

Board of Trustees

BP 2340 AGENDAS

References:

Education Code Sections 72121 and 72121.5;
Government Code Sections 6250 et seq. and 54954 et seq.

An agenda shall be posted adjacent to the place of meeting as well as on the District's website at least 72 hours prior to the meeting time for regular meetings. The agenda shall include a brief description of each item of business to be transacted or discussed at the meeting. If requested, the agenda shall be provided in appropriate alternative formats so as to be accessible to persons with a disability.

No business may be acted on or discussed which is not on the agenda, except when one or more of the following apply:

- A majority decides there is an "emergency situation" as defined for emergency meetings.
- Two-thirds of the members (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action came to the attention of the Board of Trustees subsequent to the agenda being posted.
- An item appeared on the agenda of and was continued from a meeting held not more than five days earlier.

The order of business may be changed by consent of the Board.

The Chancellor shall establish administrative procedures that provide for public access to agenda information and reasonable annual fees for the service.

Pursuant to Education Code Section 72121.5, members of the public may place matters directly related to the business of the District on an agenda for a Board meeting by submitting a written summary of the item to the Chancellor 30 calendar days in advance of the meeting. The written summary must be signed by the initiator. The Board reserves the right to consider and take action in closed session on items submitted by members of the public as permitted or required by law.

Date Adopted: April 16, 2013; Edited November 20, 2017

Board of Trustees

BP 2350 SPEAKERS

References:

Education Code Section 72121.5;
Government Code Sections 54950 et seq.

The Board of Trustees welcomes participation from individuals or organizations. Provision is made on Board regular meeting agendas under "Public Comments" at the beginning of the consent agenda for persons wishing to address the Board of Trustees on matters of general interest. Persons may speak to the Board of Trustees either on an agenda item or on other matters of interest to the public that are within the subject matter jurisdiction of the Board. The taking of testimony on matters not on the agenda is appropriate, provided that no action is taken by the Board on such matters at the same meeting in which such testimony is taken.

Oral presentations relating to a matter on the agenda, including those on the consent agenda, shall be heard before a vote is called on the item.

Persons wishing to speak to matters not on the agenda shall do so at the time designated at the meeting for public comment. The Board may hear comments from the public under the "Public Comments" section of the agenda, but cannot act on items not listed on the agenda. It is preferred that comments from the audience on items on the agenda be heard at the time items are under consideration, following the staff report and/or Chancellor's recommendation on each item.

Comments on Personnel Matters

Comments on personnel matters must comply with all related laws and regulations.

Students

Students of the Chabot-Las Positas Community College District have the same rights and responsibilities accorded to all citizens who wish to attend and participate in Board meetings. Students shall follow the same process as stated above in requesting appearance before the Board.

Interruptions or Interference

Undue interruptions or other interference with the orderly conduct of the business of the Board cannot be permitted. Defamatory or abusive remarks are always out of order

and, in accordance with Government Code 54957.9, the President of the Board may terminate the speaker's privilege of address if, after being called to order, he/she persists in improper conduct or remarks.

Those wishing to speak to the Board are subject to the following:

- The President of the Board may rule members of the public out of order if their remarks do not pertain to matters that are within the subject matter jurisdiction of the Board or if their remarks are unduly repetitive.
- Non-scheduled substitutes may not speak in place of scheduled speakers unless alternates have been submitted on the original request.
- Employees who are members of a bargaining unit represented by an exclusive bargaining agent may address the Board under this policy, but may not attempt to negotiate terms and conditions of their employment. This policy does not prohibit any employee from addressing a collective bargaining proposal pursuant to the public notice requirements of Government Code Section 3547 and the policies of this Board implementing that section.
- No member of the public may speak without being recognized by the President of the Board.
- Each speaker will be allowed a maximum of three minutes per topic. It is preferred that large groups and organizations wishing to appear before the Board identify a spokesperson who may introduce members who are in attendance in support of the group's position and who will present, on behalf of the group or organization, a consolidated statement, and it is recommended that the statement be limited to three (3) minutes unless a majority of the Board members present wish to grant extra time.
- NOTE: The Board will provide twice the allotted time to a member of the public who utilizes a translator, unless simultaneous translation equipment is used so that the translation is available as the comments are made.
- Thirty (30) minutes shall be the maximum time allotment for public speakers on any one subject regardless of the number of speakers at any one board meeting.
- Each speaker coming before the Board is limited to one presentation per specific agenda item before the Board, and to one presentation per meeting on non-agenda matters.
- In order to facilitate complicated or extended presentations, it is recommended that written material be submitted to the Board through the Office of the Chancellor at least 72 hours in advance of the Board meeting.

Also see BP/AP 2345 titled Public Participation at Board Meetings as well as BP 2355 titled Decorum

Date Adopted: April 16, 2013; Edited November 20, 2017

Board of Trustees

BP 2735 BOARD MEMBER TRAVEL

Reference:

Education Code Section 72423
[Government Code Section 11139.8](#)

Members of the Board of Trustees

Members of the Board shall have conference expenses paid whenever they travel as representatives of and perform services directed by the Board (Education Code Section 72423). Board Members will give a report to the Board on sessions which they attend.

Conference expense claim forms, signed by the Board Member, shall be submitted to the Chancellor's Office for reimbursement no later than 30 days upon returning from the trip.

Travel accommodations for accompanying partners are the responsibility of the Board Member. The District is responsible only for accommodations and reservations for the Board Member. Should the Board Member take an accompanying partner, these fees must be paid in advance.

Airline Travel:

Reservations for travel, when possible, are to be made sufficiently in advance to ensure the lowest rate available. Should Board Members request a higher rate, they must pay the difference.

Hotel Accommodations:

The most economical room available must be used. Should Board Members request an upgrade or higher rate, they must pay the difference.

Student Trustees

Student Trustees may be approved to attend conferences and meetings that demonstrate a direct relationship to their role as Student Trustee of the District (i.e. a similar type of conference that any other trustee would attend). If the conference or meeting is a student-type conference, the Student Trustee would have to demonstrate that they would benefit from the conference or meeting in their contribution as a Student Trustee to the District.

Requests for travel need prior approval from the Chancellor. Travel to states restricted under Government Code 11139.8 may not be approved in the absence of exceptional circumstances.

If granted approval, in order to maximize funds, expenditures would be limited to \$1,500 per year per Student Trustee, provided funds are available within the approved Board Conference Allowance.

Date Adopted: 4/16/2013; Edited 11/20/17

General Institution

BP 3430 PROHIBITION OF HARASSMENT

References:

Education Code Sections 212.5, 44100, 66252, and 66281.5;
Government Code Section 12950.1;
Title 2 Sections 10500 et seq.;
Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e;
Title 5 Sections 59300 et seq.

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

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

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

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities,

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

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

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

This policy and related written procedures (including the procedure for making complaints) shall be widely published and publicized to administrators, faculty, staff, and students, particularly when they are new to the institution. They shall be available for students and employees in all administrative offices, and shall be posted on the District's website.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion.

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

General Institution

BP 3820 GIFTS

References:

Education Code Section [72122-72205](#)

The Board shall consider all gifts, donations, and bequests made to the District. The Board reserves the right to refuse to accept any gift which does not contribute toward the goals of the District, or the ownership of which would have the potential to deplete resources of the District.

The District shall assume no responsibility for appraising the value of gifts made to the District.

Acceptance of a gift shall not be considered endorsement by the District of a product, enterprise, or entity.

In no event shall the District accept a donation from any donor who engages in practices or policies which discriminate against any person on the basis of nationality, religion, age, gender, gender identity, gender expression, race or ethnicity, medical condition, genetic information, ancestry, sexual orientation, marital status, or physical or mental disability; or when the stated purposes of the donation are to facilitate such discrimination in providing educational opportunity.

Date Adopted: September 15, 2015; Edited November 20, 2017

Academic Affairs

BP 4020 PROGRAM, CURRICULUM, AND COURSE DEVELOPMENT

References:

- Education Code Sections 70901(b), 70902(b), and 78016;
- Title 5 Sections 51000, 51022, [55002.5](#), 55100, 55130, and 55150;
- U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended.
- 34 Code of Federal Regulations Sections 600.2, 602.24, 603.24, and 668.8

The programs and curriculum of the District shall be of high quality, relevant to community and student needs, and evaluated regularly to ensure quality and currency. To that end, the Chancellor shall establish procedures for the development and review of all curricular offerings, including their establishment, modification, or discontinuance.

Furthermore, these procedures shall include:

- appropriate involvement of the faculty and Academic Senate in all processes;
- regular review and justification of programs and course descriptions;
- opportunities for training for persons involved in aspects of curriculum development.
- consideration of job market and other related information for career and technical education.

All new programs and program deletions shall be approved by the Board.

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

Individual degree-applicable credit courses offered as part of a permitted educational program shall be approved by the Board. Non-degree-applicable credit and degree-applicable courses that are not part of an existing approved program must satisfy the conditions authorized by Title 5 regulations and shall be approved by the Board.

Credit Hour

Consistent with federal regulations applicable to federal financial aid eligibility, the District shall assess and designate each of its programs as either a "credit hour" program or a "clock hour" program.

The Chancellor will establish procedures which prescribe the definition of "credit hour" consistent with applicable federal regulations, as they apply to community college districts.

The Chancellor shall rely primarily on the Academic Senates to establish procedures to assure that curriculum at the District complies with the definition of "credit hour" or "clock hour," where applicable. The Chancellor shall also establish procedure for using a clock-to-credit hour conversion formula to determine whether a credit hour program is eligible for federal financial aid. The conversion formula is used to determine whether such a credit hour program has an appropriate minimum number of clock hours of instruction for each credit hour it claims.

Date Adopted: February 18, 2014

Edited November 20, 2017

Academic Affairs

BP 4300 FIELD TRIPS AND EXCURSIONS

Reference:

Title 5 Section 55220

Government Code Section 11139.8

Field trips specifically related to the learning objectives of a course of study are encouraged by the District and the Colleges. A field trip is defined as any movement of a class outside of its regularly assigned classroom(s) for the purpose of receiving educational experiences not possible in the classroom(s). Travel study, field trips and excursions outside of the United States require Board approval. Travel to states restricted under Government Code 11139.8 may not be approved in the absence of exceptional circumstances. Any exceptions must be approved by the Chancellor.

Field trips are defined under four classes:

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

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

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

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

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

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

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

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

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

Date Adopted: February 18, 2014
Edited November 20, 2017

Business and Fiscal Affairs

BP 6450 WIRELESS OR CELLULAR TELEPHONE USE

References:

Vehicle Code Sections 12810.3, 23123, and 23124;

~~Internal Revenue Code (I.R.C.)~~ 26 U.S. Code Sections 274(d)(4) and 280F(d)(4)

NOTE: *This policy is legally advised.*

The Chancellor shall determine if it is in the best interests of the District to provide a cellular or wireless phone at District expense.

Cellular telephones provided by the District for compensatory reasons are classified by the Internal Revenue Service as a fringe benefit, the value of which must be included in an employee's gross income.

The value of a cellular telephone provided by the District primarily for non-compensatory business purposes is excludable from an employee's income. Record keeping of business and personal use of District-issued cellular telephones shall not generally be required when the telephones are issued for non-compensatory business reasons.

Motor vehicle drivers may not use wireless or cellular telephones while operating their vehicles without a hands-free listening device and shall comply with all requirements of California law regarding the use of wireless or cellular telephones in vehicles.

There shall be no expectation of privacy in the use of a District-issued cellular telephone.

Date Adopted: April 1, 2014; Edited November 20, 2017

Human Resources

BP 7330 COMMUNICABLE DISEASE

References:

Education Code Sections 87408, 87408.6, and 88021

All newly hired academic and classified employees shall have on file with the District a medical certificate indicating freedom from communicable diseases, including tuberculosis. No academic or classified employee shall commence service until such medical certificate has been provided to the District.

All newly hired academic and classified employees must show that they have been examined within the past 60 days they have submitted to a tuberculosis risk assessment and, if risk factors are present, been examined to determine that they are free from active tuberculosis.

All employees shall be required to undergo an examination a tuberculosis risk assessment within four years of employment and every four years thereafter to determine if they are free from tuberculosis.

Date Adopted: July 21, 2015; Edited November 20, 2017

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

Human Resources

BP 7340 LEAVES

References:

Education Code Sections 87763 et seq., 87768.5, 88190 et seq., and [cites below; Labor Code Sections 245 et seq.](#)

The Chancellor shall establish procedures for employee leaves as authorized by law and by any collective bargaining agreements entered into by the District. Such leaves shall include, but are not limited to:

- illness leaves for all classes of permanent employees;
- vacation leave for members of the classified service, administrators, supervisors and managers;
- leave for service as an elected official of a community college District public employee organization, or of any statewide or national employee organization with which the local organization is affiliated or leave for a reasonable number of unelected classified employees for the purpose of enabling an employee to attend important organizational activities authorized by the public employee organization (Education Code Sections 87768.5 and 88210);
- leave of absence to serve as an elected member of the legislature (Education Code Section 87701);
- pregnancy leave (Education Code Sections 87766 and 88193; Government Code Section 12945);
- leave to bond with a new child (Education Code Sections [87780.1](#), [87784.5](#), [88196.1](#), and 88207.5);
- use of illness leave for personal necessity (Education Code Sections 87784; 88207);
- industrial accident leave;
- bereavement leave;
- jury service or appearance as a witness in court (Education Code Sections 87036 and 87037);
- military service (Education Code Section 87700); and
- sabbatical leaves.

Vacation leave for confidential/supervisory employees and administrators shall not accumulate beyond 31 days of paid leave or 248 hours of paid leave. They shall be permitted to take vacation in a timely manner to avoid accumulation of excess vacation.

In addition to these policies and collective bargaining agreements, the Board retains the power to grant leaves with or without pay for other purposes or for other periods of time.

Information on leaves and absences for represented employees can be found in the respective collective bargaining agreement.

Also see BP/AP 7341 titled Professional Development Leave (Administrative), BP/AP 7342 titled Holidays, AP 7343 titled Industrial Accidents and Illness Leave, AP 7344 titled Notifying the District of Illness, BP/AP 7345 titled Catastrophic Leave for Unrepresented Employees, BP/AP 7346 titled Employees Called to Military Duty, BP/AP 7347 titled Family Medical Leave.

Date Adopted: July 21, 2015

Edited November 20, 2017

Human Resources

BP 7400 TRAVEL

References:

Education Code Section 87032

Government Code Section 11139.8

The Chancellor is authorized to attend conferences, meetings and other activities that are appropriate to the functions of the District.

The Chancellor shall establish procedures regarding the attendance of other employees at conferences, meetings, or activities. The procedures shall include authorized expenses, advance of funds, and reimbursement. Travel to states restricted under Government Code 11139.8 may not be approved in the absence of exceptional circumstances. Any exceptions must be approved by the Chancellor.

All travel outside the United States must be approved in advance.

Employees shall be reimbursed for the use of their personal vehicles on official District business at the mileage allowance equal to that authorized by the Internal Revenue Service of the U.S. Government.

Also see BP/AP 2735 Board Member Travel.

Date Adopted: July 21, 2015

Edited November 20, 2017

General Institution

AP 3300 PUBLIC RECORDS

References:

Government Code Sections 6250 et seq.

Note: This procedure is **legally required**.

Members of the public may request to inspect or copy public records. A request by a member of the public may be delivered by U.S. mail or in person to the Chancellor's Office at the District. The appropriate administrator will be designated to receive the request to inspect or copy particular public records.

Any public record request shall identify with reasonable specificity the records that are sought. The request shall also include the name, mailing address, and contact information of the requester. If additional information is needed, the appropriate administrator may request it be provided in writing.

Members of the public shall be assisted in identifying records or information that may respond to their request. Assistance that will be provided includes: the information technology and physical location in which the records exist; practical suggestions for overcoming denial of access to the records or information; and the estimated date and time when the records will be made available.

Any request to inspect records shall be made sufficiently in advance of the date of inspection to allow staff members time to assemble the records and identify any records that may be exempt from disclosure.

Document copies will be made by an employee of the Chabot-Las Positas Community College District. Direct costs of duplication, including electronic programming and processing costs where applicable, shall be charged to the requesting party. Copying of the documents shall not interfere with or delay the completion of ongoing duties or responsibilities of the employee of the District. Copying of a document and delivery to the person requesting it may be delayed for a reasonable time to permit completion of the usual functions of the District.

There are numerous exemptions from public records, including in Government Code Sections 6254 et seq, and 6275 et seq, the Education Code (student records, information security records, employee cell phone numbers and personal email addresses, unique identifying codes for vendors or contractors) and others. Records that are exempt from disclosure under the Public Records Act or any other provision

of law may not be inspected or copied by members of the public. Social security numbers must be redacted from records before they are disclosed to the public.

Within ten days, the appropriate administrator will determine whether or not the records can be produced and will communicate the determination to the member of the public requesting the record(s).

Approved 4/4/2014; Edited November 20, 2017
Replaced AP 7020

General Institution

AP 3435 DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURES

References:

Board Policies 3410 and 3430;
Education Code Sections 212.5, 44100, 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 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 ~~Dear Colleagues Letter: Sexual Violence, April 4, 2014~~. Interim Guidance, September 2017, permitting use of mediation.

NOTE: *This procedure is legally required.*

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

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;

General Institution

AP 3570 SMOKING ON CAMPUS

References:

Government Code Sections 7596, 7597, 7597.1, and 7598;
Labor Code Section 6404.5;
Title 8 Section 5148

Smoking is allowed only within designated smoking areas and is prohibited within 20 feet of a main exit, entrance, or operable window of any campus or District building.

Smoking is prohibited inside any indoor area of any campus or District building and inside any District-owned or leased vehicles.

Smoking is prohibited in any enclosed place of employment on campus, including lobbies, lounges, waiting areas, stairwells, and restrooms that are a structural part of any building that is a place of employment.

Smoking is prohibited within 250 feet of a youth sports event. A youth sports event is any practice, game, or related activity organized by any entity at which athletes up to 18 years of age are present.

This also applies to electronic cigarettes or other imitation smoking devices.

Date Approved: May 19, 2015
Edited November 20, 2017

Academic Affairs

AP 4050 ARTICULATION

References:

Education Code Sections 66720-66744;
Title 5 Section 51022(b) [and 55051](#);
Accreditation Standard II.A.6.a

High School (Secondary) Articulation

Eligibility

The student must be registered at one of the colleges and in good academic standing. Any student applying for recognition of the completion of articulated secondary coursework will be expected to have had extensive experiences which have prepared the person in the subject matter. The individual must provide acceptable evidence (including evidence of course completion, and grade awarded at the secondary level) of those experiences at the time of application for recognition.

Application and Administration

Articulated secondary courses are those courses where the faculty in the appropriate discipline, using policies and procedures approved by the curriculum committee, have determined said courses are comparable to a specific community college course. Each college will maintain a current inventory of all secondary articulated courses.

Each college shall have a process for the certification of articulated coursework.

Articulated secondary courses may be accepted in lieu of comparable community college courses to partially satisfy:

- Requirements for a certificate program, including the total number of units required for the certificate;
- or, the major requirements in a degree program.

Awarding of Credit:

College credit is not given for articulated courses.

Records

The student's permanent record will reflect course completion and the grade awarded, but will reflect zero credits awarded by the college for the course. Notations of community college course credit shall be made only if community college courses are

successfully completed or if credit is earned via Credit by Examination (see BP/AP 4235 titled Credit by Examination).

Limitations

Except through Credit by Examination—secondary courses may not be used to satisfy the requirement that students complete at least 60 semester or 90 quarter units in order to receive an associate degree; or, any general education requirement for the associate degree established by the District.

Articulation with Colleges and Universities

Each college shall negotiate course-to-course, preparation for major, and general education articulation. Responsibility for articulation rests with the Articulation Officer at each college and a representative from the receiving or responding college or university.

Approved articulation of classes being reviewed by the transfer school is determined by a process at the transfer school. Approved articulation of courses transferring into the colleges is reviewed by the Articulation Officer, Evaluator and/or faculty from the appropriate department/program of each college.

Each college, represented by the Articulation Officer, shall submit courses for approval for the Intersegmental General Education Transfer Course (IGETC) List, the California State University General Education Breadth List, and the University of California Transfer Course Agreement (TCA) on a yearly basis.

Articulation decisions for private and out of state colleges shall be kept on file at each college. A Course to course and major preparation articulation with CSU and UC schools is available on ASSIST.org, the official web site for intersegmental articulation.

Date Approved: February 18, 2014

Edited November 20, 2017

Academic Affairs

AP 4227 REPEATABLE COURSES

References:

Title 5 Sections 55040, 55041, 55253, and 56029

Only the following types of courses may be designated as repeatable:

- Courses for which repetition is necessary to meet the major requirements of CSU or UC for completion of a bachelor's degree;
- Intercollegiate athletics courses; and
- Intercollegiate academic or vocational competition courses. Such courses may be repeated no more than four times for semester courses.

The District must identify and designate such repeatable courses in its catalog.

Under special circumstances, students may repeat courses in which a C or better grade was earned.

Students are allowed to repeat a course without petition when repetition is necessary to enable that student to meet a legally mandated training requirement as a condition of volunteer or continued paid employment. Students can repeat such courses any number of times, ~~even if they received a grade of C or better; however, the grade received by the student each time will be included in calculations of the student's grade point average.~~

Students may petition to repeat a course as a result of a significant change in industry or licensure standards such that repetition of the course is necessary for the student's employment or licensure. Students can repeat such courses any number of times.

Students may enroll in activity courses in physical education, visual arts, or performing arts. Such courses may not be repeated for more than four semesters. This limit applies even if the student receives a substandard grade or "W" during one or more enrollment or if a student petitions for repetition for repetition due to extenuating circumstances.

Students with disabilities can repeat a special class for students with disabilities any number of times when an individualized determination verifies that such repetition is required as a disability-related accommodation for the student for one of the reasons specified in Title 5 Section 56029.

~~Students are allowed to repeat an occupational work experience course if a college only offers one course in occupational work experience in a given field and that course is not offered as a variable unit open entry/open exit course. Where only one occupational work experience course is offered subject to the above conditions, students may be permitted to repeat this course~~ A student may repeat a cooperative work experience program any number of times as long as they do not exceed the limit on the number of units of cooperative work experience set forth in Title 5 Section 55253(a); ~~however, the grade received by the student each time will be included in calculations of the student's grade point average.~~

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Edited November 20, 2017

Academic Affairs

AP 4228 COURSE REPETITION – SIGNIFICANT LAPSE OF TIME

References:

Title 5 Section 55043

Students may be permitted or required to repeat courses in which a “C” or better grade was earned where there was a significant lapse of time of no less than 36 months since the grade was obtained and:

- The District ~~has defined “significant lapse of time” or~~ has established a recency prerequisite for a course or program; or
- An institution of higher education to which a student wishes to transfer has established a recency requirement that the student cannot satisfy without repeating the course.

When a student needs to repeat an activity active participatory experience course in physical education, or visual or performing arts, or that is related in content due to a significant lapse of time, each repetition attempt will be counted toward the established repetition limits. However, if a student has already exhausted the number of permitted repetitions, then an additional repetition due to significant lapse of time may be permitted or required by the District.

When a course is repeated due to a significant lapse of time, the District may disregard the previous grade and credit when computing a student’s grade point average.

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Academic Affairs

AP 4229 COURSE REPETITION – VARIABLE UNITS

References:

Title 5 Section 55044

Students may be permitted to enroll in variable unit open-entry/open-exit courses as many times as necessary to enable them to complete the entire curriculum of the course once.

Students may not repeat variable unit open-entry/open-exit courses unless:

- The course is required for legally mandated training; or
- The course is a special class for students with disabilities which needs to be repeated; or
- Repetition of the course is justified by extenuating circumstances; or
- The student wishes to repeat the course to alleviate substandard work.

~~Whenever a student enrolls in a physical education activity course offered for open-entry/open exit, the enrollment will count as a repetition of the course. A student may not enroll in a variable unit open-entry/open exit active participatory course in physical education, visual arts, or performing arts more than one time.~~

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Academic Affairs

AP 4230 GRADING AND ACADEMIC RECORD SYMBOLS

References:

Title 5 Section 55023

Grades from a grading system shall be averaged on the basis of the point equivalencies to determine a student's grade point average using only the following evaluative symbols.

Evaluative symbols:

A – Excellent – grade point of 4

B – Good – grade point of 3

C – Satisfactory – grade point of 2

D – ~~Passing~~ (Less than satisfactory – grade point of 1

F – Failing – grade point of 0

P – Passing (At least satisfactory) – units awarded not counted in GPA

NP – No Pass (Less than satisfactory, or failing) – units not counted in GPA

SP- Satisfactory Progress towards completion of the course—used for noncredit courses only and is not supplanted by any other symbol

Non-Evaluative symbols:

I – Incomplete-

IP– In progress

RD– Report delayed

W – Withdrawal

MW – Military withdrawal

WE – Withdrawal for Extenuating Circumstances (Ref. FA Contract Article 9L.3)

The Academic Grade Point Average is an index of the quality of a student's work.

To enable the calculation of grade point average, eligibility for honors and recognition, and other scholastic status, letter grades are converted to numerical form. The grade point average (G.P.A.) is calculated by dividing total grade points by total units attempted:

$$\text{G.P.A.} = \frac{\text{Total Grade Points}}{\text{Total Units Attempted}}$$

Administrative Symbol "IP" - Mastery Learning Courses

The administrative symbol "IP" is established to indicate coursework "in progress." Its use is limited to mastery learning courses. It may be used only for a student who is making satisfactory progress toward the completion of a course but who has not completed all of the modules by the end of the semester or session.

The symbol "IP" is not a grade; therefore, it has no value in calculating unit credit, grade point average, or grade point balance. Only one symbol "IP" may be received by a student for any one mastery learning class; therefore, the class must be completed within two academic terms (semester or session).

Administrative Symbol "RD" - Report Delayed

The administrative symbol "RD" may be assigned by the responsible Admissions and Records Administrator or designee. It is to be used only when there is a delay in reporting the grade of a student due to circumstances beyond the control of the student. It is a temporary notation to be replaced by a permanent grade/symbol, as soon as possible.

"RD" shall not be used in calculating grade point averages.

Administrative Symbol "I" - Incomplete

Incomplete academic work for unforeseeable emergency and justifiable reasons at the end of the term may result in an "I" symbol being entered by the instructor on the student's permanent record. The following documentation shall be maintained in writing by the responsible Admissions and Records Administrator or designee:

- The condition(s) stated by the instructor for removal of the "I."
- The letter grade to be assigned when the stipulated work has been completed or the letter grade to be assigned if the work has not been completed within the designated time limit.

The "I" shall be made up by the end of the term or semester following the date it was granted. The student may petition to extend this deadline date because of extenuating circumstances, but it will require the approval of the Chief Instructional Officer or designee, and the instructor of record.

The "I" symbol shall not be used in calculating units attempted nor for grade points.

Administrative Symbol "MW" - Military Withdrawal

The Military Withdrawal ("MW") symbol is part of the Academic Record Symbols and Grade Point Average regulations to assist students who are members of an active or reserve military service, and who receive orders compelling withdrawal from courses. The "MW" symbol shall not be used in calculating units attempted for grade points or progress. There shall not be any charge for Military Withdrawal, and a full refund of enrollment fees shall be made for all class(es) from which the student must withdraw.

Upon verification of such orders, this symbol shall be assigned at any time after the No Grade of Record (NGR) period - end of second week of classes.

The "MW" shall not be counted in progress probation and dismissal calculations.

Upon petition of a student who receives an order compelling a withdrawal from courses, the District shall refund the entire enrollment fee unless academic credit is awarded.

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Academic Affairs

AP 4235 CREDIT BY EXAMINATION

References:

Education Code Section 79500;
Title 5 Section 55050 and 55092

The District supports the general proposition that the full value of classroom learning experiences cannot be measured by an examination. Students who have achieved an equivalent knowledge, understanding, and experience required by regular college courses may receive units of credit upon successful completion of a discipline approved examination. Credit by Examination is offered under the provisions of the California Administrative Code, Title 5 and the process is included in the Administrative Policy.

Credit by Examination may be obtained through achievement of a score of 3 or higher on an Advanced Placement Examination administered by the College Entrance Examination Board, and through achievement of a score that qualifies for credit by examination in the College Level Examination Program. The Credit by Examination process may also be used to provide credit for completion of certain coursework at the high school level, where deemed appropriate by faculty of the discipline.

A. Student Eligibility for Credit by Examination

1. Students applying for Credit-by Examination need to have documented, extensive experiences that have prepared the student in the subject matter at the time of application.
2. Documentation must be presented at the time of application.
3. The student must be registered at the College and in good academic standing.
4. The student may not be enrolled or have previously completed the same course or a more advanced course for which credit by examination is requested.
5. The student may challenge a course only once for credit by examination.

B. Application and Administration of Credit by Examination

1. The student may apply for Credit by Examination through the petition process for courses listed in the Catalog.
2. Courses listed in the catalog as credit by examination must be discipline approved and have developed a commonly accepted assessment tool.

3. Courses available for Credit by Examination shall be disclosed on College websites.
4. The petition must be approved by the relevant discipline faculty, Division Dean and Vice President of Academic Services.
5. Applicable fees/and or tuition, not to exceed the enrollment fee which would be associated with the course for which the student seeks credit by exam, must be paid at the Office of Admissions and Records.
6. Arrangements for completing the examination and the actual administration will be made between the student and the faculty after the petition is approved.
7. The student must not have previously attempted the course by examination in any manner and/or failed.

C. Awarding of Credit through Credit by Examination

1. Upon completion of the examination, the administering instructor will verify the course and number of units to be received and will assign an appropriate grade.
2. Grading shall be according to the regular grading system approved by the governing board pursuant to section 55023, except that students shall be offered a "pass-no-pass" option if that option is ordinarily available for the course (Title 5, Article 5, section 55050, f).
3. Grades on transcript will reflect "credit by examination," with a faculty issued grade.

D. Limitations of Credit by Examination

1. Credit by Examination coursework may not be counted as part of the 12-unit residency requirement necessary for graduation from the College.
2. The student will not be permitted to receive a certificate or an associate degree using credit by examination for more than three quarters of the units completed at the District.

E. Advanced Placement Credit

Any student who passes a College Board Advanced Placement (AP) examination with a minimum score of 3 in a subject matter will be awarded credit in an general education area with a subject matter similar to that of the AP examination. For any AP examination that the District does not offer a course similar in content, the District will award credit in the General Education area show on the California Community College General Education AP List. If there is no General Education area that fits the AP Examination, the District may award elective credit.

The Advanced Placement Credit procedure will be posted on the District's website.

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Academic Affairs

AP 4300 FIELD TRIPS AND EXCURSIONS

References:

Government Code Section 11139.8

Title 5 Section 55220

The District may conduct field trips and excursions in connection with courses of instruction or college-related social, educational, cultural, athletic, or musical activities to and from places in California, or any other state, the District of Columbia, or a foreign country for students. Field trips and excursions outside of the United States require Board approval. Travel to states restricted under Government Code 11139.8 may not be approved in the absence of exceptional circumstances. Any exceptions must be approved by the Chancellor.

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

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

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

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

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

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

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

Authorization. First line administrator or other designated administrator.

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

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

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

Authorization. President of the College or designee.

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

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

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

1. Validating the purpose of the proposed field trip.

2. Insuring that funds are available in the division budget to defray the costs of the trip.
3. Forwarding approved requests to the office of Academic Services.

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

Authorization. President of the College or designee.

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

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

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

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

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

Authorization. President of the college or designee. Additional authorization will be needed for travel to restricted states (Chancellor) and travel outside of the United States (Board).

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

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

1. Pre-planning, previewing, leading and evaluating the field trip as an educational experience.

2. Preparing and submitting the college Field Trip Request Form at least one month prior to the date of the trip. Requests will be submitted to the Division Dean or other designated manager. Approved requests will be forwarded by the Division Dean to the office of Academic Services. Approved requests will be submitted by the appropriate dean or designees to the President of the college or designee.
3. Insuring that all necessary arrangements are made.
4. Insuring that all students and the parents or guardian of minor students have signed and returned the waiver of claims form. Forms for all students must be filed by the instructor in the Vice President of Academic Services office at least three school days before the field trip begins. Failure to file the form with the Vice President shall prevent student(s) from participating in the field trip.
5. Supervising the conduct of the trip.

Field Experience Activities

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

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

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

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

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

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

The following limitations are established for field trips:

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

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

Instructor Responsibility

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

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

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

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

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Student Services

AP 5013 STUDENTS IN THE MILITARY

References:

Education Code Sections 68074, 68075, ~~and 68075.5~~ and 68075.7;
Title 5 Sections 55023, 55024, 54041, 54042, 54050, and 58620;
Military and Veterans Code Section 824;
38 U.S. Code Section 3679

Residence Determinations for Military Personnel and Dependents

A student who is a member of the armed forces of the United States stationed in California on active duty, except a member of the armed forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification. Such student shall retain resident classification in the event that the member of the armed forces is thereafter transferred on military orders to a place outside of California or thereafter retires from active duty, so long as the student remains continuously enrolled in the District.

An undergraduate student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty, or of a member who, on or after September 11, 2001, died in the line of duty while serving on active duty who resides in California shall be entitled to resident classification. Such student shall retain resident classification if he/she is thereafter transferred on military orders to a place outside of California, so long as the student remains continuously enrolled in the District.

An individual who is entitled to transferred Post-9/11 GI Bill program benefits by virtue of their relationship to a member of the uniformed services who is serving on active duty is entitled to resident classification.

A student who was a member of the armed forces of the United States stationed in California on active duty for more than one year immediately prior to being discharged from the armed forces is entitled to resident classification for the length of time he or she lives in California after being discharged up to the minimum time necessary to become a resident.

A parent who is a federal civil service employee and his/her natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be

classified as a resident, so long as the student continuously attends an institution of public higher education.

A student claiming the residence classifications provided for in this procedure must provide a statement from the student's commanding officer or personnel officer providing evidence of the date of the assignment to California, and that the assignment to active duty in California is not for educational purposes. A student claiming the residence classifications provided for here for the dependent of military personnel shall provide a statement from the military person's commanding officer or personnel officer that the military person's duty station is in California on active duty as of the residence determination date, or has been transferred outside of California on active duty after the residence determination date, or that the military person has retired from active duty after the residence determination date. (Title 5 Sections 54041 and 54042)

Withdrawal Policies for Members of the Military

A student who is a member of an active or reserve United States military service and who receives orders compelling a withdrawal from courses shall be permitted to withdraw upon verification of such orders. A withdrawal symbol may be assigned which may be a "W" or a "MW." Military withdrawal shall not be counted in progress probation, dismissal calculations, or in calculating the permitted number of withdrawals. In no case may a military withdrawal result in a student being assigned an "FW" grade. In no case may a college require a student who is required to report for military duty to withdraw from a course by a specified date in order to receive a full refund of the tuition and fees the student paid to the college for the academic term in which the student was required to report for military service.

Districts may reference or include local Administrative Procedures regarding how such a student would withdraw.

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Student Services

AP 5015 RESIDENCE DETERMINATION

References:

Education Code Sections 68000 et seq. and 68130 et seq.;
Title 5 Sections 54000 et seq.

Residence Classification – Residency classifications shall be determined for each student at the time of each registration and whenever a student has not been in attendance for more than one semester. Residence classifications are to be made in accordance with the following provisions:

- A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend. In order to establish a residence, it is necessary that there be a union of act and intent. To establish residence, a person capable of establishing residence in California must couple his or her physical presence in California with objective evidence that the physical presence is with the intent to make California the home for other than a temporary purpose.
- Residence classification is the responsibility of the College Admissions & Records Office.

Students must be notified of residence determination within 14 calendar days of submission of application.

Rules Determining Residence

- A student who has resided in the state for more than one year immediately preceding the residence determination date is a resident.
- A student who has not resided in the state for more than one year immediately preceding the residence determination date is a nonresident.

The residence of each student enrolled in or applying for enrollment in any class or classes maintained by this District shall be determined in accordance with the Education Code which states that every person has, in law, a residence. In determining the place of residence, the following rules are to be observed:

- Every person who is married or eighteen years of age, or older, and under no legal disability to do so, may establish residence.

- A person may have only one residence.
- A residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose and to which one returns in seasons of repose.
- A residence cannot be lost until another is gained.
- The residence can be changed only by the union of act and intent.
- A man or a woman may establish his or her residence. A woman's residence shall not be derivative from that of her husband.
- The residence of the parent with whom an unmarried minor child maintains his/her place of abode is the residence of the unmarried minor child. If the minor lives with neither parent, the minor's residence is that of the parent with whom the last place of abode was maintained, provided the minor may establish his/her residence when both parents are deceased and a legal guardian has not been appointed.
- The residence of an unmarried minor who has a parent living cannot be changed by the minor's own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.

Determination of Resident Status

A resident is a student who has been a bona fide resident of the state for one year prior to the residence determination date. A bona fide resident is a person whose residence is in California as determined above except:

- A student who is a minor and remains in this state after the parent, who was previously domiciled in California and has established residence elsewhere, shall be entitled to retain resident classification until attaining the age of majority and has resided in the state the minimum time necessary to become a resident, so long as continuous attendance is maintained at an institution.
- A student who is a minor and who provides evidence of being entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date with the intention of acquiring a residence therein, shall be entitled resident classification until he/she has resided in the state the minimum time necessary to become a resident.
- A student who has not been an adult for one year immediately preceding the residence determination date for the semester for which the student proposes to attend an institution shall have the immediate pre-majority-derived California residence, if any, added to the post-majority residence to obtain the one year of California residence.

- A student holding a valid credential authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the college year in which the student enrolls in an institution, shall be entitled to resident classification if each student meets any of the following requirements:
 - He/she holds a provisional credential and is enrolled in courses necessary to obtain another type of credential authorizing service in the public schools.
 - He/she holds a credential issued pursuant to Education Code Section 44250 and is enrolled in courses necessary to fulfill credential requirements.
 - He/she is enrolled in courses necessary to fulfill the requirements for a fifth year of education prescribed by subdivision (b) of Education Code Section 44259.
 - A student holding a valid emergency permit authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the academic year in which the student enrolls at an institution in courses necessary to fulfill teacher credential requirements, is entitled to resident classification only for the purpose of determining the amount of tuition and fees for no more than one year. Thereafter, the student's residency status will be determined under the other provisions of this procedure.
- A student who is a full-time employee of the California State University, the University of California or a community college, or of any state agency or a student who is a child or spouse of a full-time employee of the California State University, the University of California or a community college, or of any state agency may be entitled to resident classification, until the student has resided in the state the minimum time necessary to become a resident.
- A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty shall be entitled to resident classification. If the member of the armed forces of the United States later transfers on military orders to a place outside this state, or retires as an active member of the armed forces of the United States, the student dependent shall not lose his/her resident classification, so long as he/she remains continuously enrolled in the District.
- A student who is a member of the armed forces of the United States stationed in this state on active duty, except a member of the Armed Forces assigned for educational purposes to a state-supported institution of higher education, is

entitled to resident classification only for the purpose of determining the amount of tuition and fees. If the student later transfers on military orders to a place outside this state, the student shall not lose his/her resident classification, so long as he/she remains continuously enrolled in the District.

- A student who was a member of the armed forces of the United States stationed in this state on active duty for more than one year immediately prior to being discharged from the armed forces is entitled to resident classification for the length of time he/she lives in this state after being discharged up to the minimum time necessary to become a resident.
- A student who is the child or spouse of a person who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces who resides in California.
- A student who is entitled to transferred Post-9/11 GI Bill program benefits by virtue of their relationship to a member of the uniformed services who is serving on active duty.
- A student who is a minor and resides with his or her parent in a district or territory not in a district shall be entitled to resident classification, provided that the parent has been domiciled in California for more than one year prior to the residence determination date for the semester, quarter or term for which the student proposes to attend.
- A student who is a Native American is entitled to resident classification for attendance at a community college if the student is also attending a school administered by the Bureau of Indian Affairs located within the community college district.
- A student who is a federal civil service employee and his/her natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.
- A student who resides in California and is 19 years of age or under at the time of enrollment, who is currently a dependent or ward of the state through California's child welfare system, or was served by California's child welfare system and is no longer being served either due to emancipation or aging out of the system, may be entitled to resident classification until he/she has resided in the state the minimum time necessary to become a resident.
- A student who lives with a parent who earns a livelihood primarily by performing agricultural labor for hire in California and other states, and the parent has

performed such labor in this state for at least two months per year in each of the two preceding years, and the parent resides in this District and the parent of the student has claimed the student as a dependent on his state or federal personal income tax return if he/she has sufficient income to have personal income tax liability shall be entitled to resident classification.

Right To Appeal – Students who have been classified as non-residents have the right to a review of their classification (Title 5 Section 54010 (a)). Any student, following a final decision of residence classification by the College Admissions & Records Office may make written appeal to the Chief Student Services Officer within 30 calendar days of notification of final decision by the college regarding classification.

Appeal Procedure – The appeal is to be submitted to College Admissions & Records Office which must forward it to the Chief Student Services Officer within five working days of receipt. Copies of the original application for admission, the residency questionnaire, and evidence or documentation provided by the student, with a cover statement indicating upon what basis the residence classification decision was made, must be forwarded with the appeal.

The Chief Student Services Officer shall review all the records and have the right to request additional information from either the student or the Admissions Office.

Within 30 calendar days of receipt, the Chief Student Services Officer shall send a written determination to the student. The determination shall state specific facts on which the appeal decision was made.

Reclassification – A student previously classified as a non-resident may be reclassified as of any residence determination date. A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.

Petitions are to be submitted to the Admissions Office.

Petitions must be submitted prior to the semester for which reclassification is to be effective. Extenuating circumstances may be considered in cases where a student failed to petition for reclassification prior to the residency determination date. In no case, however, may a student receive a non-resident tuition refund after the date of the first census.

Written documentation may be required of the student in support of the reclassification request.

A questionnaire to determine financial independence must be submitted with the petition for reclassification. Determination of financial independence is not required for students

who were classified as non-residents by the University of California, the California State University, or another community college District (Education Code Section 68044).

A student shall be considered financially independent for purposes of residence reclassification if the applicant meets all of the following requirements:

- Has not and will not be claimed as an exemption for state and federal tax purposes by his/her parent in the calendar year prior to the year the reclassification application is made;
- Has not lived and will not live for more than six weeks in the home of his/her parent during the calendar year the reclassification application is made.

A student who has established financial independence may be reclassified as a resident if the student has met the requirements of Title 5 Sections 54020, 54022, and 54024.

Failure to satisfy all of the financial independence criteria listed above does not necessarily result in denial of residence status if the one year requirement is met and demonstration of intent is sufficiently strong.

Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence than financial dependence in the preceding second and third calendar years. Financial dependence in the current or preceding calendar year shall be overcome only if (1) the parent on whom the student is dependent is a California resident, or (2) there is no evidence of the student's continuing residence in another state.

The Chief Student Services Officer will make a determination, based on the evidence and notify the student not later than 14 days of receipt of the petition for reclassification.

Students have the right to appeal according to the procedures above.

Non-Citizens – The District will admit any non-citizen who is 18 years of age or a high school graduate.

If non-citizens are present in the United States illegally or with any type of temporary visa, they will be classified as non-residents and charged non-resident tuition unless they meet the exceptions contained below.

If, for at least one year and one day prior to the start of the semester in question, a non-citizen has possessed any immigration status that allows him/her to live permanently in the United States and he/she meets the California residency requirements, the student can be classified as a resident.

Any students who are U.S. citizens, permanent residents of the U.S., and aliens who are not nonimmigrants (including those who are undocumented), may be exempt from paying nonresident tuition if they meet the following requirements:

- high school attendance in California for three or more years;

- graduation from a California high school or attainment of the equivalent thereof;
- registration or enrollment in a course offered by any college in the district for any term commencing on or after January 1, 2002,
- completion of a questionnaire form prescribed by the State Chancellor and furnished by the district of enrollment, verifying eligibility for this nonresident tuition exemption; and
- in the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her immigration status, or will file an application as soon as he or she is eligible to do so.

The initial residency classification will be made at the time the student applies for admission. Students may file residency questionnaire forms through the third week of the semester to request a review of their residency status. Final residency determination is made by the College Admissions & Records Office. Students may appeal the decision.

Date Approved: March 18, 2014
Edited November 20, 2017

Student Services

AP 5020 NONRESIDENT TUITION

References:

Education Code Sections 68130.5 and 76140 et seq.;
Title 5 Section 54045.5

- Exemptions, including:
 - Any students, other than nonimmigrant aliens under 8 U.S. Code Section 1101(a)(15), who meet the following requirements:
 - high school attendance in California for three or more years;
 - graduation from a California high school or attainment of the equivalent thereof;
 - registration or enrollment in a course offered for any term commencing on or after January 1, 2002;
 - completion of a questionnaire form prescribed by the 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 immigration status, or will file an application as soon as he/she is eligible to do so.
 - A special part-time student, other than a nonimmigrant alien under 8 U.S. Code Section 1101(15)(a), participating in a College and Career Access Pathways (CCAP) partnership program and enrolled in no more than 15 units per term.
- A requirement that the nonresident tuition fee be set not later than February 1 of each year.
- A requirement that the calculation reflect the current expense of education calculated according to the Budget and Accounting Manual
- Exemptions, if any, due to reciprocity with bordering states
- Processing fees, if any, for international students
- A requirement that the calculation include the expense of education in the preceding fiscal year
- A requirement that the calculation reflect fees in contiguous Districts
- A requirement that the calculation provide for students enrolled in more or less than 15 units per term

1. Authority to Determine Residence

The Admissions and Records Office is authorized to evaluate information presented by any applicant for admission and make determinations of residence for the purpose of charging a non-residence fee.

Such authorization includes authorization to establish required procedures including the printing of required residence questionnaires. Said document(s) must ascertain both the act and the intent of a student to establish and maintain California residency.

2. Appeal of Residency Determination

A student may appeal the residency determination to the Chief Student Services Officer. Unique cases may be referred by the Chief Student Services Officer to the legal staff of the Chancellor's Office of the California Community Colleges for consideration.

3. Amount of Nonresident Fee

The tuition fee per credit shall be determined by the Board on or before February 1 of each year in accordance with the provisions of the Education Code. This fee will be a per-unit charge.

4. Disposition of Fees Collected

All fees collected shall be deposited to the credit of general fund of the District.

5. Collection of Fees in Advance

Nonresident fees are due and payable on or before the first day of instruction for each semester or term, and shall be based upon the number of units for which the student is enrolled.

6. Nonpayment of Fees

Students failing to pay required fees shall be excluded from classes and all activities of the college.

7. Admission in Error

Nonresident students subject to payment of nonresident tuition fees who have been admitted to a class or classes in error without payment of the fee shall be excluded from such class or classes upon notification pending payment of the fee.

8. Admission by Falsification

Nonresident students who have been admitted to a class or classes without payment of the fee because of falsification of information submitted by or for them shall be excluded from such class or classes upon notification.

Students excluded because of falsifications shall not be readmitted during the academic semester or session from which they were excluded, nor shall they be admitted to any following academic semester or session until all previously incurred tuition obligations are paid. Said student may be subject to disciplinary action as determined by the Chief Student Services Officer.

9. Collection of Fees Following Falsification

It shall be the policy of the District to vigorously pursue collection of nonresident fees, payment of which was avoided by falsification. The Chancellor is authorized to initiate action or to request the County Counsel to initiate action in appropriate courts of law in order to collect fees.

10. Refunds

a. **Erroneous Determination of Nonresident Status** If a student is erroneously determined to be nonresident and, consequently, a tuition fee is paid, such fee is refundable in full, provided acceptable proof of residence is presented within the academic year for which the fee was paid.

b. **Official Withdrawal or Reduction of Program** Nonresident students officially withdrawing from enrollment or reducing their programs may have a portion of their tuition fee refunded in accordance with the following schedule (see Paragraph 11). Refunds shall not exceed the amount of tuition paid and will be processed only when accompanied by the receipt issued at the time of payment.

Approximately two weeks will be required to process requests for refund of tuition.

11. Refund Schedule

Refund of tuition fees by reasons of program reductions or withdrawal from the college will be made in accordance with the schedule indicated below:

Date of Withdrawal or Reduction in Program	Refund
Prior to the first day of instruction in a regular semester or session	90%
During the first week of instruction for a regular semester, session or its equivalent for a session	75%
After NGR period* for a session	None

*First 20% of a session

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Student Services

AP 5040 STUDENT RECORDS, DIRECTORY INFORMATION, AND
PRIVACY

References:

Education Code Sections ~~71091 and~~ 76200 et seq.;
Title 5 Sections 54600 et seq.;
U.S. Patriot Act;
Civil Code Section 1798.85

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

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

- Student records shall be released pursuant to a student's written consent. A Records Release Form is available in the Admissions and Records Office.
- "Directory information" may be released in accordance with the definitions in BP 5040 titled Student Records, Directory Information, and Privacy.
- Student records shall be released pursuant to a judicial order or a lawfully issued subpoena.
- Student records shall be released pursuant to a federal judicial order that has been issued regarding an investigation or prosecution of an offense concerning an investigation or prosecution of terrorism.
- Student records may be released to officials and employees of the District only when they have a legitimate educational interest to inspect the record.
- Student records may be released to authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, state education officials, or their respective designees or the United States Office of Civil Rights, where that information is necessary to audit or evaluate a state or federally supported educational program or pursuant to federal or state law. Exceptions are that when the collection of personally identifiable information is specifically authorized by federal law, any data collected by those officials shall be protected in a manner that will not permit the personal identification of students or their parents by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for that audit, evaluation, and enforcement of

federal legal requirements. Requests for student records and/or directory information shall be submitted to the Admissions and Records Administrator.

- Student records may be released to officials of other public or private schools or school systems, including local, county or state correctional facilities where education programs are provided, where the student seeks or intends to enroll or is directed to enroll. The release is subject to the conditions in Education Code Section 76225.
- Student records may be released to agencies or organizations in connection with a student's application for, or receipt of, financial aid, provided that information permitting the personal identification of those students may be disclosed only as may be necessary for those purposes as to financial aid, to determine the amount of the financial aid, or conditions that will be imposed regarding financial aid, or to enforce the terms or conditions of financial aid.
- Student records may be released to organizations conducting studies for, or on behalf of, accrediting organizations, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering financial aid programs, and improving instruction, if those studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of those organizations and the information will be destroyed when no longer needed for the purpose for which it is conducted.
- Student records may be released to appropriate persons in connection with an emergency if the knowledge of that information is necessary to protect the health or safety of a student or other persons, subject to applicable federal or state law.
- The following information shall be released to the federal military for the purposes of federal military recruitment: student names, addresses, telephone listings, dates and places of birth, levels of education, degrees received, prior military experience, and/or the most recent previous educational institutions enrolled in by the students.

Charge for Transcripts or Verifications of Student Records: A student/former student shall be entitled to two free copies of the transcript of his/her record or to two free verifications of various student records.

Electronic Transcripts

The District may elect to implement a process for the receipt and transmission of electronic student transcripts contingent upon receipt of sufficient funding.

Use of Social Security Numbers

The District shall not do any of the following:

- Publicly post or publicly display an individual's social security number;
- Print an individual's social security number on a card required to access products or services;
- Require an individual to transmit his/her social security number over the internet using a connection that is not secured or encrypted;

- Require an individual to use his/her social security number to access an internet website without also requiring a password or unique personal identification number or other authentication devise; or
- Print, in whole or in part, an individual's social security number that is visible on any materials that are mailed to the individual, except those materials used for:
- Application or enrollment purposes;
- To establish, amend, or terminate an account, contract, or policy; or
- To confirm the accuracy of the social security number.

If the District has, prior to January 1, 2004, used an individual's social security number in a manner inconsistent with the above restrictions, it may continue using that individual's social security number in that same manner only if:

- The use of the social security number is continuous;
- The individual is provided an annual disclosure that informs the individual that he/she has the right to stop the use of his/her social security number in a manner otherwise prohibited;
- The District agrees to stop the use of an individual's social security number in a manner otherwise prohibited upon a written request by that individual;
- No fee shall be charged for implementing this request; and the District shall not deny services to an individual for making such a request.

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Student Services

AP 5055 ENROLLMENT PRIORITIES

References:

Education Code Sections 66025.8 and 66025.9;
Title 5 Sections 58106 and 58108

Enrollment in courses and programs may be limited to students meeting properly established prerequisites and co-requisites. (See BP and AP 4260 titled Prerequisites and Co-requisites)

Enrollment may be limited due to the following:

- health and safety considerations;
- facility limitations;
- faculty workload;
- availability of qualified instructors;
- funding limitations;
- regional planning;
- legal requirements; and
- contractual requirements.

The District will provide priority registration for students who enroll in a community college for the purpose of degree or certificate attainment, transfer to a four-year college or university, or career advancement.

Students will have the following registration priority, in the order of priority listed below:

- Students who have completed orientation, assessment, and developed student education plans and are eligible as a member of the armed forces or a veteran pursuant to Education Code Section 66025.8 or as a foster youth, ~~or~~ former foster youth, or youth who is homeless pursuant to Education Code Section 66025.9;
- Students who have completed orientation, assessment, and developed student education plans and are eligible and receiving services through Disabled Student Programs and Services or Extended Opportunity Programs and Services;
- Students who are continuing students, not on academic or progress probation for two consecutive terms as defined in these policies and procedures, and first time students who have completed orientation, assessment, and developed student education plans.

These registration priorities do apply to courses offered during summer or intersessions.

Registration priority specified above shall be lost at the first registration opportunity after a student:

- Is placed on academic or progress probation or any combination thereof as defined in these BP and AP 4250 titled Probation for two consecutive terms; or
- Has earned one hundred (100) or more degree-applicable semester or quarter equivalent units at the District.

Summary of Key Enrollment Limit Topics

The table below provides an overview of the Title 5 regulations on repetition and withdrawals and corresponding enrollment and apportionment limitations. The purpose of this section is to provide an at-a-glance summary of the key regulatory topics on enrollment limits addressed in this document. (From the California Community Colleges Guidelines for Title 5 Regulations on Repeats and Withdrawals adopted by the Board of Governors on July 11, 2011 and effective October 12, 2011)

Regulatory Provision	Enrollment Limit for Student	Enrollment Limit for Apportionment (58161)	Summary
1. Apportionment Limit on Enrollment in Non-repeatable Courses (55024)(a)(9), (55040), (58161)	3 enrollments +1 (petition required if district policy allows it)	3 enrollments + 1 (petition required if district policy allows it)	A student may enroll in the same credit course a maximum of 3 times. Districts may permit one additional funded enrollment on an appeal basis if a student needs to repeat due to significant lapse of time or due to extenuating circumstances relating to verified cases of accidents, illness, or other circumstance beyond the student's control. Districts can allow additional enrollments on an appeal basis without claiming apportionment. [55024(a)(9), 58161(e)]
2. General Rule on Repetition where Satisfactory Grade Received	1 enrollment	1 enrollment	Student receiving a satisfactory grade may not repeat a course (unless another rule allows it). [55042(b)]
3. Substandard Grade (55042)	Initial enrollment, plus 2 repeat enrollments	3 enrollments+1	A student receiving a substandard grade has two opportunities to repeat a course to alleviate the substandard grade. Districts may permit an additional enrollment on a petition basis for extenuating circumstances (if a student received an evaluative symbol) and claim apportionment for that enrollment. The first two substandard grades may be excluded in computing the student's GPA. (55042)
4. Significant Lapse of Time (55043)	1 enrollment	1 enrollment	District may permit a student who previously received a satisfactory

			grade to repeat a course due to significant lapse of time. Significant lapse of time is defined by district policy. [55043(a)(1)] <i>Until new regulations are adopted to establish a timeframe for significant lapse of time, the Chancellor's Office recommends that districts define it as a period of no less than 36 months since the last satisfactory grade was obtained.</i> Prior grade and credit may be disregarded per district policy. [55043 (c)]
5. Extenuating Circumstances (55045)	1 enrollment	1 enrollment	District may permit a student to petition to repeat a course due to an extenuating circumstance. Extenuating circumstances are verified cases of accidents, illness, or other circumstance beyond the student's control. District policy may allow a previous grade and credit to be disregarded in computing the student's GPA. [55045 (b)]
6. Special Course Repetition (56029)	No limit if conditions of 56029 met	No limit if conditions of 56029 met	District may permit a student with a disability to repeat a Special Course any number of times if it is determined that such repetition is required for that person as a disability-related accommodation. District policy may allow previous grade and credit to be disregarded in computing the student's GPA. [55040(c)(7)]
7. Extraordinary Conditions Withdrawal (55024(a)(10))	No limit if authorized by the district and extraordinary conditions met	No limit if authorized by the district and extraordinary conditions met	District policy may provide for a student to withdraw without a "W" notation if it is due to fire, flood or other extraordinary condition and the withdrawal is authorized by the district (55024, 58509), or if a district is unable to keep the college open for at least 175 days due to fire, flood, epidemic, emergency created by war, or other major safety hazard. (58146)
8. Legally Mandated Training (55041(b))	No limit if condition of 55041(b) met	No limit if condition of 55041(b) met	May be repeated for credit any number of times, "if necessary to meet legally mandated training requirements as a condition of paid or volunteered employment." [55041(b)]
9. Military Withdrawal (MW) (55024(d)(1))	No limit	No limit	A student who is on active or reserve duty in the U.S. military service who receives orders compelling withdrawal, may do so. Upon verification of orders, the MW may be assigned even if the time period established by the district for withdrawal has passed. [55024(d)(1)]

For purposes of this section a unit is earned when a student receives a grade of A, B, C, D or P as defined in BP and AP 4230 titled Grading and Academic Record Symbols. This 100-unit limit does not include units for non-degree applicable English as a Second Language or basic skills courses as defined by the Chief Student Services Officer. Students enrolled in high unit majors or programs as designated by the Chief Student Services Officer.

The District shall notify students who are placed on academic or progress probation, of the potential for loss of enrollment priority. The District shall notify the student that a second consecutive term on academic or progress probation will result in the loss of priority registration as long as the student remains on probation. The District shall notify students or who have earned 75 percent or more of the unit limit, that enrollment priority will be lost when the student reaches the unit limit.

Appeal of Loss of Enrollment Priority

Students may appeal the loss of enrollment priority when the loss is due to extenuating circumstances. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student, or when a student with a disability applied for, but did not receive a reasonable accommodation in a timely manner. The Chief Student Services Officer or his/her designee will determine the appeal in his/her sole discretion.

These enrollment priorities will be effective in the Fall 2014 term. The District will ensure that these procedures are reflected in course catalogs and that all students have appropriate and timely notice of the requirements of this procedure.

Additional local enrollment priorities have been established across the District and are reflected in the schedule of classes.

Date Approved: March 18, 2014

Business and Fiscal Affairs

AP 6400 AUDITS

References:

Education Code Sections 84040(b), [84040.5](#), and 81644;

[Title 5 Section 59102](#);

[ACCJC Accreditation Standard III.D.7](#)

On or before May 1 of the fiscal year, the Board shall approve the selection of an auditor who shall be a certified public accountant licensed by the California State Board of Accountancy.

An auditing firm's contract shall be for no longer than five years. The audit shall include all funds under the control or jurisdiction of the District. The audit shall identify all expenditures by source of funds and shall contain:

- A statement that the audit was conducted pursuant to standards and procedures developed in accordance with Education Code Section 84040.5, and
- a summary of audit exceptions and management recommendations.

Audit reports for the preceding fiscal year must be presented to the Board and submitted to the California Community College Chancellor's Office by December 31.

Date Approved: March 18, 2014

Edited November 20, 2017

Business and Fiscal Affairs

AP 6450 WIRELESS AND CELLULAR TELEPHONE USE

References:

Vehicle Code Sections 12810.3, 23123, and 23124;
~~Internal Revenue Code (I.R.C.)~~ 26 U.S. Code Sections 274(d)(4) and 280F(d)(4)

The Chancellor shall determine if it is in the best interests of the District to provide a cellular or wireless telephone at District expense.

Cellular telephones provided by the District for compensatory reasons are classified by the Internal Revenue Service as a fringe benefit, the value of which must be included in an employee's gross income.

The value of a cellular telephone provided by the District primarily for non-compensatory business purposes is excludable from an employee's income. Employees will generally not be required to keep notes of business and personal use of District-issued cellular telephones when the telephones are issued for non-compensatory business reasons.

***NOTE:** The value of the business use of a District-provided cellular telephone is excludable from an employee's income as a working condition fringe benefit to the extent that, if the employee paid for the use of the cellular telephone themselves, such payment would be allowable as a deduction under Income Tax Regulations Section 162 for the employee. A District will be considered to have provided an employee with a cellular telephone primarily for non-compensatory business purposes if there are substantial reasons relating to the District's business, other than providing compensation to the employee, for providing the employee with a cellular telephone. When a District provides an employee with a cellular telephone primarily for non-compensatory business reasons, the IRS will treat the employee's use of the cellular telephone for reasons related to the employer's trade or business as a working condition fringe benefit, the value of which is excludable from the employee's income and, will treat the value of any personal use of a cellular telephone provided by the employer primarily for non-compensatory business purposes as excludable from the employee's income as a de minimis fringe benefit.*

These rules do not apply to wireless or cellular telephones owned by employees. Any reimbursements to employees for use of their own wireless or cellular telephones may be excluded from wages if the employee accounts for the expense pursuant to the Internal Revenue Service accountable plan.

Motor vehicle drivers may not use wireless or cellular telephones while operating their vehicles without a hands-free listening device. Drivers may use a wireless or cellular telephone to contact a law enforcement agency or public safety entity for emergency purposes. Drivers of motor trucks or truck-tractors, farm vehicles, tow trucks, a listed or described implement of husbandry, or a commercial vehicle, used in commercial agricultural operations may use a digital two-way radio service that utilizes a wireless or cellular telephone.

There is no expectation of privacy in the use of a District-issued cellular telephone.

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Business and Fiscal Affairs

AP 6850 HAZARDOUS MATERIALS

References:

29 U.S. Code Section 651;

Title 8 Sections 340 et seq.

The District must post at least one CAL/OSHA Notice in each location where business is conducted in a conspicuous place where notices to employees are customarily posted.

Where employers are engaged in activities that are physically dispersed such as construction or transportation, the notice required shall be posted at each location to which employees report each day.

Where employees do not usually work at, or report to, a single location the notice or notices shall be posted at the location or locations from which the employees operate to carry out their activities.

Each employer shall take steps to insure that such notices are not altered, defaced, or covered by other material.

The notice shall inform employees that employers who use any substance listed as a hazardous substance by Cal/OSHA regulations must provide employees with information on the contents of Material Safety Data Sheets (MSDS) or equivalent information about the substance which trains employees to use the substance safely.

The notice must also state that the employer is required to make available on a timely and reasonable basis a MSDS on each hazardous substance in the workplace upon request of an employee, collective bargaining representative, or an employee's physician.

The notice must also state that employees have the right to see and copy the medical record and other records of employee exposure to potentially toxic materials or harmful physical agents.

If the District is required to conduct tests or to engage in monitoring or measuring to determine employee exposure to hazards by specific standards it shall notify the affected employee or employees or their representative, prior to commencement of the date, time and place of the testing, monitoring, or measuring of employee exposure.

The District must provide the an employee or employees, or their representatives with the opportunity to observe the testing, sampling, monitoring or measuring undertaken pursuant to such standards.

Whenever any employee has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels exceeding those prescribed by applicable standard, order, or special order, the District must promptly notify any employee so affected in writing of the fact that the employee has been exposed, and of the corrective action being taken.

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Edited November 20, 2017

Human Resources

AP 7125 VERIFICATION OF ELIGIBILITY FOR EMPLOYMENT

References:

8 U.S. Code Section 1324a

The District will ~~not hire or recruit a person for employment if it knows that the person is not a citizen of the United States and is not authorized to be employed in the United States.~~ only hire or recruit United States citizens or people legally authorized to be employed in the United States.

Reliable documentation of eligibility is required for employment from all persons hired. "Reliable documentation" as set out in federal law includes one or more of the following:

- A United States passport or a legally accepted resident identification card or a legally accepted identification registration card containing a photograph of the prospective employee, that indicates the person is authorized to work in the United States

OR

- A social security card or other documentation issued by the United States government showing authorization to work in the United States AND a driver's license or similar identification document containing a photograph of the prospective employee.

The District will complete for each new employee the verification form or forms required by the United States government. The District will retain such forms for at least three years for persons it does not hire. For persons it does hire, the District will retain such forms for at least three years or until one year after the persons leaves the District's employment, whichever is later.

The District will protect the privacy of the information it collects pursuant to this procedure.

Date Approved: June 16, 2015

Edited November 20, 2017

Human Resources

AP 7336 CERTIFICATION OF FREEDOM FROM TUBERCULOSIS

References:

Education Code Section 87408.6

Except as provided herein, no person shall be initially employed by the District in an academic or classified position unless the person has within the last 60 days submitted to an examination a tuberculosis risk assessment developed by the State Department of Public Health and the California Tuberculosis Controllers Association and, if risk factors are present, an examination within the past 60 days to determine that he/she is free of active tuberculosis, by a physician and surgeon licensed under the California Business and Professions Code. This examination shall consist of an X-ray of the lungs, or an approved intra-dermal tuberculin test, that, if positive, shall be followed by an X-ray of the lungs. This examination is a condition of initial employment and the expense shall be borne by the applicant.

The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a physician and surgeon licensed under the Business and Professions Code.

The Chief Human Resources Officer may exempt, for a period not to exceed 60 days following termination of the pregnancy, a pregnant employee from the requirement that a positive intra-dermal tuberculin test be followed by an X-ray of the lungs.

Thereafter, employees who are skin test negative, or were not tested because of a lack of risk factors, are required to undergo the foregoing tuberculosis risk assessment and, if risk factors exist, examination at least once each four years upon recommendation of the local health officer for so long as the employee remains skin test negative. Once an employee has a documented positive skin test that has been followed by an X-ray, the foregoing tuberculosis risk assessments and examinations shall no longer be required and referral shall be made within 30 days of completion of the examination to the local health officer to determine the need for follow up care.

After If risk factors were present at the tuberculosis risk assessment and an examination occurs, after the examination, each an employee shall cause to be on file with the District a certificate from the examining physician and surgeon showing the employee was examined and found free from active tuberculosis.

This procedure shall not apply to any employee of the District who files an affidavit stating that he/she adheres to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion and that to the best of his/her knowledge and belief he/she is free from active tuberculosis. If at any time there should be probable cause to believe that the applicant is afflicted with active tuberculosis, he/she may be excluded from service until the Chief Human Resources Officer is satisfied that he/she is not so afflicted.

A person who transfers his/her employment from another school or community college District shall be deemed to meet the requirements of this procedure if the person can produce a certificate that shows that he/she ~~was examined~~ within the past four years had a tuberculosis risk assessment that showed no risk factors were present or was examined and was found to be free of communicable tuberculosis, or if it is verified by the college previously employing him/her that it has a certificate on file that contains that showing.

A person who transfers his/her employment from a private or parochial elementary school, secondary school, or nursery school to the District shall be deemed to meet the requirements of this procedure if the person can produce a certificate as provided for in Health and Safety Code Section 121525 that shows that he/she was examined within the ~~past last~~ four years had a tuberculosis risk assessment that showed no risk factors were present or was examined and was found to be free of communicable tuberculosis, or if it is verified by the school previously employing him/her that it has the certificate on file.

The chest X-ray test can be waived if a qualified health care provider certifies:

- 1) that the employee is at risk for excessive x-ray radiation,
- 2) will test positive to the Tuberculin Purified Protein Derivative (PPD) skin test, and
- 3) the employee is clinically negative for tuberculosis.

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Edited November 20, 2017

Human Resources

AP 7343 INDUSTRIAL ACCIDENT AND ILLNESS LEAVE

References:

Education Code Sections 87787 and 88192

An employee who is absent from duty because of an illness or injury defined as an industrial accident or industrial illness under provisions of the workers' compensation laws of California and acknowledged as such by the District's Workers Compensation Provider, will be granted paid industrial accident leave for each accident or illness. This paid leave shall apply while the employee is receiving temporary disability benefits from the District's Workers Compensation Provider. Industrial accident or illness leave shall be reduced by one (1) day for each day of authorized absence regardless of a temporary disability indemnity award. Rules governing such leave are as follows:

Duration and Accumulation

Classified Employees: A maximum of 60 working days shall be granted in any one fiscal year for the same accident.

Academic Employees: Such leave shall not exceed 60 days during which the colleges of the District are required to be in session or when the academic employee would otherwise have been performing work for the District in any one fiscal year for the same industrial accident.

Medical Examination

Such leave will commence on the first day of absence caused by such accident or illness and verified as follows:

- Each employee who is absent for any period of time for reasons claimed to be due to a work-related injury or illness shall, before returning to work, bring a written medical verification, signed by the physician, or religious advisor if required by religious tenets, indicating the nature of the injury or illness, inclusive dates when the employee is unable to work because of medical condition, the date the employee can return to work, and work limitations, if any. This medical statement shall be given to Human Resources.
- The District has the right to have the employee examined by a physician designated by the District to assist in determining the length of time during which the employee will be temporarily unable to perform assigned duties and the degree to which a disability is attributable to the injury involved.

Reimbursement

The payment for wages lost on any day shall not, when added to an award granted the employee, exceed the normal wage for the day.

Industrial Accident and Illness Leave

- a. Such leave shall not affect the normal accumulated sick leave.
- b. Such leave is not accumulative from year to year. If an absence overlaps into a new school year, the employee will have available only that amount which was not used the prior year for the same accident or illness.
- c. Classified: If the employee is unable to return to duty after exhausting paid industrial accident and illness leave, the employee will receive paid illness leave and vacation leave provided such leaves have been accumulated. Such accumulated leave allowances will be reduced only in the amount necessary to provide a full day's wages or salary, when added to compensation from the District's Workers Compensation Provider. During all such paid leaves of absence, the employee shall endorse to the District all benefit checks received under the workers' compensation laws of the state.
- d. Academic: If the academic employee is unable to return to duty after exhausting paid industrial accident and illness leave, the academic employee will receive any accumulated paid sick leave and other extended sick leave benefits. Such leave shall not affect the normal accumulated sick leave. Such leave allowances will be reduced only in the amount necessary to provide a full day's wages or salary, when added to compensation from District's workers compensation fund.

Residency Requirement

~~An employee receiving benefits under these provisions shall, during periods of injury or illness, remain within the State of California unless otherwise authorized by the Governing Board.~~

Separation from District Employment

Classified: When all available leaves of absence paid or unpaid have been exhausted and if the classified employee is not medically able to assume the duties of the position, the person shall be placed on a reemployment list for a period of 39 months. During the 39 month period, the employee if medically able shall be employed in a vacant position in the class of the person's previous assignment over all other available candidates except for a reemployment list established because of lack of work or lack of funds, in which case the person shall be listed in accordance with appropriate seniority regulations.

Academic: When all available leaves of absence, paid or unpaid, have been exhausted and if the academic employee is not medically able to assume the duties of the position, the person shall be separated from employment with the District.

An employee who has been placed on a reemployment list, as provided above, who has been medically released for return to duty and who fails to accept an appropriate assignment, shall be dismissed.

Information on industrial illness leave for represented employees can be found in the respective collective bargaining agreement.

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Human Resources

AP 7400 TRAVEL

References:

Education Code Section 87032;
Government Code Section 11139.8;
2 Code of Federal Regulations Part 200.474

Reimbursement of travel expenses is based on actual expenses for ordinary and necessary business expenses.

I. Authorization to Travel

Travel to conferences must be approved in advance, using the Conference Leave: Request Form.

II. Travel Advances

An advance of funds may be requested when substantial funds are required to pay registration fees, to reserve facilities, or to cover other costs associated with approved conference or meeting travel. Arrangements for such advances should be made with Business Services at least two weeks prior to the conference to permit the processing of a District warrant.

If actual expenses are less than the advance, the difference must be remitted upon filing the Conference Leave: Expense Claim Form.

If an advance is not cleared within 60 days of completion of the trip, the advance will be force-cleared by Business Services and the amount of the advance will be tax-reportable, under IRS rules, to the individual who received the funds.

III. Filing Travel Expense Reports

Travel expense reports must be filed on the Conference Leave: Expense Claim Form within 10 days after completing travel. If an advance is received and actual expenses are less than the advance, the difference must be remitted upon filing the Conference Leave: Expense Claim Form.

For local travel, the Travel Expense Claim form may be used. This form may be submitted on a monthly basis for local travel. Local travel does not require approval in advance. Incidental expenses associated with local travel may also be claimed on this form. These would include parking and tolls.

IV. Reimbursement for Actual Expenses

Lodging:

Travelers attending a conference should make the reservation early enough to take advantage of group rates. Travelers are expected to use lodging that is necessary and reasonable, selecting the lowest standard room rates available. An itemized hotel bill for lodging, which includes the employee's name on the hotel bill, must be submitted with the expense claim form.

Meals:

Original receipts for meals over \$25 are required. The District does not reimburse for alcoholic beverages.

Air Travel:

Travelers should book lowest available airfare in coach class. The District does not pay for business or first class airfare. Provide a receipt for travel to and from your destination. This will normally be an itinerary receipt for airfare, showing proof of payment, from a travel agency, airline, or online booking tool.

Car Rental:

A receipt showing total charges paid must be submitted with the reimbursement claim form. When executing the rental agreement, the Collision Damage Waiver (CDW) should be accepted and the premium fee paid. Personal Accident Insurance is to be declined since the District provides this coverage to all staff members traveling on official business.

Proof of insurance can be obtained from the Office of Vice Chancellor, Business Services.

Registration Fees:

Proof of payment is required for registration fees. A typical invoice will include the employee's name, the cost, the dates of the event, and the location of the event. A copy of the conference agenda or program should be included with the proof of payment.

Incidental Expenses:

Other incidental ordinary and necessary expenses do not require receipts. Such expenses include telephone charges, internet charges, taxi, airport limousine, parking, etc. However, any expense over \$25 requires an original receipt. Expenses for valet service (dry cleaning or laundry) will not be allowed.

Use of Personal Auto:

Mileage will be reimbursed based on the current IRS mileage rate. Print a route from an online tool such as Google Maps, which shows the total miles driven. Mileage other than to and from the conference destination may be included as long as it is for business purposes. Driving in lieu of flying cannot exceed the

cost of airfare plus ground transportation. The District may, at its discretion, provide a vehicle in certain instances.

For local travel, keep a log with date, location of origin, location of destination, purpose of travel, number of miles traveled, and other charges, including parking and tolls. The current IRS mileage rate will be used. Use the Travel Expense Claim form for this purpose. This form may be submitted on a monthly basis.

V. Approvals

The immediate supervisor of the traveler must sign any form associated with travel. Employees cannot authorize/approve travel or expenses for themselves. In the case of Chancellor, the Board Chair or the Vice Chancellor, Business Services may approve and in the case of Board Chair or Board members, the Chancellor or Vice Chancellor, Business Services may approve.

VI. Other

The District does not reimburse expenses for spouses or companion travelers.

All costs associated with the conference should be included in the expense claim even if paid from another source. For example, if conference registration is paid with a Purchasing/Procurement card, the conference expense must be included as an expense on the form and then the same amount is included as a deduction on the "Less Advances" line of the claim form.

Any exceptions to this procedure must be approved by the Chancellor or the Vice Chancellor, Business Services.

Original itemized receipts must be submitted. A credit card statement is proof of payment but does not qualify as an itemized receipt.

All expenses must be for business purposes. No reimbursement will be made for personal travel.

Travel to states restricted under Government Code 11139.8 may not be approved in the absence of exceptional circumstances. Any exceptions must be approved by the Chancellor.

Foreign travel requires board approval.

Federal travel regulations and/or Internal Revenue Service regulations will be used to resolve any issue not specifically addressed in this procedure.

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Edited November 20, 2017

Human Resources

AP 7500 VOLUNTEERS

References:

Education Code Section 72401; 87010, 87011, and 88249;
Government Code Section 3119.5;
~~Labor Code Section 3364.5~~

The purpose of this procedure is to outline the District provisions related to volunteers. Volunteers may not be used in lieu of classified employees. The District may not refuse to employ a person in a vacant classified position and use volunteers instead, nor may it abolish any classified positions and use volunteers instead.

Each volunteer is subject to a criminal background check through the Department of Justice.

Volunteers serve the District in an "at will" capacity. The District may terminate a volunteer's services for any reason or no reason at all.

Pursuant to Government Code Section 3119.5, no person aged 60 years or older may be excluded from volunteer service if the person is physically, mentally, and professionally capable of performing the services involved. A person shall be deemed "professionally capable" if he/she can demonstrate reasonable proficiency or relevant certification and performs his/her professional duties in accordance with laws, regulations or the technical standards that govern his/her area of volunteer responsibility.

Screening/Background Checks

The District may use a Personnel Action Hiring Packet that requires, at a minimum, the volunteer's name, address, phone number, duties as a volunteer, and assigned department. Background checks provide the District with critical information regarding history of criminal convictions. Fingerprints of each volunteer shall be required. Volunteers with on-going assignments and volunteers who interact with minors shall be required to provide a complete set of fingerprints for the purpose of running a criminal background check.

A volunteer's service record shall be maintained by the District.

Subject to the limitations of this procedure, employees assigned to other positions within the District may serve as volunteers during off-hours.

No person may serve as a volunteer in the District if:

- He/she has been convicted of or if he/she has charges pending which pertains to any sex offense (as defined in Education Code Section 87010), or controlled substance offense (as defined in Education Code Section 87011).
- He/she has been convicted of a crime and Human Resources determines that:
 - the nature of the crime is too serious to serve as a volunteer;
 - the crime was too recent; and/or
 - the crime is inconsistent with obligations in performing assigned duties as a volunteer.
- He/she has a health condition that would preclude him/her from satisfactorily performing essential duties of the position.
- He/she makes a false statement or omits a statement as to any material fact in the Personnel Action Hiring Packet.

Benefits

Volunteers are employees of the District only for the purpose of worker's compensation benefits for injuries sustained while engaged in the performance of any service under the direction and control of the District. With the exception of worker's compensation (Education Code Section 72401), volunteers shall serve without any type of compensation or any other benefits granted to District employees. Volunteers shall not be entitled to defense and indemnity from the District.

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