administrations disciplinary procedures, or other college activities, including its community service activity.~~
- ~~23. Obstruction or disruption of teaching. Interference with the course of instruction to the detriment of other students, including but not limited to entering the classroom after the class has started and disrupting the lecture or class activities including verbal outbursts that disrupt the instructor's lesson. Failure to comply with the instruction or directives of the course instructor.~~
- ~~24. Disruption of classes or other academic activities in an attempt to stifle academic freedom of speech.~~
- ~~25. Obtaining a copy of an examination or assignment prior to its approved release by the instructor. Selling or distributing course lecture notes, handouts, examinations or other information provided by an instructor, or using them for any commercial purpose without the express permission of the instructor.~~
- ~~26. Unauthorized entry to or use of college facilities, including the possession or duplication of keys to any College/District premises, or unauthorized use of public address systems.~~
- ~~27. Unauthorized entry into a file, to use, read, or change the contents or for any other purpose. Unauthorized use of another individual's identification and password. Unauthorized use of phone or electronic devices such as radios, etc. Use of computing facilities to interfere with the work of another student, faculty member or college official. Use of computing facilities to send obscene or abusive messages. Use of~~

~~computing facilities to interfere with normal operation of the college computing systems. Unauthorized use of the internet. Use of laser pointers anywhere on the college grounds that would cause a disruption of instruction or services, or create a hazard to any individual.~~

~~28. Failure to present registration / identification card when requested to do so by College Official or other authorized persons.~~

~~29. Failure to comply with directions of College Officials acting in the performance of their duties.~~

~~For purposes of this policy, the following definitions apply:~~

- ~~1. Member of the District/college community is defined as the Board of Trustees of the Chabot-Las Positas Community College District, academic, non-academic and administrative personnel and students of the District, and other persons while such other persons are on college property or at a college function.~~
- ~~2. Cheating is defined as fraud, deceit, or dishonesty in an academic assignment or using or attempting to use materials, or assisting others in using materials which are prohibited or inappropriate in the context of the academic assignment in question, such as:~~
 - ~~• copying or attempting to copy from others during an examination or on an assignment;~~
 - ~~• communicating test information with another person during an examination;~~
 - ~~• preprogramming a calculator or computer to contain answers or other unauthorized information for exams;~~
 - ~~• using unauthorized materials, prepared answers, written notes, or concealed information during an examination; and~~
 - ~~• allowing others to do an assignment or portion of an assignment, including the use of a commercial term paper service.~~
- ~~3. Plagiarism includes the deliberate misrepresentation of someone else's works and ideas, as one's own, as well as paraphrasing without footnoting the source.~~
- ~~4. District/college property includes real or personal property in the possession of, or under the control of the Board of Trustees of the Chabot-Las Positas District and all District facilities whether operated by the District or by a District auxiliary organization.~~
- ~~5. Deadly weapons includes any instrument or weapon of the kind commonly known as a blackjack, sling shot, billyclub, sandclub, sandbag, metal knuckles, any dirk, dagger, switchblade knife, pistol, revolver, or any other firearm, any knife having a blade longer than five inches, any razor with an unguarded blade, and any metal pipe or bar used or intended to be used as a club.~~

~~6. Behavior means conduct and expression.~~

~~7. Hazing means any method of initiation into a student organization or any pastime or amusement engaged in with regard to such an organization which causes, or is likely to cause, bodily danger, or physical or emotional harm, to any member of the college community; but the term hazing does not include customary athletic events or other similar contests or competitions.~~

~~B. The President of the college, or the Vice President of Student Services, or the official designee, may impose the following sanctions of students who violate the District/college rules and regulations:~~

~~1. Probation: verbal or written warning.~~

~~2. Temporary Exclusion: removal for the duration of the class period or of the activity.~~

~~3. Suspension: exclusion from all District classes, facilities, privileges and activities for a specified period of time as set forth in the notice of suspension.~~

~~4. Expulsion: a recommendation by the President and District Chancellor to the Board of Trustees to terminate a student's status, including exclusion from all District classes, facilities, and functions.~~

~~C. Student disciplinary action may be imposed by:~~

~~1. The Board of Trustees who alone may expel:~~

~~2. The President, the Vice President of Student Services or the official designee may immediately impose an interim suspension in all cases in which there is reasonable cause to believe that such an immediate suspension is required in order to protect lives or property.~~

~~A student placed on interim suspension shall be given prompt notice of charges and the opportunity for a hearing within the ten (10) days of the imposition of interim suspension. During the period of interim suspension, the student shall not, without prior written permission of the Vice President of Student Services or designee, enter the college campus other than to attend the hearing.~~

~~Violation of any condition of the interim suspension shall be grounds for expulsion.~~

~~3. An administrator may temporarily exclude the student from college sponsored or supervised activity for the duration of the activity.~~

~~4. An instructor may temporarily exclude the student from class for the remainder of the class period.~~

Also see AP 5500 Standards of Student Conduct and AP 5520 Student Discipline Procedures.

Adopted: June 17, 2014

(~~This policy r~~Replaces former CLPCCD Policy 5512)

Revised:

Student Services

AP 5500 STANDARDS OF STUDENT CONDUCT

References:

Education Code Sections 66300 and 66301;

~~Accreditation Standard II.A.7.b~~ACCJC Accreditation Standards I.C.8 and 10

Definitions: ~~The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension or expulsion of a student.~~

- ~~• Causing, attempting to cause, or threatening to cause physical injury to another person.~~
- ~~• Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a District employee and the campus safety administrator/supervisor.~~
- ~~• Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in California Health and Safety Code Sections 11053 et seq., an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.~~
- ~~• Committing or attempting to commit robbery or extortion.~~
- ~~• Causing or attempting to cause damage to District property or to private property on campus.~~
- ~~• Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.~~
- ~~• Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.~~
- ~~• Committing sexual harassment as defined by law or by District policies and procedures.~~
- ~~• Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.~~
- ~~• Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying.~~
- ~~• Willful misconduct that results in injury or death to a student or to District personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.~~

- ~~Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.~~
- ~~Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty as defined by college faculty.~~
- ~~Dishonesty; forgery; alteration or misuse of District documents, records or identification; or knowingly furnishing false information to the District.~~
- ~~Unauthorized entry upon or use of District facilities.~~
- ~~Lowd, indecent or obscene conduct or expression on District-owned or controlled property, or at District sponsored or supervised functions.~~
- ~~Engaging in expression which is obscene, libelous or slanderous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on District premises, or the violation of lawful District regulations, or the substantial disruption of the orderly operation of the District.~~
- ~~Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.~~
- ~~Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any district policy or administrative procedure.~~

Students who ~~engage in any of the above are subject to the procedures violate any of the Standards of Student Conduct as outlined in BP 5500 Standards of Student Conduct will be subject to the discipline as delineated in AP 5520 titled Student Discipline Procedures.~~

All complaints of alleged misconduct made against a student by any person should be submitted to the Vice President of Student Services or designee ([VPSS/designee](#)), with a copy to the area administrator. These complaints must be made in writing, specifying the time, place, and nature of the alleged misconduct. Identifying information for the complainant is also required. If the ~~Dean or the Vice President of Student Services~~ [VPSS/designee](#) determines the complaint to be capricious, the complaint may be dismissed.

The ~~Vice President of Student Services or designee~~ ([VPSS/Designee](#)) shall conduct an investigation of the reported incident as is appropriate. The VPSS/Designee will confer with the accused student for the purposes of advising the student of the report and of the student's rights under college rules and regulations. The VPSS/Designee may also procure information relating to the report from the accused student and other persons, including an assessment of damage to property or injury to persons. Such investigations shall be treated as confidential and shall not be placed in the student's file unless a charge is upheld and a decision is rendered by the VPSS/Designee against the student.

Following investigation, the VPSS/Designee will render a decision in writing to the student as well as the person filing the complaint against the student (if appropriate) within five (5) working days. The VPSS/Designee may find that the complaint lacks merit; or deliver

a written statement to the accused student formally charging that student with misconduct.

This statement will specify one or more of the following actions that will be taken in the case:

1. Place on record a verbal or written reprimand.
- 1.2. Apply restorative justice or restitution practices which require the student to take specific actions.
- 2.3. Place the student on probation, temporary exclusion, or suspension.
- 3.4. Recommend expulsion to the District Board of Trustees via the President of the College and the District Chancellor.
- 4.5. Assign the case for further review to a formal Hearing Committee.

The student may do one of the following:

1. Accept the VPSS/Designee decision.
2. Notify the VPSS/Designee~~Vice President of Student Services or designee~~ in writing within two (2) working days to initiate a formal hearing.

Policy Definitions

1. The term (District) means Chabot-Las Positas Community College District.
2. The term (College) means Chabot College or Las Positas College.
3. The term "student" includes all persons taking courses at the College, both full time and part-time studies. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the (College) are considered "students".
4. The term "faculty member" means any persons hired by the (College/District) to conduct classroom activities.
5. The term "manager" includes any person employed by the (College/District) performing assigned administrative, professional, or staff responsibilities.
6. The term "agent of the college" includes any person who is a student, faculty member, classified professional, (College/District) official or any other person employed by the (College).

7. The term "(College) premises" includes all land, buildings, facilities, and other property in the possession of or owned, used or controlled by the (College) including adjacent streets and sidewalks.

8. The term "college community" includes any person who is a student, faculty member, staff, (College/District) official or any other person employed by the (College).

9. The term "organization" means any number of persons who have complied with the formal requirements for (College) enrollment/registration.

10. The term "behavior" includes conduct and expression.

11. The term "hazing" means any method of initiation into a student organization or any pastime or amusement engaged in with regard to such an organization or causes, or is likely to cause bodily danger, or physical or emotional harm, to any member of the college community.

12. The term "deadly weapons" includes any instrument or weapon of the kind commonly known as -a blackjack, sling shot, billy club, sand club, sandbag, metal knuckles, any dirk, dagger, switchblade knife, or any knife having a blade longer than five inches, pistol, revolver, or any other firearm, any razor with an unguarded blade, any metal pipe or bar used or intended to be used as a club.

13. The term "shall" is used in the imperative sense.

14. The term "may" is used in the permissive sense.

15. The term "Policy" is defined as the written regulations of the (College/District) as found in, but not limited to, the Student Code, and College Catalog.

16. The term "cheating" includes, but is not limited to: fraud deceit, or dishonesty in an academic assignment or using or attempting to use materials, or assisting others in using materials which are prohibited or inappropriate in the context of the academic assignment in questions, such as: copying or attempting to copy from others during an exam or on an assignment, communicating answers with another person during an exam, preprogramming a calculator to contain answers or other unauthorized information for exams, using unauthorized materials, prepared answers, written notes, or concealed information during an exam, or allowing others to do an assignment or portion of an assignment for you, including the use of a commercial term-paper service.

17. The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work or another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared; by another person or agency engaged in the selling of term papers or other academic materials.

18. The term “designee” is the person(s) designated by the college or District. The Vice President of Student Services or college President may name a designee for Vice President of Student Services. The campus safety administrator or President may name a designee for campus safety administrator. The Chancellor may name the college President or another designee for Chancellor.

19. The term “day” means a day during fall and spring semesters when the College is in session and regular classes are held, excluding Saturdays and Sundays. For the summer session, days—for purposes of notice and response under this Administrative Procedure—may be reasonably extended to ensure the responsible parties are able to appropriately attend to the issue. Notice of extension will be provided to the student.

20. The term “District community” refers to the entirety of the public that interacts with the District, its Colleges, and District operations. This includes students, employees, visitors, and contractors.

Also see BP 5500 Standards of Student Conduct and AP 5520 Student Discipline Procedures.

Approved: March 18, 2014;

Revised: August 2016-

Revised:

(~~This procedure r~~Replaces former Administrative Rules and Procedures 5512)

AP 5520 STUDENT DISCIPLINE PROCEDURES

References:

Education Code Sections 66017, 66300, 72122, ~~and 76030~~, and 76030 et seq.;
Penal Code Section 626.4

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, ~~which— If the student wishes to proceed beyond the informal process described in AP 550, then the following procedure applies. This procedure~~ guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

These Administrative Procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code Section 76120, and will not be used to punish expression that is protected.

For discipline resulting from a sexual harassment complaint under Title IX, the procedure in AP 3434 Responding to Harassment Based on Sex under Title IX, must be used.

Definitions:

District – The Chabot-Las Positas Community College District.

Student – Any person ~~currently admitted or enrolled as a student at any college or in any program offered by the~~ Chabot – Las Positas Community College District instructional activities and services who was also enrolled at the time of the alleged violation of the Standards of Student Conduct.

Instructor – Any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.

Designee – A person designated by the college or District. The Vice President of Student Services or college President may name a designee for Vice President of Student Services. The campus safety administrator or President may name a designee for

campus safety administrator. The Chancellor may name the college President or another designee for Chancellor.

Short-term Suspension – Exclusion of the student by the Chancellor or designee for good cause from one or more classes for a period of up to ten consecutive days of instruction.

Long-term Suspension – Exclusion of the student by the Chancellor or designee for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.

Expulsion – Exclusion of the student by the Board of Trustees from all colleges in the District ~~for one or more terms~~.

Removal from class – Exclusion of the student by an instructor for the day of the removal and the next class meeting.

Written or verbal reprimand – An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.

Withdrawal of Consent to Remain on Campus – Withdrawal of consent by the campus security-safety administrator/supervisor or designee for any person to remain on campus in accordance with California Penal Code Section 626.4 where the campus security-safety administrator/supervisor or designee has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

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

Short-term Suspensions, Long-term Suspensions, and ~~Expulsions~~Expulsion Procedures:

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

- **Notice** – The Vice President of Student Services or designee (VPSS/Designee) will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:

- the specific section of the Standards of Student Conduct that the student is accused of violating.
 - a short statement of the facts supporting the accusation.
 - the right of the student to meet with the VPSS/Designee to discuss the accusation, or to respond in writing.
 - the nature of the discipline that is being considered.
- **Time limits** – The notice must be provided to the student within 5-10 days of the date on which the conduct was reported; in the case of continuous, repeated or ongoing conduct, the notice must be provided within 10 days of the date on which conduct was reported which led to the decision to take disciplinary action.
 - **Meeting** – If the student chooses to meet with the VPSS/Designee, the meeting must occur no later than 10 days after the notice is provided student requests the meeting. At the meeting, the student will again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation. Within five (5) days of the meeting, subject to any needed further investigation, the VPSS/Designee will deliver a written statement to the accused student in accordance with Administrative Procedure 5500. The student may either accept the VPSS/Designee decision, and allow the recommended action to proceed, or may, if the recommended action is long-term suspension or expulsion, notify the VPSS/Designee in writing within two (2) working days to initiate a formal hearing.

The following describe actions that may be taken:

Immediate Interim Suspension (Education Code Section 66017): The Chancellor/Designee may order immediate suspension of a student when concluding that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within 10 days.

Removal from Class (Education Code Section 76032): Any instructor may order a student removed from their class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the VPSS and the area dean. The area dean shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the VPSS/Designee shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the VPSS/Designee from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal. The VPSS/Designee will report efforts to the College President who will inform the Chancellor.

Withdrawal of Consent to Remain on Campus: The campus safety administrator/supervisor or VPSS/Designee may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, they must promptly leave or be escorted off campus. If consent to remain on campus is withdrawn by the VPSS/Designee, a written report must be promptly made to the College President and Chancellor.

The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than ten (10) days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.

In no case shall consent be withdrawn for longer than five (5) days from the date upon which consent was initially withdrawn.

Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest (Penal Code Section 626.4).

Short-term Suspension – Within 10 days after the VPSS/Designee issues a written statement~~After the meeting described above~~, the college Chancellor/President/Designee shall, pursuant to a recommendation from the VPSS/Designee, may decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, ~~or whether to end the matter~~. A short-term suspension will be for up to 10 days. Written notice of the ~~VPSS/Designee~~ college President/designee's decision shall be provided to the student within five (5) days after the meeting. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action, and the effective date of the action to be taken. The ~~Chancellor/college President/Designee's~~ VPSS/Designee decision on a short-term suspension ~~or lesser disciplinary action~~ shall be final.

Long-term Suspension – Within 15 days after the VPSS/Designee issues a written statement~~meeting described above~~, the college Chancellor/President/Designee ~~or designee, generally college President Chancellor/ Designee~~ shall, pursuant to a recommendation from the VPSS/Designee, decide whether to impose a long-term suspension. Written notice of the college Chancellor/Designee's/President's decision shall be provided to the student. If the ~~Chancellor/college President's~~ Designee decision is to impose a long-term suspension, ~~It~~ the notice will include the effective date and the right of the student to request a formal hearing within two (2) days after receiving the notification. The student will also be provided before the long-term suspension is imposed, and a copy of this policy AP 5520 Student Discipline Procedures describing the procedures for a hearing.

Expulsion – Within 15 days after the ~~VPSS/Designee issues a written statement, meeting described above,~~ the Chancellor/~~Designee~~ shall, pursuant to a recommendation from the ~~VPSS college President/~~Designee, decide whether to recommend expulsion to the Board of Trustees. Written notice of the Chancellor/~~Designee~~'s decision shall be provided to the student. ~~If the Chancellor/Designee decision is to impose an expulsion, the~~ notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of AP 5520 Student Discipline Procedures ~~this policy~~ describing the procedures for a hearing.

Hearing Procedures:

–Request for Hearing ~~shall occur-~~ within five (5) days after receipt of the ~~VPSS/Designee Chancellor/designee's~~ decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the Chancellor/~~Designee~~ or designee.

Schedule of Hearing – The formal hearing shall be held within 20 days after a formal request for hearing is received.

Hearing Panel – The hearing panel for any disciplinary action shall be composed of at least one administrator, one faculty member, and one student.

~~The Chancellor/Designee, the president of the Academic Senate, and the Associate Students president shall each, at the beginning of the academic year, establish a list of at least five persons who will serve on student disciplinary hearing panels. The Chancellor/Designee shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.~~

Hearing Panel Chair – The Chancellor/~~President/Designee~~ shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.

Conduct of the Hearing – The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.

The facts supporting the accusation shall be presented by ~~a college representative who shall be~~ the VPSS/Designee.

~~The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.~~

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

~~Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his/her/their evidence. The burden shall be on the college representative to prove by substantial of evidence that the facts alleged are true.~~

~~The student may represent himself/herself, and may also have the right to be represented by a person of his/her/their choice except that the student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than five days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.~~

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

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

Refer to AP 5530 Student Rights and Grievances for further hearing procedure detail.
~~The hearing shall be recorded by the District either by tape recording or stenographic recording, and shall be the only recording made. The official recording shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.~~

~~All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape recorded is not unavailable.~~

~~Within 10 days following the close of the hearing, the hearing panel shall prepare and send to the Chancellor/Designee a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and~~

~~not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.~~

Chancellor/~~Designee~~ Decision:

A decision made by the Chancellor or their designee.

Long-term suspension – Within 10 days following receipt of the hearing panel's recommended ~~decision~~ation, the college Chancellor/President/~~Designee~~ shall render a final written decision. The college Chancellor/President/~~Designee~~ may accept, modify, or reject the findings, decisions, and recommendations of the hearing panel. If the Chancellor/~~Designee~~ modifies or rejects the hearing panel's ~~decision~~recommendation, the Chancellor/~~Designee~~ shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Chancellor/~~Designee~~ shall be final.

Expulsion – Within 10 days following receipt of the hearing panel's recommended ~~decision~~ation, the Chancellor/~~Designee~~ shall render a written recommended decision to the Board of Trustees. The Chancellor/~~Designee~~ may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the Chancellor/~~Designee~~ modifies or rejects the hearing panel's decision, ~~he/ or she shall~~upon review of the record of the hearing, ~~and they~~ shall prepare a new written decision which contains specific factual findings and conclusions. The Chancellor/~~Designee~~ decision shall be forwarded to the Board of Trustees.

Board of Trustees Decision: The Board of Trustees shall consider any recommendation from the Chancellor/~~Designee~~ for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures (Education Code Section 72122).

The student shall be notified in writing, by registered or certified mail to the address last on file with the District, or by personal service, at least three (3) days prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within 48 ~~forty-eight~~ hours after receipt of the notice, request that the hearing be held as a public meeting.

Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.

The Board may accept, modify, or reject the findings, decisions, and recommendations of the Chancellor/Designee, college President, and/or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board shall be final.

The final action of the Board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District.

~~**Immediate Interim Suspension** (Education Code Section 66017): The Chancellor/Designee may order immediate suspension of a student where he/she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten days.~~

~~**Removal from Class** (Education Code Section 76032): Any instructor may order a student removed from his/her/their class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the VPSS/Designee and the area dean. The area dean shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the VPSS/Designee shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the VPSS/Designee from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.~~

~~**Withdrawal of Consent to Remain on Campus:** The campus safety administrator/supervisor or VPSS/Designee may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she/they must promptly leave or be escorted off campus. If consent to remain on campus is withdrawn by the, a written report must be promptly made to the Chancellor/Designee.~~

~~The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than seven days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.~~

~~In no case shall consent be withdrawn for longer than 5 days from the date upon which consent was initially withdrawn.~~

~~Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest (Penal Code Section 626.4).~~

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

Also see BP/AP 5500 Standards of Student Conduct and AP 5530 Student Rights and Grievances.

Approved: March 18, 2014;

Revised: August 2016;

Revised:

BP 5570 STUDENT CREDIT CARD SOLICITATION

References:

Education Code Section 99030;
Title 5 Section 54400;
Civil Code Section 1747.02 subdivision (m)

The Chancellor shall establish procedures that regulate the solicitation of student credit cards on campus.

Also see AP 5570 Student Credit Card Solicitation.

Adopted: June 17, 2014

~~(This is a new policy recommended by the Policy and Procedure Service)~~ **Revised:**

AP 5570 STUDENT CREDIT CARD SOLICITATION

References:

Education Code Section 99030;
Title 5 Section 54400;
Civil Code Section 1747.02 subdivision (m)

Student credit cards may be marketed only with authorization by administration and only at sites designated by campus administration.

Marketers of student credit cards are prohibited from offering gifts to students for filling out credit card applications.

Credit card and debt education information provided by nonprofit credit counseling organizations shall be available at the table of the company promoting the services.

A facilities use fee may be assessed to credit card solicitors.

Also see BP 5570 Student Credit Card Solicitation.

Approved: March 18, 2014

~~(This is a new procedure recommended by the Policy and Procedure Service and its legal counsel)~~ **Revised:**

**BP 5800 PREVENTION OF IDENTITY THEFT IN STUDENT
FINANCIAL TRANSACTIONS**

Reference:

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

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

[Also see AP 5800 Prevention of Identity Theft in Student Financial Transactions, BP and AP 5500 Standards of Student Conduct, and AP 5520 Student Discipline Procedures.](#)

Adopted: June 17, 2014

~~(This is a new policy recommended by the Policy and Procedure Service and its legal counsel)~~Revised:

AP 5800 PREVENTION OF IDENTITY THEFT IN STUDENT FINANCIAL TRANSACTIONS

References:

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

I. The Purpose of the Identity Theft Prevention Program

The purpose of this Identity Theft Prevention Program (ITPP) is to control reasonably foreseeable risks to students from identity theft, by providing for the identification, detection, and response to patterns, practices, or specific activities (“Red Flags”) that could indicate identity theft.

II. Definitions

“Identity theft” is a fraud attempted or committed using identifying information of another person without authority.

A “creditor” includes government entities who defer payment for goods (for example, payment plans for bookstore accounts or parking tickets), issued loans or issued student debit cards. Government entities that defer payment for services provided are not considered creditors for purposes of this ITPP.

“Deferring payments” refers to postponing payments to a future date and/or installment payments on fines or costs.

A “covered account” includes one that involves multiple payments or transactions.

“Person” means any individual who is receiving goods, receives a loan, and/or is issued a debit card from the District and is making payments on a deferred basis for said goods, loan, and/or debit card.

Detection or discovery of a “Red Flag” implicates the need to take action under this ITPP to help prevent, detect, and correct identity theft.

III. Detecting “Red Flags” For Potential Identity Theft

A. Risk Factors for Identifying “Red Flags”

The District will consider the following factors in identifying relevant “Red Flags:”

- 1) the types of covered accounts the District offers or maintains;
- 2) the methods the District provides to open the District's covered accounts;
- 3) the methods the District provides to access the District's covered accounts; and
- 4) the District's previous experience(s) with identity theft.

B. Sources of "Red Flags"

The District will continue to incorporate relevant "Red Flags" into this ITPP from the following sources:

- 1) incidents of identity theft that the District has experienced;
- 2) methods of identity theft that the District identifies that reflects changes in identity theft risks; and
- 3) guidance from the District's supervisors who identify changes in identity theft risks.

C. Categories of "Red Flags"

The following Red Flags have been identified for the District's covered accounts:

Alerts, Notifications, or Warnings from a Consumer Reporting Agency:

- 1) A fraud or active duty alert is included with a consumer report the District receives as part of a background check.
- 2) A consumer reporting agency provides a notice of credit freeze in response to a request for a consumer report.
- 3) A consumer reporting agency provides a notice of address discrepancy. An address discrepancy occurs when an address provided by a student substantially differs from the one the credit reporting agency has on file. See Section (V)(9) for specific steps that must be taken to address this situation.
- 4) A consumer report indicates a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant, such as:
 - (a) A recent and significant increase in the volume of inquiries;
 - (b) An unusual number of recently established credit relationships;
 - (c) A material change in the use of credit, especially with respect to recently established credit relationships; or
 - (d) An account that was closed for cause or identified for abuse of account privileges by a creditor or financial institution.

Suspicious Documents:

- 5) Documents provided for identification appear to have been forged or altered.
- 6) The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
- 7) Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.
- 8) Other information on the identification is not consistent with readily accessible information that is on file with the District, such as a signature card or a recent check.

- 9) An application appears to have been altered or forged, or gives the appearance of having been destroyed or reassembled.

Suspicious Personally Identifying Information:

- 10) Personal identifying information provided is inconsistent when compared against external information sources used by the District.

For example:

- (a) The address does not match any address in the consumer report; or
 - (b) The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.
- 11) Personal identifying information provided by a person is not consistent with other personal identifying information provided by the person. For example, there is a lack of correlation between the SSN range and date of birth.
- 12) Personal identifying information is associated with known fraudulent activity as indicated by internal or third-party sources used by the District. For example:
- (a) The address on an application is the same as the address provided on a fraudulent application;
 - (b) The phone number on an application is the same as the phone number provided on a fraudulent application;
- 13) Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the District. For example:
- (a) The address on an application is fictitious, a mail drop, or a prison; or
 - (b) The phone number is invalid, or is associated with a pager or answering service.
- 14) The SSN provided is the same as that submitted by other persons currently being served by the District.
- 15) The address or telephone number provided is the same or similar to the account number or telephone number submitted by an unusually large number of other persons being served by the District.
- 16) The person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
- 17) Personal identifying information provided is not consistent with personal identifying information that is on file with the District.
- 18) The person opening the covered account cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

Unusual Use Of – Or Suspicious Activity Relating To – A Covered Account:

- 19) A new covered account is used in a manner that is commonly associated with known patterns of fraud patterns. For example, a person makes a first payment, but there are no subsequent payments made.
- 20) A covered account is used in a manner that is not consistent with established patterns of activity on the account. For example, there is:

- (a) Nonpayment when there is no history of late or missed payments; or
 - (b) A material change in electronic fund transfer patterns in connection with a payment.
- 21) A covered account that has been inactive for a reasonably lengthy period of time is suddenly used or active.
 - 22) Mail sent to the person holding the covered account is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the person's covered account.
 - 23) The District is notified that the person is not receiving paper account statements.
 - 24) The District is notified of unauthorized transactions in connection with a person's covered account.
 - 25) The District is notified by a person with a covered account, a victim of identity theft, a law enforcement authority, or any other person, that it has opened a fraudulent account for a person engaged in identity theft.

IV. Measures to Detect "Red Flags"

The District shall do the following to aid in the detection of "Red Flags:"

- 1) When a new covered account is open, the District shall obtain identifying information about, and information verifying the identity of, the student or other person seeking to open a covered account. Two forms of identification shall be obtained (at least one of which must be a photo identification).

The following are examples of the types of valid identification that a person may provide to verify the identity of the person seeking to open the covered account: valid state-issued driver's license, valid state-issued identification card, current passport, a Social Security Card, current residential lease, or copy of a deed to the person's home or invoice/statement for property taxes.

- 2) Persons with covered accounts who request a change in their personal information on file, such as a change of address, will have the requested changes verified by the District.

The person shall provide at least one written form of verification reflecting the requested changes to the personal information. For example, if an address change is requested, then documentation evidencing the new address shall be obtained. If a phone number change is requested, then documentation evidencing the new phone number, such as a phone bill, shall be obtained.

V. Preventing and Mitigating Identity Theft

One or more of the following measures, as deemed appropriate under the particular circumstances, shall be implemented to respond to "Red Flags" that are detected:

- 1) Monitor the covered account for evidence of identity theft;
- 2) Contact the person who holds the covered account;

- 3) Change any passwords, security codes, or other security devices that permit access to a covered account;
- 4) Reopen the covered account with a new account number;
- 5) Not open a new covered account for the person;
- 6) Close an existing covered account;
- 7) Not attempt to collect on a covered account or not sell a covered account to a debt collector;
- 8) Notifying law enforcement;
- 9) Where a consumer reporting agency provides an address for a consumer that substantially differs from the address that the consumer provided, the District shall take the necessary steps to form a reasonable belief that the District knows the identity of the person for whom the District obtained a credit report, and reconcile the address of the consumer with the credit reporting agency, if the District establishes a continuing relationship with the consumer , and regularly, and in the course of business, provides information to the credit reporting agency; or
- 10) Determine that no response is warranted under the particular circumstances.

VI. Updating the ITPP

The District shall update this ITPP on an annual-regular basis to reflect changes in risks to persons with covered accounts, and/or to reflect changes in risks to the safety and soundness of the District from identity theft, based on the following factors:

- 1) The experiences of the District with identity theft;
- 2) Changes in methods of identity theft;
- 3) Changes in methods to detect, prevent and mitigate identity theft;
- 4) Changes in the types of covered accounts that the District maintains;
- 5) Changes in the business arrangements of the District, including service provider arrangements.

VII. Methods for Administering the ITPP

A. Oversight of the ITPP

Oversight by the College President or designee ~~District's [designate position]~~ shall include:

- 1) Assigning specific responsibility for the ITPP's implementation;
- 2) Reviewing reports prepared by the staff regarding compliance of the ITPP; and
- 3) Approving material changes to the ITPP as necessary to address changing identity theft risks.

B. Reports

- 1) **In General** -- Staff responsible for the development, implementation, and administration of this ITPP shall report to the Governing Board on an annual basis.
- 2) **Contents of Report** -- The report shall address material matters to the ITPP and evaluate the following issues: the effectiveness of the policies and procedures in addressing the risk of identity theft in connection with opening

new covered accounts and with respect to existing covered accounts; service provider arrangements; significant incidents involving identity theft and management's response; and recommendations for material changes to the ITPP.

- 3) **Oversight of Service Provider Arrangements** -- Whenever the District engages a service provider to perform an activity in connection with one or more covered accounts the District shall take steps to ensure that the activity of the service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft. To that end, the District shall require our service contractors, by contract, to have policies and procedures to detect relevant "Red Flags" that may arise in the performance of the service provider's activities, and either report the "Red Flags" to the District, or to take appropriate steps to prevent or mitigate identity theft.

[Also see BP 5800 Prevention of Identity Theft in Student Financial Transactions, BP and AP 5500 Standards of Student Conduct, and AP 5520 Student Discipline Procedures.](#)

Approved: March 18, 2014

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

~~**Revised:**~~