



**PERALTA COMMUNITY COLLEGE DISTRICT PARTICIPATORY  
GOVERNANCE COUNCIL (PGC) AGENDA**

Friday, January 28, 2022

9:00 – 11:00 a.m.

Join the meeting:

<https://cccconfer.zoom.us/j/92621828112>

**CO-CHAIRS**

Jannett N. Jackson, Interim Chancellor

Donald Moore, DAS President

**COUNCIL MEMBERSHIP**

Angélica Garcia, President, BCC	Jannett N. Jackson, Interim Chancellor
Nathaniel Jones, President, COA	Ronald McKinley, Interim Vice Chancellor, HR
Rudy Besikof, President, Laney	Matthew Freeman, President, BCC Faculty Senate
David Johnson, President, Merritt	Matthew Goldstein, President, COA Faculty Senate
Eleni Gastis, President, Laney Faculty Senate	Thomas Renbarger, President, Merritt Faculty Senate
Andrea Williams, Representative, Local 1021	Scott Barringer, Local 39
Jennifer Shanoski, President, PFT	Donald Moore, President, DAS
Leesa Hogan, Student Representative	Tachetta Henry, Classified Senate President, Merritt
Maisha Jameson, Notetaker (non-voting)	

*Members – 16; Quorum – 9*

**I. STANDING ITEMS**

**A. CALL TO ORDER (9:00 a.m.)**

**B. ADOPTION OF THE AGENDA (9:02 a.m.)**

**C. CHANCELLOR'S REPORT (9:04 a.m.)**

- i. Chancellor's Report-back on Action Items from 12.17.2021 PGC Meeting
- ii. Chancellor's General Update
  - Introduction - Deputy Chancellor, Stephanie Droker
  - Safety and Security Update
  - Environmental Sustainability Update
  - PepsiCo. Grant

**D. APPROVAL OF PREVIOUS PGC MEETING MINUTES (9:10 a.m.)**

- i. December 17, 2021 Meeting Minutes

**E. PUBLIC COMMENT (9:12 a.m.)**

**F. COMMITTEE/COUNCIL REPORTS (2 minutes each) (9:20 a.m.)**

- i. District Academic Affairs and Student Services Committee - Matthew Freeman
- ii. Planning & Budgeting Council - Thomas Renbarger

- iii. District Facilities Committee - Atheria Smith / Rachel Goodwin
- iv. District Technology Committee - Antoine Mehoulley /Matthew Goldstein
- v. Update from the PGC subcommittee on Equity, Diversity & Inclusion – Royle Roberts

## II. **CARRIED OVER AND NEW ITEMS (9:30 a.m.)**

<b>Topic:</b>	<b>Presenter:</b>	<b>Purpose:</b>	<b>Strategic Goal:</b>	<b>Time:</b>
<b>1. Board Policies &amp; Administrative Procedures (BPs &amp; APs)</b>  AP 7400 (Travel Authorization)  <u>Required by CCLC</u>  <ul style="list-style-type: none"> <li>- AP3300</li> <li>- AP3420</li> <li>- AP3434</li> <li>- AP4105</li> <li>- AP4235</li> <li>- AP4236</li> <li>- AP5013</li> <li>- AP5015</li> <li>- AP5040</li> <li>- AP5530</li> <li>- AP6340</li> <li>- AP7801</li> <li>- BP2310</li> <li>- BP4235</li> <li>- BP5015</li> <li>- BP5700</li> <li>- BP6340</li> <li>- BP7801</li> </ul>	<i>Joseph Bielanski</i>	<i>Action</i>	D2. Institutional Leadership and Governance	9:30 a.m.
<b>2. PBIM Committee Tri-Chairs</b>	<i>Chancellor Jackson / COS Royle Roberts</i>	<i>Action</i>	D2. Institutional Leadership and Governance	9:45 a.m.
<b>3. BAM Handbook</b>	<i>Adil Ahmed / C.M. Brahmbhatt</i>	<i>Update &amp; Discussion</i>	E.3 — Fiscal Oversight	10:00 a.m.

<b>4. District Mission Statement</b>	<i>Chancellor Jackson / COS Royle Roberts</i>	<i>Update &amp; Discussion</i>	D2. Institutional Leadership and Governance	10:20 a.m.
<b>5. PGC Business</b> - <b>Check-in on PGC Goals for 2021-22</b>	<i>Donald Moore Chancellor Jackson</i>	<i>Update &amp; Discussion</i>	D2. Institutional Leadership and Governance	10:40 a.m.

### III. ADJOURNMENT

### IV. NEXT MEETING

a. February 25<sup>th</sup> @ 9:00 a.m.



**PERALTA COMMUNITY COLLEGE DISTRICT PARTICIPATORY  
GOVERNANCE COUNCIL (PGC) MINUTES**

Friday, December 17, 2021

9:00 – 11:00 a.m.

Join the meeting:

<https://cccconfer.zoom.us/j/92621828112>

**CO-CHAIRS**

Jannett N. Jackson, Interim Chancellor

Donald Moore, DAS President

**COUNCIL MEMBERSHIP**

Angélica Garcia, President, BCC	Jannett N. Jackson, Interim Chancellor
Nathaniel Jones, President, COA	Ronald McKinley, Interim Vice Chancellor, HR
Rudy Besikof, President, Laney	Matthew Freeman, President, BCC Faculty Senate
David Johnson, President, Merritt	Matthew Goldstein, President, COA Faculty Senate
Eleni Gastis, President, Laney Faculty Senate	Thomas Renbarger, President, Merritt Faculty Senate
Andrea Williams, Representative, Local 1021	Vacant, Local 39
Jennifer Shanoski, President, PFT	Donald Moore, President, DAS
Leesa Hogan, Student Representative	Tachetta Henry, Classified Senate President, Merritt
Maisha Jameson, Notetaker (non-voting)	

*Members – 16; Quorum – 9*

**PRESENT:**

**Committee Members**

David Johnson, President, Merritt  
Rudy Besikof, Laney  
Nathaniel Jones, President, COA  
Eleni Gastis, President, Laney Faculty Senate  
Jannett Jackson, Interim Chancellor  
Jennifer Shanoski, President, PFT  
Matthew Goldstein, President, COA Faculty Senate  
Thomas Renbarger, President, Merritt Faculty Senate  
Ronald McKinley, Acting Vice Chancellor, HR

**Minutes**

Maisha Jameson

**Guests**

Adil Ahmed  
Albert Maniaol  
Alejandro Acosta  
Annie Javier  
CM Brahmhatt  
Immaculate Adesida  
Jeffrey Sanceri  
Joseph Bielanski  
Lowell Bennett  
Momo Lim  
Mark Johnson  
Rachel Goodwin  
Richard Thoele  
Royle Roberts  
Sasha Amiri  
Scott Barringer  
Shanice

## **I. STANDING ITEMS**

### **A. CALL TO ORDER**

- i. Tom Renbarger to serve as the Faculty Co-Host as a proxy in Donald Moore's absence.
- ii. No official action was taken until a quorum was met.

### **B. ADOPTION OF THE AGENDA**

MOTION TO APPROVE THE MEETING AGENDA

MOTION – Ron McKinley

SECOND – David Johnson

MOTION APPROVED

NO ABSTENSIONS

### **C. CHANCELLOR'S REPORT**

- i. Chancellor's Report-back on Action Items from 11.19.2021 PGC Meeting
  - The Chancellor approved the PGC's recommendation to approve the Participatory Governance Council's Master Calendar for 2021-22
- ii. The Peralta Colleges Foundation (PCF) applied to PepsiCo. for a grant which will provide the District's Foundation with \$200K over a 3-year period to provide support and wrap around services to students in the STEM disciplines. To possibly include internships. We received official notification of the grant a week ago. Focus on STEM areas.
- iii. Merritt College also received funding to support our Cyber Security Program.
- iv. BoardDocs
  - An overview of the benefits of implementing BoardDocs were shared
  - To provide a demo for this body in January. To do it after the meeting for those who want to stay.
- v. Chancellor's General Update
  - There will be a Safe Peralta Return to Campus Town-Hall #2 on Monday, Dec. 20 at 10am.
    - Will be soliciting questions in advance.
    - An FAQ will go out afterwards to address some of the questions and concerns
  - Concern was expressed that the Townhall was scheduled after the Faculty are gone for the semester.
  - Scott Barringer offered to serve as the Local 39 PGC membership appointee.

### **D. APPROVAL OF PREVIOUS PGC MEETING MINUTES**

- i. November 19, 2021 Meeting Minutes

MOTION TO APPROVE THE PREVIOUS MEETING MINUTES

MOTION – Jannett Jackson

SECOND – Ron McKinley

MOTION APPROVED

NO ABSTENSIONS

### **E. PUBLIC COMMENT**

- i. No public comment made.

## F. COMMITTEE/COUNCIL REPORTS

- i. District Academic Affairs and Student Services Committee (DAASSC) - Siri Brown / Matthew Freeman
  - Neither of the committee chairs were present.
- ii. Planning & Budgeting Council (PBC) - Thomas Renbarger
  - The BAM Handbook has gone to PBC, PGC and the colleges (in parallel) for vetting/recommendation before it goes to the Board. It will be implemented for 2023-24 FY.
- iii. District Facilities Committee (DFC) - Atheria Smith / Rachel Goodwin
  - The last meeting was on 12/3. Heard presentations and discussed the following items at that meeting:
    - Vaccine policy and student vaccine count
    - Tim Thomas provided a presentation on security.
    - Discussed roles of Marina Security and what the colleges can expect the security personnel to be doing (so that we don't ask them to do things outside of contract).
    - Presentation from AECOM
    - HHERF Expenditures to date (District-wide)
    - Standing request for detailed scheduled maintenance and priority list. The DFC hasn't received these in a while.
- iv. District Technology Committee (DTC) - Antoine Mehouelley /Matthew Goldstein
  - The DTC has been discussing the following items:
  - PCCD Cyber Incident Response Plan – Requirement from the state. Endorsed by DTC.
  - PeopleSoft Upgrade Phase 2 - set to go live on March 31
  - Training to begin in the new year.
  - Need to refresh the security cameras District wide
  - Nathan Pellegrin – synthesizes local college level improvements so that they can be improved and possibly scale them District wide.
- v. Update from the PGC subcommittee on Equity, Diversity & Inclusion – Royl Roberts
  - No presentation to provide.

## II. CARRIED OVER AND NEW ITEMS

Topic/Presenter:	Purpose:	Discussion/Action Taken:
<b>1. Approval PGC Master Calendar for FY 2021-22</b>  <b>Presenter:</b> Donald Moore & Chancellor Jannett Jackson	<i>Action</i>	<ul style="list-style-type: none"><li>• This is the 3<sup>rd</sup> Read.</li><li>• Feedback received and incorporated.</li></ul> MOTION TO APPROVE THE PGC MASTER CALENDAR FOR FY 2021-22 MOTION – Jennifer Shanowski SECOND – David Johnson MOTION APPROVED NO ABSTENSIONS
<b>2. AP 6325 (Payroll)</b>	<i>Action</i>	<ul style="list-style-type: none"><li>• The updated change is to respond to a FCMAT requirement.</li><li>• Language from the PFT Contract has been included upon request.</li></ul>

<p><b>Presenter:</b> Joseph Bielanski</p>		<ul style="list-style-type: none"> <li>Chancellor Jackson provided some history around the FCMAT requirement.</li> <li>Although we have been following this procedure, it wasn't documented. This AP documents our process to ensure we are compliant with FCMAT.</li> </ul> <p>MOTION TO RECOMMEND APPROVAL AP 6325  MOTION – Jannett Jackson  SECOND – David Johnson  MOTION APPROVED  ABSTENSION – Matthew Goldstein</p>
<p><b>3. (First Read) BAM Handbook</b></p> <p><b>Presenter:</b> Adil Ahmed &amp; C.M. Brahmbhatt</p>	<p><i>Update &amp; Discussion</i></p>	<ul style="list-style-type: none"> <li>CM Brahmbhatt shared the history and purposed of the development of the BAM Handbook.</li> <li>The BAM Handbook was presented as a First Read.</li> <li>PBC has a BAM Taskforce and CM has been working on this for quite a while.</li> <li>The Handbook update is almost ready to be adopted, but is going through a comprehensive shared governance review.</li> <li>This allocation model will be a major change to how the District allocates funds.</li> <li>The new BAM takes the Student Centered Funding Formula (SCFF) into consideration.</li> <li>The District is not a revenue generating body, so this new allocation model will empower the colleges.</li> <li>Revenue will go to the Colleges to allocate the funds to the District Office (DO). The DO to be considered as a service center and a cost center and funded accordingly.</li> <li>The BAM Taskforce has been educated and trained re: the District's resources and structural deficit, as well as what the consequences will be for the District when the hold harmless funds go away.</li> <li>The issue of PCCD not having enough resources to manage the colleges as they currently are is coming to ahead. 94% of our funds are tied up in personnel costs.</li> <li>Through the BAM, we hope to find a way to reduce our personnel costs to more like 84-85%.</li> <li>Concern was expressed about a continued increase in DO spending and increased expenditures. We will need to put checks in balance for overspending once this new BAM is put in place.</li> <li>Chancellor Jackson noted that the BOT were in the dark as to where we are on this. She proposed that an informational presentation be provided to the Board to provide an update. We need to develop a mechanism of including the Board on this so that we don't end up with the governing board not approving it (akin to what happened with the development of the District's Mission). The Chancellor provided a recommendation to the BAM Taskforce - Asked for CM and IVC Ahmed to work together to provide an update/status report to the Board on where we are on this.</li> <li>Chancellor Jackson noted that there is a \$1bill surplus at State level, and the Governor will be sending out some information on new initiatives/funding coming to the colleges. Moving forward to request that the Hold Harmless be extended for an</li> </ul>

		<p>additional year (ex. changing the date for base assumptions). This may not be approved, as this is only a request.</p> <ul style="list-style-type: none"> <li>• CM noted that the BAM Taskforce would be ok with sharing the current draft of the BAM Handbook to the Board now as a First Read.</li> <li>• The earliest for this BAM to be implemented is for the 2023-24 FY.</li> <li>• Adil Ahmed to work to add this presentation to the Board calendar as a discussion item only.</li> <li>• It was suggested that we look at how much of a factor the anomaly that 2020 &amp; 2021 were in allocating funds (small cap classes, req'd in person classes/CTE, etc.).</li> <li>• Frustration was shared that the Board would have the right to oversee this – the work of an operational committee. We should be mindful of the many years/hours and work that has gone into this. Shared that they are not against us getting input, but it's the fact that we are doing it now that the BAM is almost finished.</li> <li>• CM noted that this has been brought to the college councils/roundtables. There is concern at the colleges about the DO spending.</li> </ul>
<p><b>4. Update on FCMAT Report</b></p> <p><b>Presenter:</b> Chancellor Jannett Jackson</p>	<p><i>Update &amp; Discussion</i></p>	<ul style="list-style-type: none"> <li>• The FCMAT Report is due December 31, 2021.</li> <li>• Chancellor Jackson provided history about the FCMAT (Fiscal Crisis Management Analysis Team) Review we are under.</li> <li>• FCMAT came to the District years ago and provided recommendations that we needed to address.</li> <li>• We provided a report last year and this is an updated report that is required by FCMAT.</li> <li>• The feedback shared has been received and incorporated.</li> <li>• We are 90% complete with the report and collection of the evidence.</li> <li>• The Board delegated approval to Board President to sign off on the report.</li> <li>• The FCMAT Report is not going through the shared governance process, but will be brought to the PBC and PGC as informational updates.</li> <li>• Spoke to the different types of FCMAT recommendations (i.e. OPEB, Finance/Financial Aid, Board of Trustees, IT, HR, Academic Affairs &amp; Student Support, Chancellor's Office, Marketing/Communication) – Spoke to the collaborative process we followed to complete the report.</li> <li>• There is some overlap with the ACCJC Follow-up Report/evidence documentation.</li> <li>• Staff has been working on addressing the recommendations and collecting evidence to show progress.</li> <li>• Functional Map has helped with our processes.</li> <li>• We have a report that was due in May that went to Board of Governors (BOG) at the State Chancellor's Office.</li> <li>• Now we have a requirement to address all of the recommendations with evidence.</li> <li>• To add a cover memo and send it off next week before we close for the holidays.</li> <li>• To then await feedback from BOG/FCMAT. Expect to hear back around the end of January/early February. This response will come with a Follow-up Visit from the FCMAT Team.</li> </ul>



		<ul style="list-style-type: none"> <li>• The report and accompanied information will be made public and appear on the January Board Meeting.</li> <li>• Once the FCMAT Report is finalized and approved by the Chancellor and Board president, it will be made public for everyone.</li> <li>• It was suggested that the FCMAT spreadsheet be shared with faculty and staff to weigh-in on it earlier rather than after the fact.</li> </ul>
<b>5. Chancellor's Work Group Update</b> - <i>Update on Membership</i>  <b>Presenter:</b> Chancellor Jannett Jackson	<i>Update &amp; Discussion</i>	<ul style="list-style-type: none"> <li>• A brief overview of the Chancellor's Work Group was provided.</li> <li>• The group membership composition was shared.</li> <li>• Working to reschedule the meeting for next year given the Chancellor's surgery.</li> <li>• Added additional student representation seats.</li> </ul>
<b>6. Update on BoardDocs</b>  <b>Presenter:</b> Chancellor Jannett Jackson	<i>Update &amp; Discussion</i>	<ul style="list-style-type: none"> <li>• The benefits of upgrading to BoardDocs Pro Plus were shared.</li> <li>• The additional cost for upgrading to BoardDocs Pro Plus was noted.</li> <li>• Demo to be provided at an upcoming meeting.</li> </ul>
<b>7. PGC Business</b> - <i>Check-in on PGC Goals for 2021-22</i>  <b>Presenter:</b> Donald Moore & Chancellor Jannett Jackson	<i>Update &amp; Discussion</i>	PGC Goals Goal#1 - In progress → Upgrade to BoardDocs Goal#2 - ACTION – To draft a template for the evaluation survey to bring back to PGC for input. Goal #3 – Complete Goal #4 - To be more specific on this goal. This is the one only outstanding goal that doesn't have a plan forward. ACTION – Chancellor Jackson to follow-up with Donald Moore on how to move forward on this. To add a follow-up discussion at the Jan. PGC meeting. Goal #5 – This Goal was assigned to the CWG to initiate and come up with a recommendation for.

### III. ADJOURNMENT

### IV. NEXT MEETING

a. January 28<sup>h</sup> @ 9:00 a.m.



## POLICY & PROCEDURE SERVICE

### Policy & Procedure Subscription Service

Community College League of California  
Liebert Cassidy Whitmore

### Legal Update #39

Fall 2021

### OVERVIEW

This is the 39th update to district members of the League's Policy & Procedure Subscriber Service, offered in partnership with the law firm of Liebert Cassidy Whitmore. The update reflects new statutes and regulations, legal opinions, and questions from subscribers that have occurred since Legal Update #38 (disseminated to member districts in April 2021).

As part of the ongoing updates, the Service biannually updates the templates for diversity, equity, and inclusion-related issues. That process is continuing, and the League is redoubling that effort and commits to integrating diversity, equity, inclusion, and accessibility issues into these reviews of the policy/procedure templates.

### Revisions to the Board Policy Templates

**BP 2310 Regular Meetings of the Board** – The Service updated this policy to reflect new Brown Act provisions allowing Governing Boards to conduct virtual meetings during proclaimed states of emergency. (Government Code Section 54953, as amended by Assembly Bill 361)

**BP 4235 Credit for Prior Learning** – The Service updated this policy to clarify that students may earn credit for prior learning through satisfactory completion of certain examinations.

**BP 5015 Residence Determination** – The Service updated this policy to add language regarding exceptions to California residency determinations for certain students with military or veteran status, for determining eligibility for in-state tuition. (38 U.S. Code Section 3679) The Service also added a legal citation to the U.S. Code.

**BP 5700 Intercollegiate Athletics** – The Service updated this policy to add language regarding transgender student athletes. This Service also added legal citations to the Education Code regarding student athletes' rights to earn compensation for their name, image, likeness, or athletic reputation (Education Code Section 67456, as amended by Senate Bill 26) and reference to the California Community College Athletic Association Constitution and Bylaws.

## POLICY & PROCEDURE SERVICE

**BP 6340 Bids and Contracts** – The Service updated this policy to add legal citations and language regarding amendments to Title 5 concerning a district's ability to obtain a contract for goods or services through the California Community Colleges Chancellor's Office CollegeBuys Program. (Title 5 Sections 59130 et seq.)

**BP 6620 Naming of Buildings** – The Service updated this policy to add a note recommending that districts adopt a policy regarding the removal and renaming of buildings, facilities, grounds, and other spaces.

**BP 7801 & AP 7801 -- Non-Emeritus Status** – This BP and AP were to have been reviewed in 2021 when BP 7800 & AP 7800 Emeritus Status were approved.

### Revisions to the Administrative Procedure Templates

**AP 3300 Public Records** – The Service updated this procedure to add legally recommended language and citations to Penal Code Sections 832.7 and 832.8 for districts with police departments, regarding the disclosure of certain peace officer or custodial officer personnel records under the California Public Records Act.

**AP 3420 Equal Employment Opportunity** – The Service updated this procedure to reflect Government Code provisions regarding mandatory and permissible recruiting practices and to reflect all protected classifications identified in the Fair Employment and Housing Act. (Government Code Sections 7400 et seq. and 12940 et seq.) The Service also added legal citations to the same provisions.

**AP 3434 Responding to Harassment Based on Sex under Title IX** – The Service updated this procedure to delete language that limited a decision maker's reliance on evidence from parties or witnesses who are not subject to cross-examination. (*Victim Rights Law Center et al. v. Cardona*, No. 1:20-cv-111104, 2021 WL 3185743 (D. Mass. July 28, 2021)) The U.S. Department of Education has confirmed that it will not enforce this provision of the Federal Code of Regulations. The Service also clarified language regarding supportive services, confidentiality, and training procedures, in accordance with provisions of the Education Code and Title IX.

**AP 4105 Distance and Correspondence Education** – The Service updated this procedure to add "Correspondence" Education to the title to reflect new provisions added to Title 5 regarding correspondence education. The Service also added legally required language regarding correspondence education, including the definition from Title 5 regarding "correspondence education" and provisions addressing delivery of correspondence education instruction, addendums to course outlines, and eligibility of full-time status for students who participate in correspondence education. Finally, the Service added legal citations to Education Code Sections 66700 and 70901 et seq. and Title 5 Sections 55260 et seq.

## POLICY & PROCEDURE SERVICE

**The Correspondence Education information provided by CCLC has been added to the Peralta version of the original AP.**

**AP 4235 Credit for Prior Learning** – The Service updated this procedure to reflect additions to Title 5 Regulations requiring districts to grant students credit for satisfactory completion of International Baccalaureate or College Level Examination Program examinations and requiring districts to ensure that students' academic records clearly annotate credit earned by such examinations. (Title 5 Section 55052.5)

**Most of this was already in place in the Peralta District. Some edits have been made.**

**AP 4236 Advanced Placement Credit** – The Service updated this procedure to add a legal citation to Title 5 Section 55052 and clarify that if a district grants credit for satisfactory completion of Advanced Placement examination, a student's academic record will reflect such credit.

**AP 5013 Students in the Military** – The Service updated this procedure to reflect amendments to Title 38 of the U.S. Code regarding residencies determinations for a student with military or veteran status, for determining eligibility for in-state tuition. (38 U.S. Code Section 3679, as amended by Public Law 116-315)

**AP 5015 Residence Determination** – The Service updated this procedure to reflect amendments to Title 38 of the U.S. Code regarding residencies determinations for a student with military or veteran status, for determining eligibility for in-state tuition. (38 U.S. Code Section 3679, as amended by Public Law 116-315)

**AP 5040 Student Records, Directory Information, and Privacy** – The Service updated this procedure to add a legal citation to reflect an amendment to Title 10 of the U.S. Code regarding the disclosure of student information to the military for recruitment purposes.

**AP 5530 Student Rights and Grievances** -- The Service updated this procedure to address a typo.

**AP 6340 Bids and Contracts** – The Service updated this procedure to add legal citations and language regarding amendments to Title 5 concerning a district's ability to obtain a contract for goods or services through the California Community Colleges Chancellor's Office CollegeBuys Program. The Service also removed a broken link.

## POLICY & PROCEDURE SERVICE

### Additional Notes

**Amendments to Title 5, adding Sections 55270 et seq. regarding Direct Assessment Competency-Based Education Programs:** The Board of Governors recently approved amendments to Title 5 that add provisions regarding a district's implementation of direct assessment competency-based education programs. The amendments became effective October 3, 2021. The regulations were promulgated to support implementation of programs that "better serve the diversity of California community college students, ensure access to educational pathways and opportunities for academic and career success, and to achieve more equitable student outcomes." The Regulations require the California Community Colleges Chancellor's Office to provide guidance regarding the process and timeline for approval of these programs. As of the date of publication of this Fall 2021 Legal Update #39, the California Community Colleges Chancellor's Office has not published this guidance.

As implementation of direct assessment competency-based education programs are in the pilot stage and the California Community Colleges Chancellor's Office must provide additional guidance regarding the process for approval of these programs, it is premature to update any applicable Policy & Procedure Service templates. The Service will continue to monitor these amendments and review the need for updates.

**Amendments to Title 5 regarding Associate Degree Graduation Requirements and EEO Requirements:** The Service is aware that the Board of Governors recently approved amendments to Title 5, which will mandate that, (1) students who plan to earn an associate degree will be required to take a course in ethnic studies and (2) districts adopt a policy statement setting forth the district's commitment to an equal employment opportunity (EEO) plan that is grounded in principles of diversity, equity, and inclusion. At the time of the Service's publication of this Fall 2021 Legal Update #39, these amendments are not effective law and therefore, updates to the Policy & Procedure Service templates are premature. The Service will continue to monitor these amendments and will review the need for updates.

**BOARD POLICY 7801 NON- EMERITUS RETIREES**

The Chancellor of the Peralta Community College District (Berkeley City College, College of Alameda, Laney College and Merritt College) shall provide any retiring or retired faculty, classified staff, confidential staff, administrators, or trustees access to the services provided to Emeriti for a fee structure outlined in Administrative Procedure 7801.

Approved by the Board of Trustees:

**BOARD POLICY 2310 REGULAR MEETINGS OF THE BOARD**

Regular meetings of the Board shall normally be held on the second and fourth Tuesday of each month excepting holiday periods. Regular meetings of the Board will normally be held at the District Board Room, 333 East Eighth Street, Oakland, California. At least one regular meeting annually will be scheduled at each of the colleges.

A notice identifying the location, date, and time of each regular meeting of the Board shall be posted at least ten (10) days prior to the meeting and shall remain posted until the day and time of the meeting. All regular meetings of the Board shall be held within the boundaries of the District except in cases where the Board is meeting with another local agency or is meeting with its attorney to discuss pending litigation if the attorney's office is outside the District, **or is meeting during a proclaimed state of emergency.**

All regular and special meetings of the Board shall be open to the public, be accessible to persons with disabilities, and otherwise comply with Brown Act provisions, except as required or permitted by law.

**Meetings During Proclaimed States of Emergency**

1. Prior to January 1, 2024, the Board may hold a regular meeting, or special or emergency meetings as defined in BP 2320 Special and Emergency Meetings, virtually through voice or video teleconferencing services during a proclaimed state of emergency under the provisions of the Brown Act.

In order for the Board to meet virtually during a proclaimed state of emergency, the Board will make findings by majority vote, as required by the Brown Act by way of a Board resolution.

If the Board elects to meet virtually during a proclaimed state of emergency, the District will comply with relevant provisions of the Brown Act regarding the posting of agendas, public access to meetings through call-in or internet-based service options, public participation, and limits on Board action in the event of a meeting disruption due to interruption of teleconferencing services.

During proclaimed states of emergency, the Board is not required to provide a physical location from which members of the public may attend or provide public comment.

**Reference:**

Education Code Sections 72000(d);  
Government Code Sections 54952.2, 54953 et seq., and 54961;  
Administrative Procedure 2310.

Approved by the Board: of Trustees September 27, 2011

Revised and approved by the Board of Trustees:

**Board Policy 4235 Credit for Prior Learning**

Credit for prior learning may be earned for eligible courses approved by the district for students who satisfactorily pass an authorized assessment or examination. Authorized assessments may include the evaluation of approved external standardized examinations, Joint Services Transcripts, student-centered portfolios, industry-recognized credentials, and credit by examination. The Chancellor shall consult with the District Academic Senate to establish administrative procedures to implement this Board Policy.

See Administrative Procedure 4235

**Reference:**

Title 5 Section 55050

Approved by the Board of Trustees: March 27, 2012

Revised and approved by the Board of Trustees: December 14, 2020

Revised and approved by the Board of Trustees:



**BOARD POLICY 5015 RESIDENCE DETERMINATION**

Except for students seeking to enroll exclusively in career development and college preparation courses and other courses for which no credit is given, students shall be classified at the time of each application for admission or registration as a resident or nonresident student.

A resident is any person who has been a bona fide resident of California for at least one year on the residence determination date. The residence determination date shall be the day immediately preceding the first day of a semester or summer session for which the student applies to attend. **Notwithstanding this standard for determining bona fide California residency, a student with military or veteran status may be deemed to qualify as a California resident for in-state tuition eligibility, in accordance with state and federal law.**

Residence classification shall be made for each student at the time applications for admission are accepted or registration occurs and whenever a student has not been in attendance for more than one semester. A student previously classified as a nonresident may be reclassified as of any residence determination date.

The Chancellor shall enact procedures to assure that residence determinations are made in accordance with Education Code and Title 5 Regulations.

**References:**

Education Code Sections 68040 68086, and 76140;  
Title 5 Sections 54000 et seq.  
**38 U.S. Code Section 3679**

Approved by the Board of Trustees: June 26, 2012

Revised and approved by the Board of Trustees: June 25, 2019

Revised and approved by the Board of Trustees:

**BOARD POLICY 5700 INTERCOLLEGIATE ATHLETICS**

The District shall maintain an organized program for ~~men and women~~ students in intercollegiate athletics. The District will offer opportunities for participation in athletics equally to male, ~~and~~ female and transgender students consistent with state and federal law and California Community College Athletic Association standards.

The Chancellor shall assure that the athletics program complies with state and federal law, the California Community College Athletic Association (CCCCAA) Constitution, Bylaws, and Sport Championship Handbooks, Guides, and appropriate Conference Constitution regarding student athlete participation.

**Reference:**

Education Code Sections 78223, 66271.6, 66271.8, and 67360 et seq. ;

20 U.S. Code Sections 1681 et seq. ;

ACCJC Accreditation Standard II.C.4

California Community College Athletic Association (CCCCAA) Constitution and CCCCCAA Bylaws

Approved by the Board of Trustees: January 22, 2013

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

Revised and approved by the Board of Trustees: December 8, 2015

Revised and approved by the Board of Trustees:

**BOARD POLICY 6340 BIDS AND CONTRACTS**

The Board of Trustees delegates to the Chancellor the authority to enter into contracts on behalf of the District and to establish administrative procedures for contract awards and management, subject to the following:

- Contracts are not enforceable obligations until they are approved or ratified by the Board of Trustees.
- Contracts for work to be done, services to be performed or for goods, equipment or supplies to be furnished or sold to the District that exceed the amounts specified in Public Contract Code Section 20651 shall require prior approval by the Board.
- When bids are required according to Public Contract Code Section 20651, the Board may award each such contract to the lowest responsive responsible bidder who meets the requirements of the bid documents published by the District and who shall give such security as the Board requires, or reject all bids.
- Contracts in excess of \$50,000 with a single organization, individual, or vendor per fiscal year require prior approval of the Board of Trustees for all funds except Construction/Capital Outlay Bond Funds.
- Contracts for projects that are not public projects as defined under Public Contract Code section 22002 subdivision (c) and in excess of \$99,100 in 2022 adjusted annually by the Board of Governors of the California Community Colleges with a single organization, individual, or vendor per contract require prior approval of the Board of Trustees.
- When the District determines that, according to Public Contract Code Section 20651.7, it can expect long-term savings through the use of life-cycle cost methodology, the use of more sustainable goods and materials, and reduced administrative costs, the District may select and award the contract based on best value in accordance with AP 6340. The bidder shall give such security as the Board requires and may reject all bids.
- When the, ***Vice-Chancellor of Finance or (designee)*** determines that, the District can obtain a contract for goods or services through the California Community Colleges Chancellor's Office CollegeBuys Program for the Procurement of Goods and Services for Community College Districts at a lower price upon the same terms, conditions and specifications, the ***Vice-Chancellor of Finance or (designee)*** may proceed with the contract without conducting a formal bidding process.

If the Chancellor concludes that the best interests of the District will be served by pre-qualification of bidders in accordance with Public Contract Code Sections 20101 and 20651.5, prospective bidders will be required to submit a standardized questionnaire and financial statements. Pre-qualification will be based on the uniform system of rating bidders on the basis of the completed questionnaire and financial statements adopted and applied by the District.

If the best interests of the District will be served by a contract, lease, requisition or purchase order through any other public corporation or agency in accordance with Public Contract Code Section 20652, the Chancellor is authorized to proceed with a contract. The District may purchase materials, equipment or supplies and services through the Department of General Services in accordance with Public Contract Code Sections 10298, 20652 or 20653. The District may purchase materials, equipment or supplies under the same terms and conditions as are specified in a contract lawfully awarded by the University of California or the California State University in accordance Public Contract Code Section 20653.5 or Education Code Section 81646. The District may purchase materials, equipment, or supplies and services from another public agency by agreement, jointly exercising any power common to the contracting parties, if authorized by their legislative or other governing bodies, in accordance with Government Code Section 6500 et seq.

The District may contract with and employ any persons for the furnishing to the District special services

and advice in financial, economic, accounting, engineering, legal, or administrative matters if such persons are specially trained and experienced and competent to perform the special services required in accordance with Government Code Section 53060.

References:

Education Code Sections 72670.5 and 81641 et seq.

Public Contract Code Sections 10298 and 20650 et seq.

Government Code Sections 6500 et seq.

Administrative Procedures 6330 and 6350

ACCJC Accreditation Standard III.D.16

2 Code of Federal Regulations Part 200.318

Title 5 Sections 59130 et seq.

Approved by the Board of Trustees: February 12, 2013

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

Revised and approved by the Board of Trustees: July 28, 2015

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

Revised and approved by the Board of Trustees: January 21, 2020

Revised and approved by the Board of Trustees:



## **BOARD POLICY 6620 NAMING OF BUILDINGS AND FACILITIES**

All recommendations for original naming or removing of names from, and renaming buildings, and other facilities, or grounds shall be submitted to the Board of Trustees by the Chancellor for approval.

All buildings should have names that include their functional description and also a location letter "code" to facilitate identification and communication.

Buildings, portions of buildings, or other facilities may also have an additional name in honor of an individual, family, corporation, or other organization. Any such names submitted to the board for consideration should bring prestige to the district and also be based on significant financial or other contribution to the community college district.

Names of buildings and other facilities may be changed if approved by the Board.

All newly constructed buildings shall display a permanent plaque honoring Labor that contributed to its construction.

The Chancellor shall establish an Administrative Procedure that provides for standard guidelines for the naming of buildings and other facilities.

Reference:

Administrative Procedure 6620

Approved by the Board of Trustees: December 11, 2012

Revised and approved by the Board of Trustees:

**ADMINISTRATIVE PROCEDURE 5530 STUDENT RIGHTS AND GRIEVANCE PROCEDURE**

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances. This procedure shall be available to any student who reasonably believes an experience or decision has adversely affected his or her status, rights or privileges as a student. A grievance may be initiated by a student against an instructor, an administrator, or a member of the classified staff. A grievance may also be initiated against another student.

**I. Grounds for Filing Student Grievances.** The Student Grievance Procedure shall apply only to grievances involving:

A. **Academic (Grade) Grievance:** The extent permitted by Education Code Section 76224 subdivision (a), which provides: "When grades are given for any course of instruction taught in a community college district, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final." "Mistake" may include, but is not limited to errors made by an instructor in calculating a student's grade and clerical errors;

B. The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.

C. Violation of Law, Policy, and Procedures:

Violation of rights which a student is entitled to by law or District policy, including financial aid, rules for student conduct, admission, probation, or suspension or dismissal policies.

D. This Student Grievance Procedure does not apply to:

1. Citations (i.e. "tickets"). Complaints about citations must be directed to the Campus Police in the same way as any traffic violation.
2. Discrimination, Sexual Assault or Sexual Harassment. (See AP 3433 Prohibition of Sexual Harassment under Title IX, AP 3434 Responding to Harassment Based on Sex under Title IX, and AP 3435 Discrimination and Harassment Complaints and Investigations)
3. Student disciplinary actions, which are covered under separate board policies and administrative procedures.

**II. Definitions**

A. **Party:** The student or any persons claimed to have been responsible for the student's alleged grievance, together with their representatives. "Party" shall not include the Grievance Hearing Committee.

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

- C. **Respondent:** Any person claimed by a grievant to be responsible for the alleged grievance.
- D. **Observer:** An individual who is present at a hearing to observe the proceeding, but shall not be allowed to speak and address the committee.
- E. **Written Notice/Written Decision:** Notice sent by personal service or by registered or certified mail with return receipt requested via the U.S. Postal Service.
- F. **Day.** Unless otherwise provided, day shall mean a day during which the college is in session and regular classes are held, excluding Saturdays, Sundays, and District holidays.

### III. Grievance Process

#### 1. Informal Resolution

Within 30 days of the allegation, each student who has a grievance shall make a reasonable effort to resolve the matter on an informal basis prior to requesting a grievance hearing:

- a. For an academic (grade) grievance, the student shall make an appointment with the faculty against whom he/she has a grievance during the faculty member's posted office hours or at a mutually-agreed-upon time, in order to discuss the student's complaint. Should the faculty against whom the student has an academic complaint fail to meet with the student in a timely manner, the student may meet with the Division Dean of Instruction of the faculty member.
- b. For a grievance based on an alleged violation of free expression, the student shall attempt to solve the problem with the person with whom the student has the grievance, that person's immediate supervisor, or the Vice President of Student Services (or designee).

#### 2. Formal Complaint Procedures

Any student who believes he/she has a grievance must file an approved grievance complaint form with the Vice President of Student Services (or designee). The student may obtain the form from the Office of the Vice President of Student Services.

The student must file within 90 days of the incident on which the grievance is based; or after the student knew or should have known of the basis for the grievance, whichever is later. The grievance complaint must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official. Failure to file a formal complaint within such ninety (90) day period constitutes waiver of the student's right to appeal.

The Vice President of Student Services (or designee) shall provide to the person against whom the grievance has been filed a copy of the grievance and a copy of the procedure.

The Vice President of Student Services (or designee) will provide the grievant with a written copy of the policy and procedures and answer all questions regarding the policy including the student's rights and responsibilities in the process of filing a grievance. For academic (grade) grievance, the Vice President of Student Services (or designee) will inform the student that a grade change may only be made where there is a finding of fraud, mistake, bad faith or incompetence.

The student and Vice President of Student Services (or designee) shall attempt to reach an informal resolution.



### 3. Request for Grievance Hearing

If an informal resolution cannot be reached, the Vice President of Student Services (or designee) shall make a request for records and documents from the student filing the complaint and forward copies of all documents pertinent to the alleged violation to the Chair of the Grievance Committee and the parties. Documents or accusations not specifically related to the alleged violations shall not be forwarded to the committee or the parties.

- a. For academic (grade) grievance, the Chair shall request records and documents from the faculty member against whom the complaint has been filed.
- b. For grievance based on exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120, the Chair shall request records and documents from the party against whom the complaint has been filed.

The Grievance Hearing timeline may be tolled (postponed) pending a formal investigation of any discrimination claims by or against the student. Such investigation must be concluded no later than 90 calendar days as required by law.

### 4. Grievance Hearing Committee

Within 90 days following receipt of the grievance complaint form, the Grievance Hearing Committee shall conduct a hearing. The following College Grievance Committee members shall be appointed for a term of one academic year as follows:

- a. The Vice President of Instruction, who shall Chair the committee;
- b. One faculty member (and one alternate) jointly appointed by the PFT and the Faculty Senate;
- c. One administrator (and one alternate) appointed by the College President;
- d. One student (and one alternate) appointed by the President of the Associated Students

Additional committee member:

- e. For academic (grade) grievances, one faculty member (and one alternate) jointly appointed the PFT and the Faculty Senate; or
- f. For other grievances, one classified employee (and one alternate) jointly appointed by Local 790 and the Classified Senate.

A committee member shall withdraw from participation in the hearing if a conflict of interest is anticipated, in which case the alternate member shall serve. The members of the Committee shall be provided with a copy of the grievance and any written response provided by the respondent before the hearing begins. Four-fifths of the members of the committee shall be present in order for the committee to act.

### 5. Hearing Procedure

- a. The Vice President of Instruction, as Chair, shall provide written notice, including the date, time and place of the hearing to both parties at least ten days prior to the hearing. The notice shall be hand-delivered or sent by certified mail and shall include a copy of the complaint.
- b. The Chair shall provide the involved complainant with a written summary of rights he/she may be entitled to by law or contract at least 10 days before the hearing. For academic (grade) grievance, the Chair of the committee shall provide the involved faculty member with a written summary of rights he/she may be entitled to by law or contract at least 10 days before the hearing. Both parties shall be given adequate time (at least 10 days) to read and review all documents, consistent with privacy laws. This right may be waived by either party. Both parties shall be informed that all relevant evidence presented to the hearing committee, whether written or oral, may be used against them in this or any other proceeding unless otherwise

prohibited by law. The written notice shall inform the parties of this fact. The Chair of the committee shall inform both parties orally of this fact at the commencement of the hearing.

- c. The decision of the Chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by a majority of the other members of the panel to the contrary. The Chair may do whatever is necessary, so long as it is legally permissible, to ensure that the hearing is conducted in a fair, dignified and orderly manner.
- d. The Chair of the committee may exclude a witness from the hearing when the witness is not giving testimony.
- e. Anyone who disrupts the proceeding or interferes shall be excluded from the proceeding.
- f. All information derived from the complaint is confidential. Information may not be made public nor discussed with anyone except those with a legitimate need to know.
- g. The hearing shall be open only to persons directly involved in the matters to be heard. The bargaining agent representing the respondent may send an observer to any hearing.
- h. The committee may call in "expert witnesses" if the subject of the grievance is beyond their expertise.
- i. The committee shall inform the witnesses (other than the accused) in writing that they are sought for interview purposes and their participation in the process is requested by the committee. Witnesses shall also be informed as to the purpose of the interview, the general subject of the interview, and their right to request representation by anyone of their choosing prior to and during said interview.
- j. Any member of the committee may ask questions of any witness.
- k. The hearing shall be conducted so as to bring all of the relevant information and evidence to the members of the committee in an orderly and intelligible form. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted, if it is the sort of evidence on which responsible persons are accustomed to rely upon in the conduct of serious affairs. Accusations not specifically related to the alleged violation shall not be considered relevant. The rules of privilege shall apply to the same extent that they are recognized in civil actions.
- l. At all steps of the process, both the student filing and the other party have the right to be accompanied, advised and represented by a person or counsel of their choosing. If either party wishes to be represented by an attorney, a request must be presented not less than 10 days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing committee may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.
- m. If the respondent or his/her representative, or both, are absent from all or a part of the hearing, the committee shall make its recommendations on the basis of whatever evidence is submitted before the hearing and on whatever evidence and testimony is presented to the committee during the hearing.
- n. The committee shall make all evidence, written or oral, part of the record.
- o. The committee shall judge the relevancy and weight of testimony and evidence and make its findings of fact, limiting its investigation to the formal charge. The decision shall be based only on the record of the hearing, and not on matter outside of that record.

- p. The burden shall be on the grievant to prove by a preponderance of the evidence that the facts alleged are true and a grievance has been sufficiently established.
- q. The hearing date may be postponed or continued at the discretion of the Chair of the committee. Both parties shall be given notice of the new or continued hearing date.
- r. The votes of the majority of the members present (at least 3 votes) are necessary in order for the committee to make a recommendation to the Vice President of Student Services.
- s. The Chair of the committee shall notify the Vice President of Student Services of the committee's recommendation within 10 days.
- t. A summary record of the proceedings held in a closed session shall be kept in a confidential file by the Vice President of Student Services and shall be available at all times to the accused person. The Vice President of Student Services has the responsibility to ensure that a proper record is maintained and available at all times.

#### **6. Final Decision by Vice President of Student Services**

Based on the grievance hearing committee's recommendations, the Vice President of Student Services (or designee) may accept the recommendation, return it to the committee for further review, or reject it. Within 10 days of receipt of the committee's recommendation, the Vice President of Student Services (or designee) shall send written notification to the parties and committee informing them of:

- a. The committee's recommendation;
- b. The final decision by Vice President of Student Services; and
- c. Appeals procedure

Any decision to reject findings of the committee must be supported by a summary finding of fact. The decision to recommend a grade change must be supported by a summary finding of fact, establishing mistake, fraud, bad faith or incompetence.

#### **7. Appeals**

##### **a. President's Decision**

The Vice President of Student Services' (or designee's) decision may be appealed by either party in writing within 10 days of the Vice President of Student Services' (or designee's) decision.

The College President shall issue a written decision to the parties and their representatives within ten (10) days of receipt of the appeal. A decision to change a grade must be supported by a summary finding of fact, establishing mistake, fraud, bad faith or incompetence.

##### **b. Chancellor's Decision**

The College President's decision may be appealed to the Chancellor in writing within 10 days of receipt of the decision.

The Chancellor, or designee, shall issue a written decision to the parties and the representatives by certified mail within 10 days of the receipt of the decision. A decision to change a grade must be supported by a summary finding of fact, establishing mistake, fraud, bad faith or incompetence.

c. Board of Trustees' Decision

The Chancellor's (or designee's), decision may be appealed to the Board of Trustees in writing within 10 days of the receipt of the decision.

The Board will review the documentation of the prior steps of the case and determine whether to confirm the Chancellor's decision or hear the appeal. If the Board confirms the Chancellor's decision, the appellant has exhausted his or her remedies. If the Board decides to consider the appeal, it will do so in closed session subject to Education Code 72122, and will issue a final decision within forty-five (45) days after receipt of the decision.

A decision to change a grade must be supported by a summary finding of fact, establishing mistake, fraud, bad faith or incompetence. Implementation of any grade change shall be held in abeyance until the internal appeal process has been exhausted.

All recommendations, resolutions, and actions taken by the Board of Trustees shall be consistent with the State and Federal law, the Peralta Community College District Policies and Procedures, and the PFT and Local 790 Collective Bargaining Agreements. (In the event of a conflict between the Collective Bargaining Agreement and the PCCD Policies and Procedures, the Collective Bargaining Agreement shall govern.)

8. Time Limits

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

References:

Education Code Section 76224(a)

Title IX, Education Amendments of 1972

ACCJC Accreditation Eligibility Requirement 20

ACCJC Accreditation Standard IV.D.

Per Accreditation Standards this procedure is legally advised

Approved by the Chancellor: December 7, 2012

Revised and approved by the Chancellor: August 13, 2015

Revised and approved by the Chancellor: March 28, 2018

Revised and approved by the Chancellor: October 6, 2020

Revised and approved by the Chancellor:

## **Administrative Procedure 6325 PAYROLL**

### **I. Payroll Periods**

All District employees receive pay on a monthly basis. Classified full time employees and Faculty receive pay for the current month. Classified part time hourly employees receive pay from the 16<sup>th</sup> of the previous month to the 15<sup>th</sup> of the current month. Student workers receive pay for the previous month.

### **II. Pay Dates**

The normal pay dates for all District employees (except Student Workers) is the last working day of the month. If the last working day of the month falls on a weekend or a holiday, the pay date is the preceding workday. December pay dates shall normally occur on the last workday prior to the winter holiday break.

The normal pay dates for all Student Workers is the 15<sup>th</sup> of the month. If the 15<sup>th</sup> is on a weekend or a holiday, the pay date is the preceding workday.

### **III. Deadlines**

Written authorization for payroll deductions, tax withholding changes and direct deposit updates will apply on the current payroll for the month if received by the Payroll Department no later than the first day of the month prior to the effective date. If the first day of the month falls on a weekend, the previous workday is the deadline.

Submission of Timesheet due dates are posted annually on the Payroll webpage. The colleges may require timesheets to be submitted earlier than these posted due dates for Business Office approval prior to the submission to the District Payroll Department for processing.

### **IV. Garnishment of Wages**

The law requires the District to comply when served with an income execution, wage assignment, Family Court Support Order, or Federal tax levy against a faculty or staff member, to make deductions from the individual's wages until the debt has been satisfied, or as otherwise required by the order. Upon receipt of a garnishment order, the employee will receive a notification of the order and a deduction schedule will apply according to the terms contained in the order.

### **V. Underpayment/Overpayment of an Employee**

Once an underpayment or overpayment occurs, the Payroll Department shall proceed according to the process for correction as defined by the applicable collective bargaining agreement if applicable, by mutual agreement with the employee and coordination from the College Campus or District Office.

**References:** Education Code Section 70902

See the Peralta Federation of Teachers' Contract, Article 21.C and Appendix 11

**Reviewed and approved by the Chancellor:** December 17, 2021

**ADMINISTRATIVE PROCEDURE 6340  
BIDS AND CONTRACTS**

The Chancellor directs that the following procedures and regulations apply to Contracts in the Peralta Community College District:

I. **Definitions:** This administrative procedure uses the following terms as defined below:

- A. **Goods:** Any tangible product. Goods include, but are not limited to, “off-the shelf” computer software and utilities, books, supplies, equipment, etc.
- B. **Services:** Any deliverable resulting from labor performed specifically for the District. The service may result from the application of physical or intellectual skills. Services include, but are not limited to, repair work, consulting, maintenance, data processing, custom software design or coding, etc. Excludes Professional services as defined in Government Code Sections 4525 et seq. and Special Services 53060 et seq.
- C. **Construction:** A project that includes all the work needed to produce a complete and usable facility, or to remodel an inadequate or damaged facility. Construction includes excavation, building, installations, related infrastructure, landscaping, etc.
- D. **Maintenance:** Routine, recurring, and usual work for the preservation, protection, and keeping of any publicly owned or publicly operated facility for its intended purposes in a safe and continually usable condition, for which it was designed, improved, constructed, altered or repaired. “Facility” means any plant, building, structure, ground facility, utility system, or real property. This definition of “maintenance” expressly includes, but is not limited to: carpentry, electrical, plumbing, glazing, and other craft work designed consistent with the definition set forth above to preserve the facility in a safe, efficient, and continually usable condition for which it was intended, including repairs, cleaning, and other operations on machinery and other equipment permanently attached to the building or realty as fixtures. This definition does not include among other types of work, janitorial or custodial services and protection of the sort provided by guards or other security forces. This definition does not include painting, repainting, or decorating other than touchup.
- E. **Public Project:** Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving or painting or repainting of any publicly owned, leased, or operated facility. “Public Project” does not include maintenance work.
- F. **Bid threshold:** Any purchase over \$200,000 for public projects, or \$99,100 in 2022 (adjusted annually by the Board of Governors of the California Community Colleges) for equipment, materials or supplies, services (except for construction services) and repairs that are a not public project as defined in subdivision (c) of Public Contract Code Section 2202, including maintenance as defined in Public Contract Code Section 20656.
- G. **Notice to Bidders:** A formal invitation to bid that published in accordance with Education Code Section 81641 and may be sent to prospective bidders when Goods or Services are

desired in an amount that is higher than the then applicable bid threshold (the “Bid Threshold”) set by the California Community Colleges Board of Governors (“Board of Governors”). Such notice will state the work to be done or materials or supplies to be furnished and the time when and the place where the bids will be opened.

- H. **Request for Qualifications (RFQ):** A notice calling for a statement of qualifications that may be sent to prospective proposers for professional services, special services, design-build services or when the Goods or Services desired are below the bid threshold, The RFQ shall be in a form that conforms to applicable California laws and any other District requirements. The outcome of an RFQ is a pool of qualified proposers/vendors.
- I. **Request for Proposal (RFP):** A formal, notice calling for proposals published in accordance with Education Code Section 81641 and may be sent to prospective proposers for professional services, special services, design-build services or when the Goods or Services desired are below the bid threshold. The RFP shall be in a form that conforms to applicable California law and any other District requirements. The award of contract, if any, is based on the criteria stated in the RFP.
- J. **Price Quotations:** Written price quotations are used for purchases less than \$99,100 and informal competitive bidding for goods or services under the applicable bid threshold.  
*Verbal Quotes are not accepted*

## II. District Business Processes and Contract Types

- A. **Delegation of Authority to Enter Into and Amend Contracts:** When transactions do not exceed dollar limits established by statute or this administrative procedure, the Chancellor and the Vice Chancellor, Finance and Administration may:
  - 1. Contract for goods, services, equipment and rental of facilities as authorized by statutes in conformance with any specified limitations or requirements.
  - 2. Amend the terms and conditions of any contractual arrangement provided that the total expenditure of funds and term of the contract do not exceed the limitations set forth in applicable state or federal law, District policy, District Regulations, and/or college budget allocations.
  - 3. The Chancellor may delegate to the College Presidents the authorization to enter into, and/or amend, professional or personal service contracts or amendments (excluding employment contracts, contracts for interim employees or labor (collectively “Personnel Services”), and all other agreements) College Presidents may commit only their respective College’s financial resources in amounts, that total less than \$5,000 per contract, provided that the total dollar amount in any given fiscal year of: (i) any one contract, as amended, or (ii) series of contracts with regards to a specific vendor or a specific project, do not exceed in the aggregate \$125,000. Such contracts or amendment must be approved in accordance with then current District contracting requirements and use the applicable District services agreement template.

4. Each Contract and Contract amendment amounting to more than \$125,000 require prior Board of Trustees authorization before they can be executed by the Chancellor or the Vice Chancellor, Finance and Administration.
  5. No other employee is authorized to enter into or amend or to commit District financial resources.
    - a. Contracts under \$50,000 are ratified by the Board in a monthly report after execution (not applicable to public works contracts).
    - b. All transactions, purchase orders, contracts and amendments regardless of dollar amount must be ratified by the Board of Trustees within 60 days, if not approved in advance as otherwise required herein
- B. **Contract Types:** Contracts are classified as continuing price, lease/rental, repair/maintenance, personnel services, construction and income generating. District regulations for fulfilling these requirements are summarized below:
1. **Continuing Contracts:** Contracts for work to be done, services to be performed, or for apparatus or equipment to be furnished, sold, built, installed, or repaired, or for materials or supplies to be furnished or sold to the District with an accepted vendor over a period of time; such Contracts are limited by California Education Code Section 81644 as follows:
    - a. For work, services, apparatus or equipment: not to exceed five (5) years.
    - b. For materials or supplies: not to exceed three (3) years.
  2. **Personnel Services:** The Chancellor's approval shall be required for any contracts relating to Personnel Services (defined above in Section II.A.4 above).
  3. **Constructions and/or Improvement of Grounds (Public Projects)** Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving or painting or repainting of any publicly owned, leased, or operated facility.
    - a. **Public Works Projects Pursuant to AP 6345**
      - The district has adopted the California Uniform Public Construction Cost Accounting Act (CUPCCAA).
      - CUPCCAA bid thresholds for construction services contracts for agencies, including school and community college districts, are follows:
      - Public projects of \$60,000 or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order without bidding;
      - Public projects of \$200,000 or less may be awarded by informal bidding procedures;
      - Public projects of more than \$200,000 must be awarded by formal bidding procedures.
    - b. **Repairs:** As repairs are included in the definition of "public project," if a contract for



repair is under \$60,000 (PCC section 22032), it may be awarded without competitive bidding and executed without prior Board of Trustees approval. Repair work over \$60,000 and up to \$200,000 may be awarded by informal bidding procedures, under the Uniform Public Construction Cost Accounting Act (AP 6345).

- c. **Bonds:** Material and Labor Performance Bonds shall be issued for not less than one hundred percent (100%) of the contract price by a surety or sureties satisfactory to the District and in a form prescribed by the District in which expenditures for a public project exceed \$25,000.
- d. **Acceptance of Completion for Material and Labor Contract:** When the entire work has been completed, as provided for in the Contract and any amendments to the Contract, the Vice Chancellor of General Services shall submit a recommendation for Board of Trustees to accept the completed project. After acceptance, a Notice of Completion of Contract shall be filed with the County Recorder.
- e. **Certified Small Business or Disabled Veteran Business Enterprise:** Pursuant to Public Contract Code Section 20651.2, the Board may award a contract for the acquisition of goods, services, or information technology that has an estimated value of greater than five thousand dollars (\$5,000), but less than two hundred fifty thousand dollars (\$250,000), to a certified small business, including a microbusiness, or to a disabled veteran business enterprise, if the District obtains price quotations from two or more certified small businesses, including microbusinesses, or from two or more disabled veteran business enterprises.
- f. **Best Value Contracts:** When the District determines that it can expect long-term savings through the use of life cycle cost methodology, the use of more sustainable goods and materials, and reduced administrative costs, the District may provide for the selection of the lowest responsible bidder on the basis of best value pursuant to policies and procedure adopted by the Board of Trustees in accordance with Public Contract Code Section 20651.7. "Best Value" means the most advantageous balance of price, quality, service, performance, and other elements, as defined by the Board achieved through methods in accordance with this section and determined by objective performance criteria that may include price, features, long-term functionality, life-cycle costs, overall sustainability, and required services.
- 4. **Maintenance:** The Vice Chancellor, General Services is responsible for any contracts relating to the maintenance, minor alterations and improvements of District grounds, buildings, facilities, and similar work but requires prior Board of Trustees approval for contracts over \$200,000. Contracts for Maintenance work more than \$200,000 must be formally bid. Maintenance work less than \$200,000 may be awarded pursuant AP 6345 Informal Bidding Procedures
- 5. **"Piggyback" Purchases from Contracts Bid by Other Public Agencies:** The Board of Trustees may allow the District, without advertising for bids, if the Board of Trustees has determined it to be in the best interests of the District, authorize by contract, lease, requisition or purchase order, any public corporation or agency to

lease data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors and other personal property for the District pursuant to California Public Contract Code Section 20652 and Education Code Section 72670.5. The District may purchase materials, equipment or supplies and services through the Department of General Services in accordance with Public Contract Code Sections 10298 or 20653. The District may purchase materials, equipment or supplies under the same terms and conditions as are specified in a contract lawfully awarded by the University of California or the California State University in accordance Public Contract Code Section 20653.5 or Education Code Section 81646. The District may purchase materials, equipment, or supplies and services from another public agency by agreement, jointly exercising any power common to the contracting parties, if authorized by their legislative or other governing bodies, in accordance with Government Code Section 6500 et seq.

6. **Leasing of Equipment or Service Systems (Lease-Purchase Agreements):** The District may, as lessee, enter into a lease or lease-purchase agreement with any person, firm, corporation or public agency for (1) school buses, (2) other motor vehicles, (3) test materials, educational films, and audiovisual materials, and (4) all other items defined as equipment or service systems in the Community College Budget and Accounting Manual.
  - a. The District is required by statute to comply with all applicable bid and contract provisions specified in the California Education Code (beginning with Section 81641) and by Section 20651 of the California Public Contract Code prior to entering into an agreement. Each contract shall show the total price for an outright purchase of any item and its total cost for the entire specified term of the contract.
  - b. The term of any lease or lease-purchase agreement shall not exceed the estimated useful life of the item but in no event shall the term exceed 10 years. A lease, but not a lease-purchase agreement, may be renewable at the option of the lessee and the lessor, jointly, at the end of each term at a rate not more than 7 percent annually above the rate set pursuant to the existing agreement. In no event shall the combined period of the original lease and renewals or extensions exceed 10 years. Any contract for the lease or lease-purchase of equipment or service systems which was in existence prior to the effective date of this act shall remain in effect and such terms are hereby ratified.
7. **Income Generating Contracts** may be issued when the District provides services or when the District acts as lessor other than for Civic Center Act permit activities (see AP 6700), including lease of surplus district property. The District is authorized to lease, or lease with option to purchase, any land, buildings, or equipment it determines is not needed for District purposes. Such leases and leases with options to purchase to nonpublic agencies or individuals shall comply with the provisions of California Education Code Sections 81450, 81452, 81453, 81454, and 81553.

III. **Implementation:** To facilitate the implementation of this administrative procedure, the Vice Chancellor, Finance and Administration shall have the authority to issue contracting, purchasing and operating procedures and authorize standard forms consistent with, and in furtherance of the finance, accounting, accounts payable, purchasing, information technology, internal auditing, and

budgeting activities of the District; subject to the limits established in the California Education Code and/or other laws pertaining to the taking of bids and issuance of contracts and subject to any requisite approval of the Chancellor or formal procedures first requiring vetting via the District's shared governance process.

IV. **General Requirements:** The following information identifies some, but not all, general statutory requirements applicable to public agency contracting and procurement:

- A. Employees of the District, members of the Board of Trustees, and members of Citizens' Oversight Committees shall not have an interest in any contract, other than their individual employment agreement, made by the Board. (California Education Code 72533)
- B. In addition, California statute prohibits "offering of any valuable thing to any member of the governing board of any community college district, with the intent to influence his or her action in regard to the making of any contract to which the board of which he or she is a member is a party, or the acceptance of any member of the governing board of any valuable thing, with corrupt intent, is a misdemeanor" (California Education Code 72530(a))."
- C. A contract obtained by incorrect means is void (California Education Code 72530(b)).
- D. The District cannot be legally bound to any contract unless and until that contract is authorized or ratified by the Board of Trustees. (California Education Code 81655).
- E. Any employee who signs a contract in violation of law or in violation of his or her authority is subject to disciplinary action. In addition, as allowed by California Education Code Section 81655 and 81656, any employee committing malfeasance may be personally liable to the District for any and all moneys the District paid as a result of such action. District funds incurred as a result of malfeasance.
- F. **Approved Vendor List:** The Vice Chancellor, Finance and Administration shall ensure an approved vendor list is maintained and ensure that bids, if and when solicited, are solicited from a pool that includes small local businesses, and disabled veterans as specified by statute. No vendor can be placed on the approved vendor list until the following are submitted:
  - (1) Complete vendor information including name, address, and phone number, and named address of key officers.
  - (2) Statement of qualifications.
  - (3) Taxpayer identification number as required by the Internal Revenue Services (IRS).
  - (4) Affirmative Action Status Form.

V. **Contractual Elements and Requirements**

- A. An appropriate budget-line for the contract along with adequate funding to encumber the contract must be developed before a contract is submitted for processing. Adequate funding includes both an "unencumbered balance" in the line item and sufficient cash reserves in the fund to pay subsequent invoices within thirty days of receipt. The Vice

Chancellor of Finance and Administration shall notify all managers of the College if insufficient cash is available to pay invoices. When inadequate funding exists to encumber the entire cost of the contract, it is permitted to submit a partially encumbered contract which amount shall have a specified limited "work authorization" scope of work and dollar amount. Such contracts shall contain language that completion of the contract is subject to issuance of subsequent "work authorizations," as determined by the District in its sole discretion.

**B. Non-Discrimination Certification:** Any vendor performing work or performing services for the District must certify that:

1. All vendors must agree to comply with applicable federal and California anti-discrimination laws, including but not limited to the California Fair Employment Housing Act beginning with Government Code Section 12900.
2. In addition, the vendor must agree to require compliance by all subcontractors it employs or engages to perform work.

**C. Payment of Prevailing Wages:** If applicable, vendors are required to certify compliance with California Labor Code Sections 1775 and 1776 governing payment of prevailing wages and that the contract is subject to labor compliance monitoring and enforcement by the Department of Industrial Relations.

**D. Employed Apprentices:** *When* working for the District, vendors and their subcontractors who employ or otherwise engage workers in any craft or trade apprentices, and who refer apprentices to the District for enrollment, are subject to the provisions of the California Apprenticeship Law, California Plan in Apprenticeship, and the Equal Employment Opportunity Action Plan adopted by the Board of Trustees.

**E. Discriminatory Trusts and Restraints of Trade:** Vendors are required to abide by California Business and Professions Code Sections 16721 and 16721.5 pertaining to unlawful discrimination in commercial transactions and unlawful restraints of trade.

**VI. Competitive Bidding or Selection for Professional or Special Services (Non-Public Works projects):**

**A.** Bids or quotations must be obtained as follows:

1. Purchase of Goods or Services less than \$15,000 requires at least one written quote
2. Purchase of Goods or Services from \$15,000 to \$99,100 requires at least three (3) written quotations.
3. Purchase of Goods and Services in an amount that exceeds the annual Bid Threshold (\$99,100 in 2022) shall require formal advertised bids.
4. Professional Services or Special Services are exempt to formal bidding as per public

contract code 20111 (C) and do not legally require a formal bid process no matter the dollar amount. If the District has completed Request(s) for Qualifications (RFQ), then purchase of Professional Services from \$50,000 or more requires at least three (3) written quotations from qualified consultants, If the District has not completed a RFQ, then purchase of Professional Services requires a formal Request for Proposals

- i. Purchase of Special Services from \$50,000 or more requires at least three (3) quotations.

5. The above subsections 3 and 4 do not apply to purchases made using Piggyback contracts because there is no statutory bid threshold. Contracts that require competitive bidding must be approved by the Board of Trustees prior to award. Contracts for Professional Services or Special Services from \$50,000 or more must be approved by the Board of Trustees prior to award. Piggyback contracts shall be procured in compliance with the applicable statute, including, if necessary, a resolution from the Board of Trustees.

B. **Bid Splitting:** Public Contract Code Section 20657 prohibits splitting or separating projects into smaller work orders, contract, or purchase for the purpose of avoiding competitive bidding. A project may, however, be split into several trade-oriented contracts, which will each be competitively bid, if the District is using a multiple prime contractor project delivery method.

C. **Bid and Contract Forms:** The Vice Chancellor, Finance and Administration shall ensure that bid and contract forms are prepared for the District. Bid documents are prepared by the Purchasing Director in consultation with the individual initiating the request and shall and provide a basis for selection of a vendor. Bid documents are made available to vendors through the Purchasing Department.

**D. Bid Specifications:**

Bid documents or requests for proposals contain specifications and/or drawings, if appropriate, which shall include a definite, complete statement of what is required and insofar as practical, shall include pertinent details of size, composition, construction, and/or texture of what is specified, and minimum standards of efficiency, durability and/or utility required of what is specified. Additionally, when the use of a skilled and trained workforce to complete a contract or project is required, the bid document and construction contracts shall state that the project is subject to the skilled and trained workforce requirement. In general, specifications should be generic in nature and not specify a particular brand, manufacturer or vendor. Vendors must provide equipment and appliances that earn the ENERGY STAR and meet ENERGY STAR specifications for energy efficiency where ratings exist. The Vice Chancellor, Finance and Administration shall ensure that bid specifications are sufficiently broad to encourage and promote open competitive bidding.

**E. Advertised Notice Calling for Formal Bids or Requests for Proposals:  
When required by Education Code section 81641.**

The Vice Chancellor of Finance and Administration shall ensure that the District shall

publish at least once a week for two weeks in a newspaper of general circulation published within the District or if there is no such paper, then in some newspaper of general circulation, circulated in the county, (and may post on the District's web site or through an electronic portal) a notice calling for bids or proposals stating the work to be done or materials or supplies to be furnished and the time and place when bids will be opened.

- F. **Bid Security:** When bids shall be accompanied by a certified or cashier's check, or bid bond, in the amount specified in the bid form, as security that the bidder will enter into contract pursuant to the terms of the bid document. If unused, bid bonds/security are returned to respective bidders within 60 days after the award of contract.

G. **Distribution and Examination of Bid Documents:** For public contracts and maintenance contracts the Vice Chancellor of General Services:

1. Shall ensure "Bid forms" along with applicable sets of specifications and drawings are made available to prospective bidders. Any changes to the bid documents prior to the award of bid must be provided to all prospective bidders in writing prior to the bid opening.
2. Shall provide a convenient place for bidders, subcontractors, and material personnel to use to examine specifications and drawings.
3. May require a deposit for sets of plans and specifications and may refund the deposit when the documents are returned.
4. May schedule a bidder's conference and/or job site walk through to clarify specifications.

H. **Receipt of Bids**

1. A time and place of bid opening is stated in the bid documents and the bid advertisement. Bids are accepted in the Purchasing Department up to the exact time of the bid opening. Bids received before the opening are kept unopened until the designated time.
2. The Vice Chancellor, Finance and Administration shall receive the bids and ensure bids are opened and read aloud in public at the time and place specified in the bid, shall check the bids for regularity and compliance with legal requirements, and record them. Bids are a matter of public record and the results are available in the Purchasing Department after the bid opening.

I. **Awarding of Contracts:** The awarding of bids and contracts shall be subject to the following conditions:

1. Any and all bids and contract proposals may be rejected by the District. Such rejection shall be in writing.

2. Bid and contract awards shall be made to the lowest responsive and responsible bidder meeting the requirements. Bids are considered to be "responsive" if they meet the requirements of the bid documents. The Board has the right to waive any non-material irregularities.

**J. Amendments:**

Any change to specifications of terms and conditions of the bid after the opening will require a written change order or contract amendment. The Board of Trustees may authorize the contractor to proceed with performance of the change or alteration without the formality of securing bids, if the cost so agreed upon does not exceed the greater of: (a) the amount specified in Section 20651 or 20655, whichever is applicable to the original contract; or (b) ten percent (10%) of the original contract price.

**K. Emergency Repair Contracts without Bid**

If the Board of Trustees declares an emergency by unanimous vote and with the county superintendent of schools' approval, the Purchasing Department may (1) make a contract in writing or otherwise for the performance of labor and furnishing of materials or supplies for any repairs, alterations, work, or improvement is necessary to any facility of the college, or to permit the continuance of existing college classes, or to avoid danger to life or property without advertising for or inviting bids; or (2) authorize the use of day labor or force account.

**L. Prequalification of Bidders:** As allowed by California Public Contract Code Sections 20101 and 20651.5, prospective bidders for a contract construction services of a particular type and/or having an estimated cost to the District in excess of \$1,000,000.00, may be required by the District to furnish sufficient proof of public works experience and financial solvency and ability by submitting a standard form questionnaire and financial information.

1. Applicant responses to the District's standard questionnaire shall be evaluated based on the uniform rating system adopted by the Board of Trustees.
2. As provided by laws, the questionnaires and financial information are not public records and shall not be open to public inspection.
3. A determination that an applicant is prequalified does not guarantee that a contract will be awarded.
4. A determination that an applicant is prequalified will, unless otherwise cancelled, revoked, or limited by the District, remain valid for a period of twelve (12) months after the date that the applicant was prequalified.
5. Applicants wishing to dispute a prequalification determination are entitled, prior to the closing time for receipt of bids for the contract for which they have been

prequalified (or, in the case of prequalification for a classification of contracts, prior to the closing time for receipt of bids for the first contract bid by District within such classification) to an appeal as provided in the District's prequalification procedures.

VII. The Vice Chancellor of General Services, in cooperation with the designated District planning structures, and with the approval of the Chancellor, is authorized to perform the following activities in preparation for facilities capital improvement contracts:

- A. **Facilities:** The Vice Chancellor, General Services shall be responsible for the planning and programming of new construction, alterations and repairs of existing plants, and leasing of facilities which require State approval. This responsibility includes the planning and programming of college-initiated new construction, additions to existing plants, and major alterations of buildings and grounds.
- B. **Drawings and Specifications:** The Vice Chancellor, General Services is responsible for preparation of drawings and specifications for new buildings, leased facilities, additions, major alterations and improvements of buildings and grounds together with estimates of costs.
  - 1. Preliminary Drawings (Design Development Drawings) shall cover all proposed facilities, together with construction cost estimates, and shall be submitted to the Board of Trustees for approval and authorization to proceed with the Working Drawings and Specifications.
  - 2. Working Drawings (Construction Drawings) shall be prepared showing specifications and revised cost estimates, if any, will be submitted for approval to the Board of Governors of the California Community Colleges before letting any contract or contracts for construction services totaling \$150,000 or more and the State Department of General Services, Division of the State Architect as required by statute (Education Code Sections 81837 and 81130 et seq.).
  - 3. Final Drawings and Specifications approved by the State Department of General Services, Division of the State Architect and the Board of Governors of the California Community Colleges, along with revised estimates, if any, shall then be submitted to the Board of Trustees for adoption.
- C. **Performance of Work by District Personnel:** The Vice Chancellor of General Services is authorized to plan for the use of day labor or force account personnel to perform repairs, alterations, additions, or painting, repainting, or decorating upon school buildings, repair or build apparatus or equipment, improvements on the school grounds, new buildings, and maintenance may be performed by day labor, or by force account, whenever the total number of hours on the job does not exceed 750 hours, or when the cost of materials does not exceed \$21,000 in accordance with Education Code Section 20655.

**D. Record Retention:**

The District will retain records sufficient to detail the history of procurement.



Reference:

Title 5 Section 55007; Sections 59130 et seq.

Education Code Sections 81641 et seq.

Public Contract Code Sections 20103.7, 20112, 20650 et seq., and 22000 et seq.

Labor Code sections 1770 et seq.

Government Code Section 53060

ACCJC Accreditation Standard III.D.16

2 Code of Federal Regulations Part 200.318

Approved by the Chancellor: February 22, 2013

Revised and approved by the Chancellor: January 3, 2014

Revised and approved by the Chancellor: August 7, 2014

Revised and approved by the Chancellor: August 13, 2015

Revised and approved by the Chancellor: January 31, 2017

Revised and approved by the Chancellor: December 12, 2017

Revised and approved by the Chancellor: March 7, 2019

Revised and approved by the Chancellor: December 6, 2019

Revised and approved by the Chancellor: January 5, 2021

Revised and approved by the Chancellor: November 9, 2021

**ADMINISTRATIVE PROCEDURE 7801 NON- EMERITUS RETIREES**

All non-emeritus retirees will be allowed to opt in to the following benefits at the nominal fee structure outlined below:

1. A parking sticker this is placed on the front window and provides parking at the College of Alameda, Laney College, Merritt College and the District Office. This parking sticker would be valid for 10 one-time parking passes and renewable upon request. The cost would be \$10.00 for the 10-one time passes.

2. For a nominal fee of \$15.00 for three years, all non-emeritus retirees would be given the following benefits:

(a) A Peralta ID Card; and

(b) Full access to library facilities, including access to computer resources in the library

3. Faculty, staff, administrators or trustees will be given discounts of 25% to all college events per college or District Office.

Approved by the Chancellor:

**ADMINISTRATIVE PROCEDURE 3300 PUBLIC RECORDS ACCESS**

Members of the public may request to inspect or receive copies of public records. A request by a member of the public may be communicated to the General Counsel's Office.

Any request shall identify with reasonable specificity the records that are sought.

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.

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.

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.

Within ten days, General Counsel's Office 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) and identify the fair market value of production costs as allowed by law.

The possible exemptions for community colleges include:

- A. Student records (Education Code Section 76243)
- B. Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding the records clearly outweighs the public interest in disclosure. (Government Code Section 6254 subdivision (a))
- C. Records pertaining to pending litigation ...or to claims...until the pending litigation or claim has been finally adjudicated or otherwise settled. (Government Code Section 6254 subdivision (b))
- D. Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code Section 6254 subdivision (c))
- E. Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination [except for standardized tests provided for by Education Code Sections 99150 et seq.]. (Government Code Section 6254 subdivision (g).)
- F. The contents of real estate appraisals or engineering or feasibility estimates and evaluations...relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained. (Government Code Section 6254 subdivision (h)).
- G. Internet posting of home address or telephone numbers of local elected officials (Government Code Section 6254.21)
- H. Home addresses, home telephone number, cellular phone number, and date of birth of employees of a school district or county office of education (other than to an agent or family member of the employee, to an officer of another school district when necessary, to an employee organization, or to an agency or employee of a health benefit plan.) (Government Code Section 6254.3)
- I. Personal email addresses (other than to an agent or family member of the employee, to an officer of another community college district when necessary, to an employee organization, or to an agency or employee of a health benefit plan) unless the email address is used by the employee to conduct public business, or necessary to identify a person in an otherwise disclosable communication. (Government Code Section 6254.3 subdivision (b))
- J. Records regarding alternative investments (i.e. an investment in a private equity fund, venture fund, hedge fund, or absolute return fund; limited partnership, limited liability company or similar

legal structure) involving public investment funds, unless already publicly released by the keeper of the information.

- K. Information security records, if disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, the District's information technology system.
- L. Identification number, alphanumeric character, or other unique identifying code that a district uses to identify a vendor or contractor, or an affiliate of a vendor or contractor, unless the identification number, alphanumeric character, or other unique identifying code is used in a public bidding or an audit involving the public agency. (Government Code Section 6254.33)

The District will comply with the provisions of Penal Code Sections 832.7 and 832.8 regarding the disclosure of specified peace officer and custodial officer personnel records when responding to Public Records Act requests.

**NOTE:** *The Public Records Act presumes that all records of a public agency are public, unless specifically exempted by law. There are now well over a hundred exemptions contained in California law, although most will never apply to a community college district. (See Government Code Sections 6254 et seq. and 6275 et seq.) Any questions about whether a document is exempt should be referred to counsel.*

References:

Government Code Sections 6250 et seq.  
Penal Code Sections 832.7 and 832.8

Approved by the Chancellor: March 13, 2012

Revised and approved by the Chancellor: June 13, 2017

Revised and approved by the Chancellor: March 28, 2018

Revised and approved by the Chancellor:

**ADMINISTRATIVE PROCEDURE 3420****EQUAL EMPLOYMENT OPPORTUNITY**

The Equal Employment Opportunity (EEO) Plan is a district-wide written plan that implements the District's EEO Program, includes the definitions contained in Title 5 Section 53001, and complies with all legal requirements as listed in Title 5. The District's EEO Plan will be developed from the Model EEO Plan as provided by the California Community Colleges Chancellor's Office, given local modifications based on legal recommendations from the District legal counsel. The District will comply with implementation timelines of the California Community Colleges Chancellor's Office for the EEO Plan. Prior to implementation, the Board of Trustees will adopt the EEO Plan.

The EEO Plan and subsequent revisions shall be submitted to the California Community Colleges Chancellor's Office for review and approval as required. The Vice Chancellor of Human Resources (Chief Human Resources Officer) shall have the responsibility and authority for implementing the EEO Plan and assuring compliance with the requirements of this procedure.

The EEO Plan will include, but is not limited to, the following:

- The Vice Chancellor of Human Resources (Chief Human Resources Officer) shall ensure that all District employees are notified of the provisions of the EEO Plan.
- District Employees who are to participate on screening or selection committees shall receive appropriate training on the requirements of the applicable Title 5 regulations and of state and federal nondiscrimination laws. The training shall be conducted by a qualified member of the District Human Resources staff.
- Any discrimination that is detected in the District's hiring practices should be brought to the attention of the Vice Chancellor of Human Resources (Chief Human Resources Officer).
- Complaints shall be filed with the District Office of Human Resources in accordance with the procedure as specified in the EEO Plan.
- The EEO Plan shall be a public record.
- The District shall make a continuous good faith effort to comply with the requirements of the EEO Plan.
- The District has a Faculty Diversity Internship Program.

The current Peralta Community College District EEO Plan was adopted **for 2019-2022** and can be found at the following website <https://web.peralta.edu/hr/files/2021/05/2019-2022-EEO-PLAN-05-23-19.pdf>

Also see the following:

BP 3410 Nondiscrimination

AP 3410 Nondiscrimination

AP 3430 Prohibition of Unlawful Harassment

BP 7100 Commitment to Diversity

**Annual Evaluation (per Title 5 sections 53004 and 53006) [new section]**

- The District shall annually collect the demographic data of its employees and applicants for employment in order to evaluate progress in implementing the EEO Plan and to provide data needed for required analyses.
- An annual report to the California Community Colleges Chancellor's Office of this demographic data. The report shall identify each employee as belonging to one of the following seven job categories:
  - o executive/administrative/managerial
  - o faculty and other instructional staff
  - o professional non-faculty
  - o secretarial/clerical
  - o technical and paraprofessional
  - o skilled crafts; and
  - o service and maintenance.

- The opportunity for each employee to identify his/her/their gender, ethnicity and, if applicable, disability. This opportunity must allow for a person to designate multiple ethnic groups with which he/she/they identifies. However, the person may only be counted in one group for reporting purposes.
- Districts shall review the annually collected demographic data to determine if significant underrepresentation of a monitored group may be the result of non-job-related factors in the employment process. For the purposes of this subdivision, the phases of the employment process include but are not limited to recruitment, hiring, retention, and promotion. The information to be reviewed shall include, but need not be limited to:
  - longitudinal analysis of data regarding job applicants to identify whether over multiple job searches, a monitored group is disproportionately failing to move from the initial applicant pool, to the qualified applicant pool; and analysis of data regarding potential job applicants, to the extent provided by the Chancellor of the California Community Colleges, which may indicate significant underrepresentation of a monitored group.

#### **EEO Advisory Committee [per Title 5 section 53005] (new section)**

- The District shall establish an EEO Advisory Committee; and
- The advisory committee shall include a diverse membership whenever possible.
- The advisory committee shall receive training in all of the following: applicable Title 5 regulations and of state and federal nondiscrimination laws; the educational benefits of workforce diversity, the identification and elimination of bias in hiring decisions; and the role of the advisory committee in carrying out of the District's EEO Plan.

#### **Per CCLC all of the following information is required and is currently not in this Peralta Administrative Procedure**

##### **Employment Procedures**

**Job Analysis and Validation:** The Vice Chancellor of Human Resources shall assure that a proper job analysis is performed for every job filled by the District to determine and validate the knowledge, skills, abilities and characteristics an employee must possess to perform the job satisfactorily.

A statement of bona fide essential functions and minimum qualifications shall be developed for all positions.

**Job Description:** Every job description shall provide a general statement of job duties and responsibilities.

Job specifications shall include functions and tasks; knowledge; skills; ability; and job- related personal characteristics, including but not limited to sensitivity to and understanding of the diverse academic, socioeconomic, cultural, linguistic, disability, and ethnic backgrounds of community college students.

**Recruitment:** Recruitment must be conducted actively within and outside of the District work force.

Open recruitment is mandated for all new full-time and part-time positions, except under limited circumstances involving interim hires.

Recruitment must utilize outreach strategies designed to ensure that all qualified individuals are provided the opportunity to seek employment with the District.

Recruitment for administrative and faculty positions (full and part-time) may include advertisement in appropriate professional journals, job registries and newspapers of general circulation; distribution of job announcements to the EEO Registry, K-12 districts, two and four year colleges, and graduate schools where appropriate candidates might be enrolled; recruitment at conferences, fairs, and professional meetings; notices to institutions and professional organizations.

Recruitment for classified positions shall include notice to all District personnel; notice to Employment Development Department; and advertising in area newspapers of general circulation.

**Applicant Pools:** The application for employment shall afford each applicant an opportunity to identify himself/herself/themselves voluntarily as to gender, ethnicity and, if applicable, his/her/their disability. This

information shall be maintained in confidence and shall be used only for research, validation, monitoring, evaluation of the effectiveness of the Plan, or as authorized by law.

After the application deadline has passed, the initial applicant pool shall be recorded and reviewed by the Chief Human Resources Officer or designee. All initial applications shall be screened to determine which candidates satisfy job specifications set forth in the job announcement. The group of candidates who meet the job specifications shall constitute the “qualified applicant pool.”

Once the qualified applicant pool is formed, the pool must again be analyzed. If the Chief Human Resources Officer or designee finds that the composition of the qualified applicant pool may have been influenced by factors which are not job related, the District may immediately, and before the selection process continues, consult with legal counsel to determine what, if any, corrective action is required by law.

**Screening and Selection:** Screening, selecting and interviewing candidates for all positions shall include thorough and fair procedures that are sensitive to issues of diversity.

- Hiring procedures will be provided to the California Community Colleges Chancellor’s Office on request.
- All tests conform to generally applicable legal standards for uniformity.
- A reasonable number of candidates are identified for interview.
- Screening and selection committees are developed that are representative of the District community and campus; include administrators, faculty, and classified staff members; include a diverse membership when possible; do not include applicants or persons who have written letters of recommendation.
- Every screening and selection committee includes an individual trained to monitor conformance with EEO requirements. The Vice Chancellor of Human Resources assures that the screening and selection process conforms to accepted principles and practices, including preparation of job related questions in advance; maintains records of screening checklists and rating scales, which shall be signed and kept on file; maintains notes for all interviews and record relevant factual reasons stating why a candidate was not hired or was not invited to interview; and monitors the hiring process for adverse impact.
- Selection shall be based solely on the stated job criteria.
- For faculty and administrative positions, candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position.

If the District determines that a particular monitored group is significantly underrepresented with respect to one or more job categories, the District shall take the following additional steps:

- review its recruitment procedures;
- consult with counsel to determine whether there are other, additional measures that may be undertaken that are required or permitted by law;
- consider various other means of reducing the underrepresentation which do not involve taking monitored group status into account and implement any such techniques that are feasible;
- If significant underrepresentation persists:
  - review each locally-established job qualification to determine if it is job related and
  - consistent with business necessity;
  - discontinue the use of any non-job-related local qualification; and
  - continue using job-related local qualifications only if no alternative standard is reasonably available; and
  - consider the implementation of additional measures designed to promote diversity.

#### **Delegation of Authority** (in keeping with Title 5 Section 53020)

- The designation of a single person as the “EEO Officer” charged with overseeing the day-to-day implementation of the EEO Plan and programs.
- Processes and responsibilities when the EEO Officer is named in a complaint or implicated by the allegations in a complaint.

## Complaint Procedure

Any person may file a complaint alleging the District violated this policy and procedures. An individual should file a written complaint with the Vice Chancellor of Human Resources. The District shall immediately forward a copy of the complaint to the California Community Colleges Chancellor's Office, which may require that the District provide a written investigative report within ninety (90) days. The District shall also process complaints that allege unlawful discrimination according to the procedures set forth in AP 3430 Prohibition of Harassment and AP 3435 Discrimination and Harassment Complaints and Investigations.

## Job Announcements

All job announcements shall contain a statement in substantially the following form: The District is an equal opportunity employer. The policy of the District is to encourage applications from persons who are economically disadvantaged and individuals belonging to significantly underrepresented groups within the District's workforce, including ethnic and racial minorities, women, and persons with disabilities, and Vietnam-era veterans. No person shall be denied employment because of ethnicity or race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, color, sex or gender, gender identity, gender expression, age, religion, marital status, disability, sexual orientation, national origin, medical conditions, status as a Vietnam-era veteran, ancestry, veteran or military status, or political or organizational affiliation.

## Dissemination and Revision of the Plan

All managers and supervisors shall be given copies of the plan as revised from time to time and any guidelines for implementing the plan. Copies of the plan shall be provided to the Academic Senate and the exclusive representatives of any units of employees.

Statements of nondiscrimination shall be posted at locations where applications for employment are distributed.

Such plans shall be reviewed at least every three years and, if necessary, revised and submitted to the California Community Colleges Chancellor's Office within 90 days of the effective date of the revision or amendment(s). If the California Community Colleges Chancellor's Office determines that the District's policies do not comply with Title 5 Sections 59300 et seq., the California Community Colleges Chancellor's Office may require the District to modify its policies.

## Accountability and Corrective Action

The District shall certify annually to the Chancellor of the California Community Colleges that they have timely:

- Recorded, reviewed and reported the data required regarding qualified applicant pools;
- Reviewed and updated, as needed, the Strategies Component of the district's EEO Plan; and
- Investigated and appropriately responded to formal harassment or discrimination complaints filed pursuant to subchapter 5 (commencing with Section 59300) of chapter 10 of this division.

## References:

Education Code Sections 87100 et seq.;  
 Title 5 Sections 53000 et seq. and 59300 et seq.;  
 ACCJC Accreditation Standard III.A.12  
 Government Code Sections 7400 et seq. and 12950 et seq.

## Nondiscrimination References for Employment:

Education Code Sections 67100 et seq.;  
 Title 5 Sections 53000 et seq.;  
 Government Code Sections 11135 et seq. and 12940 et seq.;  
 Title 2 Sections 10500 et seq.;  
 Labor Code Section 1197.5



Approved by the Chancellor: October 21, 2015  
Revised and approved by the Chancellor: March 28, 2018  
Revised and approved by the Chancellor: May 14, 2021  
Revised and approved by the Chancellor:

**ADMINISTRATIVE PROCEDURE 3434 RESPONDING TO HARASSMENT BASED ON SEX UNDER TITLE IX****Introduction**

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

**Title IX Coordinator**

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

The District's Title IX Coordinator, who addresses employee complaints is:

Director of Employee Relations & Diversity Programs  
Department of Human Resources & Employee Relations  
Peralta Community College District Office  
333 East 8<sup>th</sup> St. Oakland, CA 94606  
(510) 466-7264  
aepps@peralta.edu

The contact information for the Title IX Coordinators at each of the four Peralta colleges who address student complaints is as follows:

Vice President of Student Services  
Laney College  
900 Fallon Street, Oakland, CA 94607  
Tower, Room 815  
510-464-3244  
[Laneystudentservices@peralta.edu](mailto:Laneystudentservices@peralta.edu)

Vice President of Student Services  
College of Alameda  
555 Ralph Appezato Memorial Parkway  
Alameda, CA 94601  
A Building, A130  
510-748-2205

Vice President of Student Services  
Berkeley City College  
2050 Center Street  
Berkeley, CA 94704  
Second Floor  
510-981-2820

Vice President of Student Services  
Merritt College  
12500 Campus Drive  
Oakland, Ca. 94619  
Building R-113E  
(510) 436-2478

The Title IX Coordinator is required to respond to reports of sexual harassment or misconduct. The Title

IX Coordinator will handle information received with the utmost discretion and will share information with

others on a need-to-know basis. For example, the Title IX Coordinator may need to address public safety concerns on campus, comply with state and federal legal requirements, or share information to implement supportive measures.

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

### **Title IX Harassment Complaints, Investigations, and Hearings**

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

### **Jurisdictional Requirements – Application of Procedures**

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

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

### **Definitions**

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

**NOTE:** The regulations only require the District to provide an Advisor to conduct cross-examination. It is strongly recommended that an Advisor is provided for the entire hearing; so, the Advisor is able to observe the direct examination of all witnesses and thus better able to conduct cross-examination.

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

**Consent:** Consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. Both Parties must give affirmative consent to sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he/she/they has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest, lack of resistance, or silence does not indicate consent. Affirmative consent must be ongoing throughout a sexual activity and one can revoke his/her/their consent at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, is not an indicator of consent.

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

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

- c. unable to communicate due to a mental or physical condition.

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

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

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

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

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

- (1) A District employee conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (quid pro quo harassment);
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
- (3) Sexual assault, including the following:
  - a. **Sex Offenses.** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  - b. **Rape** (except Statutory Rape). The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
  - c. **Sodomy.** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
  - d. **Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.
  - e. **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
  - f. **Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse.**
    - **Incest.** Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - **Statutory Rape – Non-Forcible.** Sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.
  - g. **Dating violence.** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - h. **Domestic Violence.** Violence committed:
    - (1) By a current or former spouse or intimate partner of the victim;
    - (2) By a person with whom the victim shares a child in common;
    - (3) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

- (4) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or
- (5) By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.
- i. **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.

### **Reporting Options**

Any individual may report sexual harassment to the District's Title IX Coordinator.

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

Because individuals may be deterred from reporting incidents of sexual harassment if alcohol, drugs, or other violations of District or campus rules were involved, the District will inform individuals that the primary concern is for student and employee safety and that use of alcohol or drugs never makes a Complainant at fault for sexual harassment. If other rules are violated, the District will address such violations separately from an allegation of sexual violence.

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

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

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

### **District Employees and Officials with Authority**

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

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

- Title IX Coordinator, District Office
- President at each college
- Vice President, Student Services at each college
- Vice President, Instruction at each college

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

**Intake and Processing of Report****Receipt of Report**

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

**Timeframe for Reporting**

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

**Supportive Measures**

Supportive measures are non-disciplinary, non-punitive individualized services offered free of charge to the Complainant or the Respondent regardless of whether a formal complaint has been filed. The District will provide the Complainant and Respondent with written notice of options for, available assistance in, and how to request available supportive measures. The District will provide such measures to Complainant and Respondent ~~supportive measures~~ as appropriate and as reasonably available to restore or preserve equal access to the District's education program or activities. These measures are designed to protect the safety of all Parties, protect the District's educational environment, or deter sexual harassment. The District will provide supportive measures on a confidential basis and will ~~not disclose that the District is providing supportive measures except to only make disclosures to~~ those with a need to know to enable the District to provide the service. Supportive measures may ~~include changes to academic, living, transportation, and working situation or protective measures include such as~~ counseling, extensions of deadlines, other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

**Removal of Respondent Pending Final Determination**

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

**Emergency removal**

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

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

The District's or College's Title IX Coordinator designee will conduct the individualized safety and risk analysis depending on the parties involved (District Title IX Coordinator for employees and College Title IX Coordinator for students).

If the College or District Title IX Coordinator determines emergency removal is appropriate, he/she/they or designee will provide the person the District is removing from campus on an emergency basis with a notice and opportunity to attend a meeting and challenge the basis of his/her/their removal. The College President or the District Chancellor or designee will determine whether the emergency removal from campus order is warranted after considering information provided by the Respondent challenging the emergency removal.

**Administrative Leave**

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

**Formal Complaint Grievance Process****Notice to Parties**

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

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

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

**Dismissal of formal complaint**

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

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

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

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

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

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



**Consolidation of Formal Complaints**

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

**Equitable Treatment of the Parties**

The District's determination of responsibility is a neutral, fact-finding process. The District will treat Complainants and Respondents equitably. The procedures will apply equally to both Parties. The District will not discipline a Respondent unless it determines the Respondent was responsible for sexual harassment at the conclusion of the grievance process.

**Statement of Presumption of Non-Responsibility**

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

**Bias or Conflict of Interest**

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

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

**Timeline for Completion**

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

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

A Party may request an extension from the Title IX Coordinator in writing by explaining the reason for the delay and the length of the continuance requested. The Title IX Coordinator will notify the Parties and document the grant or denial of a request for extension or delay as part of the case recordkeeping.

**Role of Advisor**

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

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

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

**Confidentiality Agreements**

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

**Use of Privileged Information**

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

**Investigations**

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

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

**Trained investigators**

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

**Burden of Gathering Evidence**

The District, not the Parties, has the responsibility to gather information and interview witnesses. As part of the District's burden of gathering evidence, the District's investigator will create an investigative report that fairly summarizes relevant evidence, whether it is inculpatory or exculpatory. The investigator shall not make findings or determinations of law or fact.

**Notice of Investigative Interview**

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

**Evidence Review**

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

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

**Investigative Report**

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

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

The investigator will not make a determination regarding responsibility.

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

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

**Hearing**

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

**Notice**

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

**Hearing Format**

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

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

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

**Decision-Maker**

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

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

### **Presenting Witnesses**

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

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

### **Cross-Examination**

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

~~If a Party or witness does not submit to cross-examination at the live hearing, the Decision-Maker will not rely on any statement of that Party or witness in reaching a determination regarding responsibility.~~

Before a Complainant, Respondent, or witness answers a question, the Decision-Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Decision-Maker need not provide a lengthy or complicated explanation in support of a relevance determination.

If a Party or witness disagrees with a relevance determination, that individual has the choice of either (1) abiding by the Decision-Maker's determination and answering the question or (2) refusing to answer the question.

The Decision-Maker cannot rely on the statements and/or testimony of a Party or witness who has refused to answer a question the Decision-Maker had found relevant unless the Decision-Maker reconsiders and changes the ruling before reaching the determination of responsibility. If the Decision-Maker changes the determination of relevance of an unanswered question, the Decision-Maker must explain the decision to reconsider the ruling in the written determination of responsibility.

The Decision-Maker cannot draw an inference about the determination of responsibility based solely on a Party's or witness's absence from the live hearing or refusal to submit to cross-examination or to answer any questions.

The Decision-Maker may also ask any Party or witness questions. If a Party or witness refuses to respond to a Decision-Maker's questions, the Decision-Maker is not precluded from relying on that Party or witness' statements.

### **Determinations of Responsibility**

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

When making a determination regarding responsibility, a Decision-Maker will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence. A Decision-Maker may not make credibility determinations based on an individual's status as a Complainant, Respondent, or witness. In evaluating the evidence, the Decision-Maker will use the preponderance of the evidence standard. Thus,

after considering all the evidence it has gathered, the District will decide whether it is more likely than not that sexual harassment occurred.

The written determination will include:

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

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

### **Disciplinary Sanctions and Remedies**

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

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

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

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

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

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

**Grounds for Appeal**

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

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

**Appeal Procedure**

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

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

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

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

**Informal resolution**

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

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

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

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

**Retaliation prohibited**

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

**Dissemination of Policy and Procedures**

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

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

**Training**

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

**File retention**

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

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

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

**References:**

20 U.S. Code Sections 1681 et seq.;  
34 Code of Federal Regulations Parts 106.1 et seq.;  
Education Code Section 67380 et seq.

Approved by The Chancellor: January 5, 2021  
Revised and approved by the Chancellor:





**ADMINISTRATIVE PROCEDURE 4010 ACADEMIC CALENDAR**

The academic year consists of 175 days of instruction (see Note 1 below). Flexible days are considered part of the 175 days of instruction. Statutory holidays are observed on the dates noted, or on alternate dates in accordance with Education Code 79020, and include:

- New Year's Day (January 1)
- Dr. Martin Luther King, Jr. Day (Third Monday in January)
- Lincoln Day (February 12 *or see Note 2 below*)
- Washington Day (Third Monday in February)
- Memorial Day (Last Monday in May)
- Independence Day (July 4)
- Labor Day (First Monday in September)
- Veterans Day (November 11 *or see Note 2 below*)
- Thanksgiving Day (Fourth Thursday in November)
- Christmas Day (December 25)

Per the approval of the Board of Trustees (July 20, 2010), Cesar Chavez Day also is a recognized district holiday.

Other Holidays: The Board of Trustees annually determines other days to be holidays and closes the Colleges and offices when good reason exists. (These holidays traditionally have been New Year's Eve day, the day after Thanksgiving, and Christmas Eve day.)

Note 1: Per the "Student Attendance Accounting Manual" (CCCCO, 2001), "For a day to count towards meeting the requirements of the California Code of Regulations, the total hours of course offerings scheduled during the regular college day must be offered for a minimum of three hours during the period of 7 a.m. and 11 p.m."

Note 2: Education Code 79020 addresses the scheduling of Lincoln Day, Veterans Day, and holidays that fall on weekends.

**References:**

Education Code Section 79020;  
Title 5 Sections 55700 et seq. and 58142

Approved by the Chancellor: April 12, 2012  
Reviewed and approved by the Chancellor:

**ADMINISTRATIVE PROCEDURE 4105 DISTANCE and  
Correspondence EDUCATION**

**I. Definitions**

**Distance Education:** Per Title 5 Section 5520, distance education means instruction in which the instructor and student are separated by distance and interact through the assistance of communication technology. All distance education is subject to the requirements of Title 5 as well as the requirements of the Americans with Disabilities Act (42 U.S. Code Sections 12100 et seq.) and Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S. Code Section 794 d).

**Correspondence Education:** Correspondence Education means education provided through one or more courses by a community college or district under which the college or district provides instructional materials, by mail or electronic transmission, including examinations on the materials, to students who are separated from the instructor. Interaction between the instructor and student is limited due to separation, is not regular and substantive, and is primarily initiated by the student. Correspondence courses are typically self-paced, although a regular cycle of assignment submissions and delivery of feedback should be established for facilitated learning. If a course is part correspondence and part residential training, it is considered a correspondence course. Correspondence education is not distance education.

**II. Course Approval**

- A. Each proposed or existing course offered by distance education shall be reviewed and approved separately by the local College Curriculum Committee. Separate approval is mandatory if any portion of the instruction in a course or a course section is designed to be provided through distance education.
- B. The review and approval of new and existing distance education courses shall follow the curriculum approval procedures outlined in Administrative Procedure 4020 Program and Curriculum Development. Distance education courses shall be approved under the same conditions and criteria as all other courses.
- C. Distance education proposals are sent to the Council on Instruction, Planning, and Development (CIPD) for district-level review.

**III. Certification**

When approving distance education courses, the department forwarding the course to the College Curriculum Committee and the College Curriculum Committee will certify the following:

- A. **Course Quality Standards:** The same standards of course quality are applied to the distance education courses and are applied to traditional classroom courses.
- B. **Course Quality Determinations:** Determinations and judgments about the quality of the distance education course were made with the full involvement of the College Curriculum Committee approval procedures.
- C. **Instructor Contact:**  
**Distance Education:** Each section of the course that is delivered through distance education will include regular effective contact between instructor and students, as well as among students, either synchronously or asynchronously.

**Correspondence Education:** Each section of a course conducted through correspondence education will be established through a cycle of assignment submissions and comprehensive, responsive feedback, as determined by instructional faculty. Instructors will be responsible for ensuring that each student will receive ongoing support toward making meaningful academic progress.

Students who participate in correspondence education will have access to student support services, including counseling, library searches, research assistance, and tutoring or other learning support through mail, email, telephone or in-person contact, as determined by instructional faculty.

- D. Duration of Approval: All distance and correspondence education courses approved under this procedure will continue to be in effect unless there are substantive changes of the course outline

**IV. Correspondence Education Students:** A student is considered to be “enrolled in correspondence courses” if correspondence courses constitute 50 percent or more of the courses in which the student is enrolled during a financial aid award year.

In order for a correspondence education student to be considered a full-time student at the District, at least one-half of the student’s coursework must be made up of non-correspondence coursework that meets one-half of the District’s requirement for full-time students.

## V. Student Authentication

- A. Students who enroll in online courses are authenticated by being providing a specific login ID and an initial password to access the online Learning Management System (LMS).
- B. Students are encouraged to change their password. New passwords must be sufficiently complex so that they cannot be easily decoded.
- C. The district policies/procedures regarding academic honesty and acceptable use of Information Technology Services include penalties for unauthorized use of another individual’s name and password, cheating on examinations, and other types of academic dishonesty. Students must agree to these policies/procedures the first time they login to the district LMS. This approach agree to these policies/procedures the first time they login to the district LMS. This approach promotes a pedagogical focus rather than a punitive approach to academic honesty. This is an approach to educate students as to the consequences of academic dishonesty.
- D. Complete information about “Academic Dishonesty, Due Process, and Conduct” is posted on the district online education site, on the online education sites for each of the colleges, as well as on the LMS at the following link <http://web.peralta.edu/de/for-students-what-is-academic-dishonesty>.
- E. Students also are authenticated through sufficient interaction between students and instructors which contributes to verifying a student’s identity.
- F. Instructors also can require a proctored examination which can serve as another method of authentication.
- G. The district Office of Academic Affairs, working collaboratively with representatives from the four colleges, Distance Education Coordinators, and Information Technology staff, assumes responsibility for monitoring the changing online education requirements for institutions of higher education, as well as options available for meeting the expectations of assuring a student’s identity.

## VI. Federal financial Aid Eligibility:

Consistent with federal regulations pertaining to federal financial aid eligibility, the District/Colleges authenticate or verify that the student who registers in a distance education is the same student who participates in and completes the course of program and receives the academic credit.

- A. The District/College will provide to each student at the time of registration, a statement of the process in place to protect student privacy and estimated additional charges associated with verification of student identity, if any.
- B. The colleges shall utilize one or more of these methods to authenticate or verify the student's identity:
  - 1. Secure credentialing/login and password
  - 2. Proctored examinations
  - 3. New or other technologies and practices which are effective in verifying student identification

**VII. Scheduling Instructors for Distance Education classes and Creating Accountability within Online/Hybrid Courses:**

- A. The instructor must use or commit to using the recognized Peralta Community College District CMS/LMS (Course or Learning Management System) to deliver course content, which adheres to the following standards:
  - 1. Welcome/Orientation
  - 2. Organizational components
  - 3. Instructional modalities
  - 4. Assessment practices and expectations
  - 5. Gradebook
  - 6. Instructor/ student communication – regular and substantive interaction (i.e., messaging, email, Announcements, chats, forums, etc.)
- .B. The instructor must have the following three elements in place prior to being assigned an online course:
  - 1. Has received training in the use of at least one course management system (such as WebCT, Blackboard, ETUDES-NG, MOODLE, Canvas)
  - 2. Has successfully completed a course in how to teach online, such as "Teaching an Online Course" (offered by PCCD/Merritt College, @One, another community college, another appropriate external entity or UC extension course)
  - 3. Uses the Peralta email system (with a peralta.edu email address) and has a Peralta webpage on the college website that hosts the online course. This webpage will provide a link to the CMS/LMS (course/learning management system) website
- C. Recommended preparation includes that the instructor:
  - 1. Has enrolled in an online course of some kind
  - 2. Has worked with a mentor who is an experienced online instructor
- D. Recommended ongoing instructor preparation should include maintaining currency in online education such as:
  - 1. Technologies
  - 2. Pedagogy
  - 3. Collaborating with other online instructors
  - 4. Ongoing assessment of student learning outcomes
  - 5. Complete a certificate in online education ( at least 3 and as many as 8 courses in online education for certification as an online instructor)

Note: In keeping with Section IV, Student Authentication, it is to be noted that Federal Regulations require districts to have processes in place to ensure that the student who registers in a distance education or correspondence education course or program is the same student who participates in and completes the program and receives academic credit. Section IV shows that the district meets this requirement.

References:

Education Code Sections 66700 and 70901 et seq.;

Title 5 Sections 55200 et seq.;

Title 5 Sections 55260 et seq.

42 U.S. Code Sections 12100 et seq.;

29 U.S. Code Section 794d;

34 CFR, part 602.17 (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)

ACCJC Guide to Evaluating Distance Education and Correspondence Education;

ACCJC Accreditation Standard II.A.1

Approved by the Chancellor: January 31, 2012

Revised and approved by the Chancellor: February 24, 2014

Revised and approved by the Chancellor: August 13, 2015

Revised and approved by the Chancellor: June 13, 2017

Revised and approved by the Chancellor:



**AP 4235 CREDIT FOR PRIOR LEARNING  
(Formerly Credit by Examination)**

Students may demonstrate proficiency in a course eligible for Credit for Prior Learning and receive college credit through the approved alternative methods for awarding credit listed below:

- Achievement of a satisfactory score on an Advanced Placement (AP) examination
- Achievement of a satisfactory score on a high level International Baccalaureate (IB) examination
- Achievement of a satisfactory score on the College Level Examination Program (CLEP)
- Evaluation of Joint Service Transcripts (JST)
- Achievement of an examination administered by other agencies approved by the District
- Evaluation of industry-recognized credential documentation
- Evaluation of student-created portfolios
- Satisfactory completion of an institutional examination, known as Credit by Examination, administered by the college in lieu of completion of an active course listed in the current college catalog

**Determination of Eligibility for Credit for Prior Learning**

- The student must be in good standing in the District
- The student must have previously earned credit or noncredit from a College in the District or be currently registered in a College within the District
- Current students must have an Education Plan on file
- The course is listed in the current College catalog
- The student is not currently enrolled in the course to be challenged
- Credit by Examination: The student is registered at a College in the District and not currently enrolled in nor received credit for a more advanced course in the same subject (may be waived by department)

Credits acquired by examination are not applicable to meeting of such unit load requirements as Selective Service deferment, Veterans, or Social Security benefits.

Credits acquired by examination shall not be counted in determining the 12 semester hours of credit in residence required for an associate's degree.

**Prior Learning Assessment Grading Policy**

- Grading shall be according to the regular grading system in accordance with Administrative Procedure 4230 Grading and Academic Record Symbols
- Students shall be offered a "Pass/No Pass" option, in accordance with Administrative Procedure 4232 Pass/No Pass Grading Option, if that option is ordinarily available for the course
- Students shall be given the opportunity to accept, decline, or appeal the grade assigned by the faculty, and in cases of Credit by Examination, pursuant to Administrative Procedure 4230 Grading and Academic Record Symbols and Administrative Procedure 4231 Grade Changes

**Transcription of Credit for Prior Learning**

- The student's academic record shall be clearly annotated to reflect that credit was earned by assessment of prior learning

**Advanced Placement**

See Administrative Procedure 4236 Advanced Placement Credit

**International Baccalaureate**

Students requesting Credit for Prior Learning using International Baccalaureate shall receive credit for completing a satisfactory score on a District approved high-level International Baccalaureate (IB) examination under the following circumstances:

- Official IB transcripts must be on file in the Admissions and Records Office
- The student achieved a minimum acceptable score on the IB examination as recommended by the District's Administrative Procedure 4235 **Credit for Prior Learning by Examination** and the IB details in the college catalog

**College Level Examination Program**

Students requesting Credit for Prior Learning using the College Level Examination Program shall receive credit for completing a satisfactory score on a district-approved College Level Examination Program (CLEP) under the following circumstances:

- Official CLEP transcripts must be on file in the Admissions and Records Office
- The student achieved a minimum acceptable score on the CLEP examination as recommended by the District's Administrative Procedure 4235 **Credit for Prior Learning by Examination** and the CLEP details in the college catalog.

**Credit for Military Service/Training**

Students interested in Credit for Prior Learning using Joint Service Transcripts shall receive credit as recommended by the American Council on Education (ACE) Directory and approved by the appropriate discipline faculty of the college under the following circumstances:

- The student shall complete the Credit for Prior Learning assessment petition available in the Counseling Department or Admission and Records Office
- Official transcripts must be on file in the Admissions and Records Office. These may include Joint Services Transcript (JST), Sailor/Marine American Council on Education Registry Transcript (SMART), Army and American Council on Education Registry Transcript Service (AARTS), Community College of the Air Force (CCAF), Coast Guard Institute (CGI), DANTES/USAFI, Defense Language Institute Foreign Language Transcripts (DLIFLC), Defense Manpower Data Center (DMDC), DLPT Examinee Results, DA Form 330 Language Proficiency Questionnaire, or verified copies of DD214 or DD295 military records.
- Credit course equivalency shall be determined by the faculty of the appropriate discipline.



**Industry Recognized Credentials**

Students interested in Credit for Prior Learning using industry recognized credential(s) shall receive credit as recommended by the appropriate department chair or faculty designee:

- The student shall complete the Credit for Prior Learning assessment petition available in the Counseling Department or the Admissions and Records Office
- Admissions and Records shall grant credit for industry recognized credential(s) that have already been evaluated and approved by the appropriate department chair or faculty designee
- If an industry recognized credential(s) has not yet been evaluated and approved by the appropriate faculty:
  - The student meets with the department chair or faculty designee to receive further instructions for industry recognized credential(s) assessment
  - The student submits all industry recognized credential documents to the department chair or faculty designee for assessment of prior learning
  - If the department chair or faculty designee determine the industry certification adequately measures mastery of the course content as set forth in the Course Outline of Record, the appropriate faculty shall sign the petition with the recorded grade, attach the industry recognized credential(s), and forward the completed petition and supporting documents to the Admissions and Records Office to be kept on file and recorded on the student transcript

**Student-Created Portfolio Assessment**

Students interested in Credit for Prior Learning using a student-created portfolio shall receive credit as recommended by the appropriate department chair or faculty designee under the following circumstances:

- A department approved portfolio assessment rubric for the course is on file
- The student shall complete the Credit for Prior Learning assessment petition available in the Counseling Department or the Admissions and Records Office
- The student meets with the department chair or faculty designee to receive further instructions for student-created portfolio assessment
- The student submits all portfolio documents to the department chair or faculty designee for assessment of prior learning
- If the department chair or faculty designee determines the student-created portfolio adequately measures mastery of the course content as set forth in the Course Outline of Record, the appropriate faculty shall sign the petition with the appropriate grade and forward it to the Admissions and Records Office to be kept on file and recorded on the student's transcript

**Credit by Examination from Within the District**

A. Credit by examination can also be obtained through satisfactory completion of an examination administered by the college in lieu of completion of a course in the college catalog. Courses that can be taken through Credit-by-Examination are so designated in the catalog.

B. Rules for Credit by Examination through a college administered examination:

1. The student must be currently registered in the college and have completed 12 units at the college for residency purposes.
2. The student must have a minimum cumulative grade point average (GPA) of 2.0.
3. The student must be in good standing and have no financial obligations owed to the Peralta Community College District.
4. The course is listed in the college catalog as having a credit-by-exam option.
5. A grade of incomplete (I) may not be assigned for Credit by Examination. The student's grade shall be recorded on his/her academic record, even if it is substandard. The student will not have the option of rejecting a substandard grade.
6. Credit by Examination counts as enrollment for repeatability purposes.
7. The student may make only one attempt of Credit by Examination per course.
8. The student may not earn more than 12 units of Credit by Examination for an associate degree and 6 units toward a certificate of achievement.
9. The student must pay the fees equal to the enrollment fee cost of the course (BOGFW does not cover this fee).
10. Although the University of California and the California State University accept, with certain limitations, appropriate credits obtained by examination, there is no guarantee that other institutions will do so.
11. The grade obtained through Credit by Examination will be recorded on the transcript (academic record) with a descriptor CE (Credit by Examination).
12. Basic Skills courses, laboratory courses, physical education activity courses, and basic courses in the student's native language are excluded from Credit by Examination consideration.
13. Credit by Examination is not available where:
  - (a) the student already has completed a more advanced course in the discipline.
  - (b) the student previously has received an evaluative symbol grade (A, B, C, D, F, W, FW, CR, P, NC or NP) for a course taken at one of the Peralta colleges.
  - (c) the student has failed a Credit by Examination test (cannot petition to retake the course by Credit by Examination)
14. Grades issued upon completion of Credit by Examination will be included in the calculation of the student's grade point average for determining scholarship awards.

15. Credit by Examination only shall be available in Fall and Spring Semesters. the student must be enrolled at the college or enrolled in an approved CTE/high school articulated program during the semester in which the Credit by Examination is attempted.
16. The petition for Credit by Examination must be completed and submitted to the Office of Instruction by the beginning of the fifth (5th) week of the semester and the examination must be completed before the end of the semester.
17. Credits acquired by examination are not applicable to meeting of such unit load requirements as Selective Service deferment, Veteran's, Social Security benefits, athletics, or residency for financial aid.
18. Credits acquired by examination shall not be counted in determining the 12 semester hours of credit in residence required for an Associate degree.

C. Credit by Examination Procedure for Credit by Examination through a college administered examination

1. Student obtains a Petition for Credit by Examination from the Office of Instruction or from the Office of Admissions and Records.
2. Student completes the Student Information section of the petition and submits it to the Office of Admissions and Records for Verification Determination of Eligibility:
  - (a) Currently enrolled at the college in the semester in which the exam is to be taken
  - (b) In good academic standing (see II.B.2)
  - (c) Has less than 15 units earned through Credit by Examination
  - (d) Not currently enrolled in the course to be challenged through Credit by Examination
  - (e) Grade Basis selected (as appropriate to the course)
3. Once the Verification Determination of Eligibility has been completed by the Office of Admissions and Records, the student will be contacted to pick up the Petition from the Office of Admissions and Records.
4. Student meets with the department chair of the discipline to receive approval for the petition. If approved, a full-time instructor is assigned to administer the examination and the student makes arrangements to take the examination.
5. Student takes the approved petition to the Cashier's Office (Bursar's Office) for payment of fees and receipt. Fees are non-refundable regardless of the outcome of the exam. BOGW cannot be used for payment of Credit by Examination fees. Fees must be paid after department approval is granted and before the examination is administered.
6. Student submits the approved petition to the instructor administering the examination. The Instructor will record the date of the exam and the grade received, attach the examination materials, and forward the completed petition to the department chair.

7. The department chair will review and sign the petition, and forward it to the Office of Instruction. Completed examination materials must remain on file in the Office of Instruction for three years.
8. The Office of Instruction will assign a class number for the examination and forward the petition to the Office of Admissions and Records to be processed.
9. The Office of Admissions and Records will post the course and assigned grade to the student's academic record (transcript). The petition will be retained in the Office of Admissions and Records.

**References:**

Education Code Section; 66025.71, 66700, 70901, Sections 70901 and 70902

Title 5 Sections 55050, 55051, 55052, and 55052.5

**Approved by the Chancellor:** October 27, 2020

**Approved by the Chancellor:** January 5, 2021

**Revised and approved by the Chancellor:**



**ADMINISTRATIVE PROCEDURE 4236 ADVANCED PLACEMENT CREDIT**

A. Any student who passes a College Board Advanced Placement (AP) examination with a minimum score of three in a subject matter will be awarded credit in a general education area with a subject matter similar to that of the AP examination.

B. For any AP examination for which there is no similar course in content offered in the Peralta Community College District, the District will award credit in the General Education area shown on the California Community College AP List. If there is no General Education area that fits the AP Examination, the District may award elective credit.

C. Berkeley City College, College of Alameda, Laney College, and Merritt College shall provide additional information about the Advanced Placement Credit procedure in their college catalogs. College Catalogs are posted by each college on a college web page.

D. A student's academic record will be annotated to reflect credit earned through an AP examination.

References:

Education Code Section 79500

Title 5 Section 55052

Approved by the Chancellor: March 28, 2018

Updated and Approved by the Chancellor:

**ADMINISTRATIVE PROCEDURE 5013 STUDENTS IN THE MILITARY****A. Residence Determinations for Military Personnel and Dependents**

1. A student who is a member of the armed forces of the United States stationed in California, 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.
2. 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 and is in attendance at, or has been admitted to the District 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.
3. A veteran who was discharged or released from at least 90 days of active service **less than three years before the date of enrollment in a course** commencing on or after July 1, 2015, and his/her dependents, regardless of the veteran's state of residence is entitled to resident classification.
4. 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.
5. An individual 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 is entitled to resident classification.
6. An individual who is entitled to transferred Post-9/11 GI Bill program benefits by virtue of their familial relationship to a member of the uniformed services who is serving on active duty is entitled to resident classification.
7. 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)

**B. Withdrawal Procedure 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.

References:

Education Code Sections 68074, 68075, 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

Approved by the Chancellor: November 1, 2012  
Revised and approved by the Chancellor: June 15, 2015  
Revised and approved by the Chancellor: February 11, 2016  
Revised and approved by the Chancellor: March 28, 2018  
Revised and approved by the Chancellor: November 16, 2018  
Revised and approved by the Chancellor: November 18, 2019  
Revised and approved by the Chancellor:



**ADMINISTRATIVE PROCEDURE 5015 RESIDENCE DETERMINATION**

**A. 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:

1. A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.
2. Residence classification is the responsibility of the District Office of Student Services. Initial residence classification is determined by the District Office of Admissions and Records through a student's self-reporting in Open CCC (online admission application).
3. The Colleges shall publish the District's residence determination date and summary of the rules and regulations governing residence determination and classification in the college catalogs or addenda.
4. A student seeking to enroll exclusively in career development and college preparation courses, and other courses for which no credit is given, shall not be subject to this residency classification requirement.

**B. Definition of Residence.**

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

**C. Rules Determining Residence.** 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:

1. Every person who is married or eighteen years of age, or older, and under no legal disability to do so, may establish residence.
2. A person may have only one residence.
3. 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.
4. A residence cannot be lost until another is gained.
5. The residence can be changed only by the union of act and intent.
6. A man or a woman may establish his or her residence. A woman's residence shall not be derivative from that of her husband.
7. The residence of the parent with whom an unmarried minor child maintains his/her place of dwelling is the residence of the unmarried minor child. When the minor lives with neither parent, the minor's residence is that of the parent with whom the last place of dwelling was maintained, provided the minor may establish his/her residence when both parents are deceased and a legal guardian has not been appointed.

8. 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.

**D. 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:

1. 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.
2. 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.
3. 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.
4. 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:
  - a. He/she holds a provisional credential and is enrolled in courses necessary to obtain another type of credential authorizing service in the public schools.
  - b. He/she holds a credential issued pursuant to Education Code Section 44250 and is enrolled in courses necessary to fulfill credential requirements.
  - c. 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.
  - d. 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.
5. 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.
6. 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 and is in attendance at, or has been admitted to the District shall be entitled to resident classification. If the member of the armed forces of the United States later transferred 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 or her resident classification so long he/she remains continuously enrolled in the District.

7. A student who is a member of the armed forces of the United States stationed in this state, 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 or her resident classification, so long as he or she remains continuously enrolled in the District.
8. A veteran who was discharged or released from at least 90 days of active service ~~less than three years before the date of enrollment in a course~~ commencing on or after July 1, 2015, and his/her dependents, regardless of the veteran's state of residence is entitled to resident classification.
9. An individual 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.
10. An individual who is entitled to transferred Post-9/11 GI Bill program benefits by virtue of their familial relationship to a member of the uniformed services who is serving on active duty.
11. 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.
12. 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.
13. A student who is a federal civil service employee and his or 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.
14. 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.
15. 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.
16. Students who attended high school or adult evening high school in California for three or more years or a combination of high school and elementary or secondary school and graduated from a California high school or attained the equivalent thereof. In the case of a person without lawful immigration status, the student must file an affidavit with the institution of higher education stating that the student has filed an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so. (Education Code 68130.5).

17. A student demonstrates financial need, has a parent who has been deported or was permitted to depart voluntarily, moved abroad as a result of that deportation or voluntary departure, lived in California immediately before moving abroad, attended a public or private secondary school in the state for three or more years, and upon enrollment, will be in his or her first academic year as a matriculated student in California public higher education, will be living in California, and will file an affidavit with the District saying that he or she intends to establish residency in California as soon as possible.
18. A student who has a special immigrant visa that has been granted status under Section 1244 of Public Law 110-81 or under Public Law 109-163, or is a refugee admitted to the United States under Section 1157 of Title 8 of the United States Code, and who upon entering the United States settled in California, shall be exempted from paying the nonresident tuition fee required by Section 76140 for the length of time he/she lives in this state up to the minimum time necessary to become a resident.

**E. 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 Office of Admissions and Records, may make written appeal to the Associate Vice Chancellor of Student Services within 30 calendar days of notification of final decision by the college regarding classification.

**F. Appeal Procedure.**

1. The appeal is to be submitted to the District Office of Student Services. 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.
2. The appeal will be forwarded to the Associate Vice Chancellor of Student Services within five working days of receipt by the office.
3. The Associate Vice Chancellor of Student Services shall review all the records and have the right to request additional information from either the student or the District Office of Admissions and Records.
4. Within 30 calendar days of receipt, the Associate Vice Chancellor of Student Services shall send a written determination to the student. The determination shall state specific facts on which the appeal decision was made.

**G. 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.

1. Petitions for reclassification are to be submitted to the District Office of Student Services.
2. 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.
3. Written documentation may be required of the student in support of the reclassification request.
4. 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).

5. A student shall be considered financially independent for purposes of residence reclassification if the applicant meets all of the following requirements:
    - a. Has not and will not be claimed as an exemption for state and federal tax purposes by his/her parent in the calendar year the reclassification application is made and in any of the three calendar years prior to the year the reclassification application is made;
    - b. Has not and will not receive more than seven-hundred fifty dollars (\$750) per year in financial assistance from his/her parent in the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification; and
    - c. 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 and in any of the three calendar years prior to the reclassification application.
  6. 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.
  7. 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.
  8. 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.
  9. The Associate Vice Chancellor of Student Services will make a determination, based on the evidence and notify the student not later than 14 days of receipt of the petition for reclassification.
  10. Students have the right to appeal according to the procedures above.
- H. 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.
1. 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 she or he meets the California residency requirements, the student can be classified as a resident.
  2. Any students who are US citizens, permanent residents of the US, and aliens who are not nonimmigrants (including those who are undocumented) may be exempt from paying nonresident tuition if they meet the following requirements:
    - a. Total attendance of or attainment of credits earned while in California equivalent to three or more years of fulltime attendance or attainment of credits at any of the following:
      - (i) California high schools;
      - (ii) California high schools established by the State Board of Education;
      - (iii) California adult schools established by either a county office of education, unified or high school district, or the Department of Corrections and Rehabilitation.
      - (iv) campuses of the California community colleges, or
      - (v) a combination thereof.
    - b. Additionally the following must be met;
      - (i) Graduation from a California high school or attainment of the equivalent thereof; or
      - (ii) completed an associate degree from a California Community College, or
      - (iii) completed the minimum requirements at a California Community College or

- (iv) fulfill the minimum transfer requirements established for the University of California or the California State University for students transferring from a campus of the California Community Colleges.
- c. registration or enrollment in a course offered by any college in the district for any term commencing on or after January 1, 2002;
- d. completion of a residence questionnaire prescribed by the Chancellor and furnished by the District, verifying eligibility for this nonresident tuition exemption; and
- e. 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.

Documents and information obtained in implementing this exemption are confidential.

3. 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 Associate Vice Chancellor of Student Services. Students may appeal the decision.

References:

Education Code Sections 68000 et seq., 68130.5, and 68074-68075.7  
Title 5 Sections 54001 et seq., 51412; 68130.5  
38 U.S. Code Section 3679

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**ADMINISTRATIVE PROCEDURE 5040**  
**STUDENT RECORDS, DIRECTORY INFORMATION, AND PRIVACY**

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

**A. Collection and Retention of Student Information**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**C. Access to Student Records for Immigration Enforcement Purposes**

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



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

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

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

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

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

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

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

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

References:

Education Code Sections 66093.3 and 76200 et seq.;  
Title 5 Sections 54600 et seq.; and 59410;  
20 U.S. Code Section 1232g(j) (U.S. Patriot  
Act); Civil Code Section 1798.85  
120 U.S. Code Section 503  
ACCJC Accreditation Standard II.C.8

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Revised and approved by the Chancellor:

**ADMINISTRATIVE PROCEDURE 7400 TRAVEL AUTHORIZATION**

The Chancellor directs that the following travel authorization regulations apply to the Peralta Community College District.

- I. **Travel Purposes:** The District recognizes the following purposes of travel, each of which requires authorization and documentation of participation before processing and/or reimbursement can occur.
  - A. **Institutional Travel:** The objective of institutional travel is to attend meetings with Federal, State, or local agencies; to meet with elected officials; to consult with colleagues at other institutions for such purposes as curriculum planning, administrative practices, student services, and community college funding, and to serve on an accreditation team.
  - B. **Professional Travel:** The objective of professional travel is to permit participation in activities of organizations whose primary purpose is advancing the legitimate and constructive cause of community college education in the State of California. Such organizations include, but are not limited to:
    - Academic Senate of the California Community Colleges
    - American Association of Community Colleges
    - Association of California Community College Administrators
    - Association of Community College Trustees
    - California Association of School Business Officials
    - Community College League of California
    - National Association of Colleges and Employers
    - Other Community Colleges/Districts
  - C. **Instructional Travel:** The objective of instructional travel is to encourage faculty and staff to keep abreast of new knowledge and new techniques in their areas of responsibility.
    1. **International Education.** International travel is appropriate in order to develop or implement an international education program. Tax revenue shall not provide the funding for such travel.
    2. **Recruitment of Out of State or International Students.** Out of state or international travel is appropriate in order to recruit out of state or international students to attend Peralta Community College District. The funding for such travel shall be provided by revenue generated by out of state or foreign student tuition.
- II. **Applicability:** This regulation applies to all Academic and Classified employees of the District. Members of the Board of Trustees are considered employees of the District for purposes of this regulation. This regulation does not apply to:
  - A. **Students or student employees.** Students shall follow procedures developed for student travel.
  - B. **Consultants and contractors.** Travel expenses incurred by a consultant or contractor are reimbursable only if such expense is specified as part of the consultant/contractor's contract with the District and submitted to the District via an invoice as a contractual expenses. Consultants and contractors must follow the same employee travel guidelines, and will not be reimbursed at a greater rate than employee reimbursements.

III. **Authorized Activities:** For purposes of this regulation, off-campus travel is defined as attendance and participation at meetings, conferences, conventions, commissions, in-service training, and other groups whose principal business includes community college instruction and/or support functions or the advancement of the discipline or professional area in which the employee normally teaches or works. Off-campus travel does not include:

- A. Meetings that pay a salary, expenses, or honorarium to the employee as a participant.
- B. Meetings which are lobbying or legislative in nature without the prior approval of the Chancellor.
- C. Meetings of professional or other organizations whose interests are outside the scope of the employee's normal work assignment.
- D. Special interest group meetings outside the scope of the employee's normal work assignment.

#### IV. **Conference Attendance**

Trips requiring overnight absences, payment of a participant fee, and/or reimbursement for employee incurred actual and necessary expenses shall be requested prior to the employee's attendance and participation. All conference attendance must be requested and approved prior to the employee's participation using the District's approved Form 7400A. All expense claims requested for reimbursement shall be on the District's approved Form 7400B.

A. **Approval Processing Requirements:** When requesting off-campus travel, prior approval is required using the district's official "Travel Request Form". The travel request must ensure the activity is related to District business, adequate funding is budgeted and minimal disruption to District programs and operations occur. When appropriate, substitute employees may be arranged. Employees are expected to "shop" well in advance for reasonable prices.

1. The employee's Supervisor, College or District Administration, must approve all travel requests as confirmation the trip and related expenditures are appropriate for District business prior to the trip.

The administrator overseeing the charge account must approve the expenditure of funds and the Business Officer must confirm that the funds are available.

Required approval signatures are as follows:

a. **In-State Travel:** Requests under \$3000 require approval of the College President (for college members) or the appropriate Vice Chancellor (for district members). Request \$3000 and above require the Chancellor's approval. The Chancellor's Office must receive the request no later than 10 business days in advance of a trip.

b. **Out-of-State and International Travel.** All out-of-state and international travel require approval by the Chancellor and the Board of Trustees. The Chancellor's Office must receive the request no later than 30 business days in advance of the trip.

Travel must be approved or ratified by the Board of Trustees before an advance payment or reimbursement of expenses can be made.

- c. **Chancellor and Board of Trustees Travel:** The Board of Trustees approval is required for the Chancellor's or Board of Trustee's travel in advance, if possible. If the Board member or the Chancellor did not know about the trip in time for advance approval, then Board ratification is permitted.
  - d. No travel advance funds or reimbursements can be processed without all the required approvals listed above.
- B. **Conference Location Reimbursement Limitation:** If a conference destination is within the boundaries of Peralta Community College District, the only conference expenses eligible for reimbursement are mileage and the payment of a registration/participant fee. Employees receiving a monthly travel stipend are not eligible for mileage or parking reimbursement of less than 30 miles one way or 60 miles round-trip.
- C. **Internal Revenue Services (IRS) Regulations:** Employers are required to track the amount of expense reimbursement allowances paid to employees. Amounts employers pay employees to reimburse for substantiated business expenses are not generally subject to income tax or employment tax. Reimbursements can be subject to such taxes if the employer pays an amount in excess of the federal per diem rate and the employee does not return unsubstantiated expenses covered by the per diem rate to the employer. (IRS Publication 1542).
- D. **Advance Payment.** An employee may request the Finance Office to pay 80% of approved estimated expenses (less the registration fee) in advance, if an approved Travel Request (Form 7400) and required documentation is submitted to the Finance Office within 14 days in advance of travel. For advanced payment for out-of-state and international travel, all required documentation must be submitted to the Finance Office in time for Board of Trustees authorization. If, upon submitting a final expenses claim, actual expenses are less than the 80% advanced, the employee must repay to the district the part of the advance in excess of expenses. No new travel requests will be approved if there is an outstanding balance. If an employee does not respond to a Finance Office request for repayment within 30 calendar days, no future advances to the employee will be made.
- E. **Conference Lodging.** Where a conference hotel is selected by the conference, the discounted conference hotel rate may be used as the lodging reimbursement rate. Travelers thus need to register early to receive the conference hotel guaranteed rate booked for the conference rooms. A copy of the conference hotel website page must be attached to the travel request and expense claim form for this rate to apply as the reimbursement rate. Lodging taxes are excluded from the conference hotel room rate cap. Where more than one hotel is offered for a conference, the lowest offered hotel rate shall be used as the base hotel reimbursement rate. Should the conference rooms be unavailable, employees are reminded to also ask the hotel for government employee, AAA, and senior rates, where applicable. Should no conference hotel be designated for a conference, then the GSA federal rates shall apply as the per diem hotel reimbursement rate. Receipts are required for all hotel reimbursement.
- F. **District Implementation:** When implementing Per Diem Allowances and Non Per Diem Reimbursement, the following shall apply:
  1. **Registration Fees (Non Per Diem Pre-Paid Expense)**
    - a. Registration fees charged in connection with approved attendance at conferences, conventions, seminars, and training sessions maybe processed as a direct payment to the conference sponsor.

- b. The registration fee may include a daily stipend for meals and/or other expenses which should not be separately claimed as a per diem expense. Conference provided meals are only to be considered a non Per Diem "registration expense".
- c. A copy of the event's brochure or announcement showing sponsor, event purpose, dates and times, event location, and applicable fees may be used to substantiate the event's purpose and employee's attendance.

**2. Lodging (*Per Diem Allowance*)**

- a. Allow lodging as an allowable per diem expense when the nature of the travel requires the employee to be absent overnight from his/her established residence and the destination is outside the District boundaries
- b. Calculate lodging separately for each employee when employee's share lodging.
- c. Limit the Per Diem allowance to the single occupancy rate when the employee shares lodging facilities with a non-District person.
- d. Reimburse for lodging taxes as a non-per diem expense whenever such taxes increase lodging costs to an amount greater than the per diem lodging rate. Employees are encouraged to complete a "Hotel/Motel Transient Occupancy Tax Waiver" Form 7400C in order to avoid payment of lodging taxes.
- e. Lodging expenses are substantiated via a copy of the "hotel" bill.
- f. Full per diem rates are allowed for up to one day before the conference and one day after the conference, if warranted by an early start or late finish schedule of the conference. This can also accommodate any lodging assessment, or early or late check-in or out fees.
- g. The conference dates should be requested to be consistent with the required travel dates to attend all conference activities.

**2. Meals (*Per Diem Allowance*)**

- a. Allow the Per Diem allowance only for employees when the meal is associated with an approved conference attendance. Social events unrelated to the functions of the District are not reimbursable. Alcohol is not reimbursable.
- b. When applicable, use the meal amount stated in the registration fee of a meeting, conference, or other activity as part of the per diem allowance.
- c. Include tips in the Per Diem allowance.

Meals substantiated by a receipt are subject to the daily maximum in accordance to the Federal Government GSA rate. The Peralta District will follow the guidelines updated each calendar year by the Federal Government beginning in January through December of the meals and incidentals per diem for that calendar year. The guidelines for the Federal Government GSA meals and incidentals per diem rates are available at the following link/website: [Federal Government GSA Rates](#).

- d. Employees may not use room service or a room mini-bar or snack bar.

**3. Incidentals (*Per Diem Allowance*)**

Employees will not be reimbursed for reasonable expenses incidental to travel and/or miscellaneous expenses essential to District business.

**4. Transportation** (*Non Per Diem Direct Pay Expense and/or Reimbursable Expense*)

- a. **Air / Rail Travel:** The employee purchases their tickets directly and submits for reimbursement as an expense claim. Fares must be at the lowest possible rate, e.g., economy, coach, etc. Upgrades are not reimbursable. If an employee wishes to upgrade, it is done at the employee's expense. Baggage charges may be reimbursed subsequent to the trip with the submission of receipts. Employees are expected to "shop" well in advance and be sensitive to pricing. Travel agent fees are not reimbursable unless it can be demonstrated that the travel agent's total cost is less than available through normal internet booking capabilities. Management may withhold approval of full reimbursement if air travel prices are above the norm due to late booking.
- b. **Personal Airplane Use:** In the event an employee desires to use his/her personal airplane, Chancellor approval is required. Reimbursement shall not exceed the economy/coach rate for public carriers.
- c. **Personal Vehicle:** A personal vehicle is approved for travel. The lesser of mileage or air fare is reimbursed regardless of what mode of transportation is used. Mileage is calculated from the employee's worksite to the conference, and not from the employee's home.
- d. **Taxi and Shuttle Services:** When an employee is on an approved conference, taxi, bus, rail, and shuttle services are the preferred transportation mode to and from the airport. A receipt is required for reimbursement unless claimed as an incidental expense. Employees should also explore the use of public transit, such as by bus, train, or BART.
- e. **Rental Cars:** Employees on approved conferences outside of Alameda County may be authorized to rent a car when the cost of transportation is greater than the cost of other transportation modes, e.g., taxi, airport limousine, shuttle, multiple employees traveling together, etc.
  - 1) Employees are to rent the car in their name, not the District's name.
  - 2) Reimbursable rental charges are limited to a compact or standard size car. If the employee wishes an upgrade, he/she may do so at his/her own expense.
  - 3) Rental charges should be at the best promotional rate and/or net of any discounts.

- 4) Gasoline for rental car use is reimbursable with proper documentation, e.g., rental agreement requirement and receipt(s).
- 5) Peralta Community College District has insurance for vehicles rented for district business. Therefore, there is no reimbursement for insurance purchases as part of a car rental contract.
- 6) Employees are encouraged to use the district van for group travel rather than using a rented vehicle.

**f. Parking and Related Fees**

- 1) Metered or any other parking fee, or a toll fee, is reimbursable when receipts are provided as a part of a conference claim. If receipts are not available, these fees could be considered covered as part of the incidentals allowance.
  - 2) **Airport / Rail Station Parking:** Parking fees for leaving an employee's personal vehicle at the airport / train station is reimbursable at the shuttle/long term parking lot rate. If the travel is for an extended period of time, an airport shuttle to/from the employee's home is reimbursable if the shuttle cost is less than parking cost.
  - 3) **Related Fees:** Toll, bridge, and other related fees are reimbursable if a receipt is provided. If a receipt is not provided, the expense would be considered part of undocumented incidental expenses.
5. Table AP 7400-2, Allowable Conference Expenses, below, identifies expenses allowable and not allowable.

**V. Personnel Considerations**

- A. **Leave of Absence:** When a leave of absence of any kind is taken by an employee while on travel status, the exact date and hour of departure and return to duty shall be shown on the reimbursement claim. No expense of any kind will be allowed for time in a leave of absence status.
- B. **Salary-Status:** An employee authorized to attend a conference is considered to be in regular status for the duration of the conference.
- C. Disregard for District travel policy, regulations, and procedures and/or altering receipts can result in disciplinary action.
- D. **Overtime:** Overtime is not permitted unless expressly authorized in advance by the Chancellor.

**VI. Operating Procedures**

The Vice-Chancellor for Finance shall establish the Form 7400 and instructions to implement this administrative procedure. Approved travel requests in excess of \$1,000, as well as all out-of-state and international travel will be included in the "Background Materials" as part of the Board of Trustees Meeting agenda.

- VII. **Travel Categories:** The District may authorize and reimburse travel for Peralta Community College District business-related expenses incurred as follows:



1. **Mileage, Tolls and Parking Reimbursement:** Employees authorized to use a personal vehicle in the performance of their assigned workday duties are eligible for reimbursement for mileage and parking fees incurred while on District business. All expense claims requested for reimbursement shall be substantiated and submitted on the District's approved form. Employees receiving a monthly travel stipend shall not be eligible for mileage, tolls, and parking reimbursement of expenses for travel associated with their regular job functions.
  1. **Direct Surface Route:** Mileage is reimbursable on the basis of a commonly-used direct surface route, e.g. "Google Maps". The district cannot reimburse for extra miles logged due to a "roundabout" or other preferred route.
  2. **Parking and Toll Fees:** Parking, Toll and other related fees are reimbursable when the expense is substantiated.
  3. **Call-Back Mileage:** In the event an employee is off-duty and called back to work by a supervisor, the employee may be paid for all mileage traveled in connection with that event or as specified in an applicable collective bargaining agreement.
  4. **Meals with Receipts:** Employees may claim reimbursement of meals with proof of receipts. The Peralta District will follow the information updated each calendar year beginning in January through December of the meals and incidentals per diem. The information to the Federal Government GSA per diem rates are available at the following link/website: [Federal Government GSA Rates](#).
  5. **Incidentals: Employees will be reimbursed** for reasonable expenses incidental to travel and/or miscellaneous expenses essential to District Business. Receipts and/or other documentation are not required for incidental expenses. Employees may claim and be reimbursed for incidental expense up to the maximum in accordance with the [Federal Government GSA Rates](#). Incidental expenses include telephone, fax, internet access, email, supplies, porter services, tips, valet and laundry expenses, or other miscellaneous items directly related to District Business travel.
  6. **Not Reimbursable:** Employees shall not be reimbursed for the following:
    - a. Miles to and from the work location to the employee's personal residence. If, at the start or end of the work day, the employee is required to travel on district business to a destination that is farther from the work location than the normal commute, only the excess miles are reimbursable.
    - b. Gas purchases are not reimbursable because the mileage reimbursement rate includes fuel expenses.

Damage or theft to an employee's vehicle or items kept within the vehicle is not the district's liability. A portion of the reimbursement rate is intended to defray the individual's insurance costs.

Approved by the Chancellor: April 12, 2012

Revised by the Chancellor: January 29, 2015

Revised and approved by the Chancellor: September 14, 2018

Revised and approved by the Chancellor: January 15, 2022

**TABLE AP 7400-2  
ALLOWABLE CONFERENCE EXPENSES**

<b>PER DIEM <sup>1</sup></b> <i>(Allowance Rate)</i>	<b>OTHER THAN PER DIEM <sup>2</sup></b> <i>Receipts required:(Reimbursable)</i>	<b>NOT ALLOWED</b> <i>(Not Reimbursable)</i>
Lodging	Lodging taxes to the extent such taxes increase lodging cost to an amount greater than the per diem lodging rate.	<ul style="list-style-type: none"> <li>• Additional lodging costs resulting from additional travel time for the employee's convenience.</li> <li>• Lodging furnished by non-commercial or other means, e.g., staying with family/friends living in the conference area.</li> <li>• Mini-bar and room service charges</li> </ul>
Meals		<ul style="list-style-type: none"> <li>• Meals consumed while enroute to / from the conference.</li> <li>• Alcoholic beverages and/or other intoxicating spirits.</li> <li>• Cost of meals furnished by non-commercial or other means, e.g., family and/or friends.</li> </ul>
<b><i>Incidental Expenses</i></b>	<b><i>Miscellaneous Expenses</i></b>	<b><i>Other Not Reimbursable Expenses</i></b>
	<ul style="list-style-type: none"> <li>• Personal vehicle mileage.</li> <li>• Air, rail, or bus fare to conference destination if receipted.</li> <li>• Airport parking.</li> <li>• Vehicle rental / gas.</li> <li>• Taxi and shuttle service including tip.</li> <li>• Registration fee.</li> <li>• Training fees.</li> </ul>	<ul style="list-style-type: none"> <li>• Gasoline purchases associated with personal vehicle use.</li> <li>• Avoidable "no-show" charges for hotel or car service.</li> <li>• Upgrade fees.</li> <li>• Excess baggage fees for more than two checked bags or bags weighing more than 50 pounds.</li> <li>• Lost baggage.</li> <li>• Transportation to / from places of entertainment and similar facilities.</li> <li>• Conference-arranged leisure tours or personal side-trip expenses.</li> <li>• Traffic or parking citation while using a district or private vehicle</li> <li>• Entertainment expenses, radio or television rental, and other items of a similar nature.</li> <li>• Individual membership dues or fees, e.g., airline clubs, gyms, etc.</li> <li>• Personal telephone calls and other expenses of a personal nature.</li> <li>• Loss / theft of personal property</li> <li>• Gifts.</li> </ul>

<sup>1</sup> Per diem rates combine lodging and meals for primary destinations.

Expenses may not exceed amount authorized on Form 7400A, Travel Request .

## **Tri-Chair Proposal**

In an effort to provide greater transparency and involvement in the participatory governance process, it is proposed that classified professional employees be added to the standing committee structure of the Peralta Community College District. This would include the following committees:

Participatory Governance Council (PGC)

Planning & Budgeting Council (PBC)

District Academic Affairs and Student Services Committee (DAASSC)

District Facilities Committee, and

District Technology Committee (DTC)

The recommended appointments to these committees would be made by the District Classified Senate, and its elected members. The names would be forwarded to the Chancellor for approval, and the assignment would be ratified for a term of two years and reaffirmed thereafter for 2-year term increments.

PERALTA COMMUNITY COLLEGE DISTRICT  
January 31st, 2022

BAM/Cabinet Meeting

CW/P

# Budget Allocation Model/SCFF

## Highlights of BAM Revision:

- ▶ Almost all revenue generated at colleges.
- ▶ All site-based revenue stay with each site.
- ▶ District and District-wide expenses are considered as cost center.
- ▶ SCFF components will be used for revenue calculation for each college
- ▶ SCFF Hold Harmless, Stabilization and emergency conditions will apply.
- ▶ Colleges will retain their year end ending balance. If deficit at the end of the year than following year allocation be reduced.
- ▶ District and District-wide ending balance be fold into district overall ending balance.
- ▶ District office deficit spending will be reduced in following year.
- ▶ District will maintain board designated reserve for contingency.
- ▶ Colleges and district will observe all compliance related to 50% law and FON obligation.
- ▶ BAM will be evaluated on regular basis to incorporate changes at state level impacting district.

Questions:

► Thank you

CW/P



# PERALTA COMMUNITY COLLEGE DISTRICT NEW BUDGET ALLOCATION MODEL

Based on Student Centered Funding Formula

Fall 2021



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## INTRODUCTION

The purpose of this *Peralta Community College District New Budget Allocation Model Handbook 2021* is to provide a detailed description of the process used by the Peralta Community College District (PCCD) to allocate unrestricted General Fund resources.

To communicate the PCCD budget allocation model to campus constituencies, this *Peralta Community College District Budget Allocation Model Handbook 2021* will be available on the District's website. In addition, the Vice Chancellor of Finance and Administration and the District Director of Fiscal Affairs will schedule annual campus-wide meetings at each site to communicate the PCCD budget allocation model suggested changes and/or updates. As this step will be repeated each year, the information presented to campus constituencies will also communicate any changes to the model that occurred as a result of the model's evaluation component described in the Evaluation of the Budget Allocation Model section of this document.

Contained within this Handbook is a general description of the PCCD Planning and Budget Council, the timeline and process for budget development, and guiding board policies and administrative procedures. The next section of the handbook provides a narrative explanation of the budget allocation model.

This *Peralta Community College District Budget Allocation Handbook 2021* describes the components of the budget allocation model at the District level. Each of the PCCD entities, Merritt College, Laney College, College of Alameda, and Berkeley City College, also has a budget allocation model for the internal distribution of funds including evidence of how budget allocations are linked to campus and District planning.

## PLANNING AND BUDGET COUNCIL

The function of the Planning and Budget Council (PBC) is to make recommendations regarding policies, planning, and other matters related to PCCD fiscal resources. Recommendations from this governance group are forwarded to the Participatory Governance Council (PGC). After consideration of input from the PGC, and other recommendations, the Chancellor makes the final recommendation which is then submitted to the Board of Trustees for approval.

In addition to making recommendations related to PCCD fiscal resources and facilities, the purpose of the PBC is to:

- Ensure that PCCD resources are tied to the District Strategic Plan and the Comprehensive Master Plan
- Monitor PCCD's fiscal solvency
- Review and revise budget assumptions
- Review and discuss implementation of policies related to fiscal resources
- Coordinate practices as needed related to administrative services
- Serve as a forum for dialogue on ongoing fiscal activities and reporting
- Review and share information on the state budget including all funds
- Review the draft budget in its developmental stages

The members of the Participatory Governance Council (PGC) are:

- Interim, Chancellor, PCCD (Co-Chair) [Janet Jackson]
- President, DAS (Co-Chair) [Donald Moore]
- President, BCC [Angélica Garcia]
- President, COA [Nathaniel Jones III]
- President, Laney [Rudy Besikof]
- President, Merritt [David M. Johnson]
- President, Laney Faculty Senate [Eleni Gastis]
- Representative, Local 1021 [Jamile Teer]
- President, PFT [Jennifer Shanoski]
- Acting Vice Chancellor, HR [Ronald McKinley]
- President, BCC Faculty Senate [Matthew Freeman]
- President, COA Faculty Senate [Matthew Goldstein]
- President, Merritt Faculty Senate [Thomas Renbarger]
- Representative, Local 39 [Anthony Edwards]
- Classified Senate President, Merritt TBD< Student Representative [Tachetta Henry]
- Note taker (non-voting) Sasha Amiri

The members of the Planning and Budget Council (PBC) are:

- Interim V.C. of Finance & Admin. (Co=Chair) [Adil Ahmed]
- Academic Senate President (Co-Chair) [Thomas Renbarger]
- DAS President [Donald Moore]
- Faculty, BCC [Matthew Freeman]
- PFT President [Jennifer Shanoski]
- Local 39 Representative [Scott Barringer]
- SEIU Representative, [Kawanna S. Rollins]
- Interim Budget Director [Tami Taylor]
- President, COA [Nathaniel Jones III]
- VPSS, COA [Tina Vasconcellos]
- Student Representative [Aurelie Sciaroni]
- Institutional Research Designee [Helen Ku]
- Classified Senate Appointee [Louie Martirez]
- President, Merritt College [David M. Johnson]
- Executive Asst., Note taker (non-voting) [Richard Ferreira]
- Staff Assistant, Note taker (non-voting) [Joan Davis]

The members of the Budget Allocation Model Task Force (BAM) are:

- Interim Vice Chancellor for Finance & Administration [Adil Ahmed]
- Academic Senate President [Thomas Renbarger]
- Interim Budget Director, Finance & Administration [Tami Taylor]
- President, Berkeley City College [Angélica Garcia]
- DAS President [Donald Moore]
- President PFT [Jennifer Shanoski]
- President, Laney College [Rudy Besikof]

- Classified, President Local 1021 [Richard Thoele]
- Classified Senate Appointee [Louie Martirez]
- Vice President of Administrative Services, Laney College [Derek Pinto]
- Local 39 Representative [Scott Barringer]
- Vice President of Student Services, College of Alameda [Tina Vasconcellos]
- Executive Assistant, District Finance & Administration (Notes) [Richard Ferreira]
- Staff Assistant, District Finance & Administration, (Notes) [Joan Davis]

DRAFT

# TIMELINE AND PROCESS FOR BUDGET DEVELOPMENT

## Fiscal Year

Tentative Budget		
Approximate Date	Responsible	Action Item
January 10	Vice Chancellor for Finance and Administration	Governor Proposed Budget releases.
January 17	Vice Chancellor for Finance & Administration and Chancellor	Review Budget Development Calendar with Chancellor.
January XX	Vice Chancellor for Finance & Administration and Budget Director	District Office Presentation to the Colleges Budget Committees to present the Governor's Proposed Budget.
January 24	Vice Chancellor for Finance and Administration	Projected Funds for fiscal year based upon Governor's budget proposal reviewed with the Planning and Budgeting Council and Chancellor's Cabinet.  Draft budget assumptions for the Tentative Budget.
January 25	Vice Chancellor for Finance and Administration	Budget calendar to Board of Trustees for adoption (AP 6250).
January 28	Vice Chancellor for Finance & Administration and Chancellor	Review Budget Development Calendar with Chancellor.
February 03	Budget Director	Round 1 positions control for fiscal year distribution to colleges.
February 04	Chancellor Vice Chancellors College Presidents Business Directors Budget Director	Prior and current year line-item budgets, instruction packets, and due dates are distributed to Campus Presidents, Business Directors, and Vice Chancellors for distribution to managers with budget responsibility.  Campus and DAC budget processes determine priorities, reallocation of funds (within college), and responsibility managers prepare budget forms for submittal to Budget Director.
February 18	Planning and Budgeting Council	Review Governor's Proposed Budget.  Review Tentative Budget Assumptions.  Review the Budget Allocation Model (Student Centered Funding Formula).
February 25	Vice Chancellor for Finance & Administration and Chancellor	Review Tentative Budget Assumptions and Allocation.
March 04	College Presidents Vice Chancellors Business Directors	Submit discretionary budget worksheets to Budget Director.  Submit round 1 position control worksheets with any changes to the Budget Director.

March 18	Vice Chancellor for Finance and Administration Budget Director	Preliminary budgets submissions are presented to the Planning and Budgeting Council.  Round 2 position control worksheets are sent to the College Presidents, Business Directors, and Vice Chancellors.
March 25	Vice Chancellor for Finance and Administration Budget Director Planning & Budgeting Council	Discussion and review of the FTES allocation and enrollment numbers to make a recommendation for the Chancellor's Cabinet in the upcoming year. (Note: to be completed earlier in the future.)
April 01	College Presidents Vice Chancellors Business Directors	Submit round 2 position control worksheets revisions to the Budget Director.
April 04	Budget Director	Load position control and discretionary budgets into Peoplesoft.
April 18	Vice Chancellor for Finance and Administration	Chancellor's Cabinet updated on status of Preliminary Budget.  Review, discussion, and recommended adjustments brought forward.
May 06	Vice Chancellor for Finance and Administration	Governor May Revision released.
May 27	Vice Chancellor for Finance and Administration	Finalizes budget assumptions for the Tentative Budget.  Preliminary budget is presented to the Planning and Budgeting Council.
June XX	Vice Chancellor for Finance & Administration and Budget Director	District Office Presentation to the College level Budget Committees to present the Governor's May Revised Budget.
June 07	Vice Chancellor for Finance and Administration	Tentative Budget is presented to the Board of Trustees for the first read.
June 21	Vice Chancellor for Finance and Administration	Tentative Budget is presented to the Board of Trustees for approval.
<b>Adopted Budget</b>		
August 22	Vice Chancellor for Finance & Administration and Chancellor	Review Adopted Budget Assumptions and Allocation.
August XX	Vice Chancellor for Finance & Administration and Budget Director	District Office Presentations to the College's Budget Committees to present the Adopted budget/changes from the May Revise.
August 29	Planning and Budgeting Council	Review draft of the Adopted Budget.
September 13	Vice Chancellor for Finance and Administration	Present the Adopted Budget to the Board for approval.

## BOARD POLICIES AND ADMINISTRATIVE PROCEDURES

### BOARD POLICY 6250 Budget Management

Board Policy 6250 provides general information related to budget management and budget revisions.

### ADMINISTRATIVE PROCEDURE 6250 Budget Management

Administrative Procedure 6250 provides procedures for Board of Trustees approval for budget transfers.

These board policies and administrative procedure can be accessed on the District's website [web.peralta.edu/](http://web.peralta.edu/) by navigating to "Board and Administrative Policies" under the Board of Trustees section.

# PCCD BUDGET ALLOCATION MODEL NARRATIVE

## Budget Concepts and Principles

The major budget concept is that revenues stay where they are earned. District Services is treated as a fifth budget center and we use a chargeback methodology for Districtwide expenses and shared services between budget centers.

Budget center allocations are expected to align with the PCCD Mission Statement and link District Strategic Directions and District Objectives to the resources needed to accomplish these institutional goals.

PCCD uses an incremental approach to budgeting. The process each year begins with the previous year's base budget, with adjustments as necessary, based on projections of available revenue for the current year.

The major principles that guide the budgeting process are to:

1. Balance on-going expenditures with on-going revenues;
2. Maintain a 10% reserve for economic uncertainties for the district, and 5% reserve for economic uncertainties at each college.
3. Maintain appropriate autonomy for each PCCD entity to use resources in a manner that best addresses the individual entity's needs.

## Budget Centers

The PCCD budget model recognizes five budget centers for the purpose of budget allocation and expenditures:

- Merritt College (Revenue Center)
- Laney College (Revenue Center)
- College of Alameda (Revenue Center)
- Berkeley College (Revenue Center)
- District Services (Cost Center)

The Merritt College, Laney College, College of Alameda, and Berkeley City College budget centers comprise all budgetary information for these institutions.

The District Services budget center comprises all budgetary information for the Chancellor's Office, Public Affairs, Finance, and Department of General Services, Human Resources, and Educational Services and Technology units.

This handbook includes information on the allocation of resources to each budget center. However, the individual budget centers have discretion over their budget center allocations. The specific allocation processes for each budget center are determined by the respective budget center's allocation model and planning processes.

## Building Blocks of the New Budget Allocation Model

### Unrestricted General Fund

- Resource Allocation Model
  - Ongoing Funds
  - Self-Supporting Funds
- Prior Year Funds (Carryover Funds)
- Hold Harmless Funds

The Ongoing and Self-Supporting Funds are part of the District's New Budget Allocation Model. This activity makes up the structural analysis of the District. More information on the components of the Budget Allocation Model is included in subsequent sections of this handbook. The Prior Year (or Carryover) Funds and the Student-Centered Funding Formula Hold Harmless funds are considered one-time funds. The One-Time Funds are not considered on-going as they have no ongoing funding source associated with their activity.



## New Budget Allocation Model

The District has implemented a new Budget Allocation Model (BAM) in efforts to more clearly align ongoing activities within each of its budget centers.

### Principles

These are the guiding principles that were developed for the new allocation model.

- Recognize the District as the fiscal entity while honoring the unique legacy and culture of each institution
- The BAM will be fair, equitable, and transparent.
  - Fair - resource allocation decisions will be informed by objective, predictable, verifiable, and easily accessible data and will be made in an impartial and consistent manner.
  - Equitable - resources will be distributed in a manner that adequately supports the full array of programs offered at each college while ensuring compliance with statutory and regulatory requirements; efficient and strategic use of resources is expected, and inefficiencies will not be subsidized or supported.
  - Transparent - resource allocation decisions will be made in an open and consultative manner with representative stakeholder groups and that it is simple, easy to administer and communicate as possible.
- The goals and priorities for student success, equity, and access as articulated in the educational master/strategic plan of each college and the district office will align with the goals included in the district strategic plan and strategic vision plan adopted by the California Community Colleges Board of Governors, including benchmarks and actions for measuring progress, and the Budget Allocation Model will align accordingly.
- The BAM will provide operational cost predictability and stability to support college and district office strategic goals and objectives.
- Operational structural balance will be maintained by ensuring that ongoing expenditures do not exceed ongoing revenues resulting in a positive fund balance.
- Ongoing expenditures will be funded with ongoing revenues, and one-time expenditures will be funded with one-time revenues, with exceptions only under rare circumstances.
- Compliance with state, accreditor, and district reserve requirements will be maintained or exceeded, will be the first item funded in the BAM, and each college will maintain its own prudent reserve of no less than 1% of the previous year's expenditures. Reserves in excess of the minimum reserve requirements will be established in an expenditure holding account to meet unexpected and/or unanticipated expenditures that arise subsequent to budget adoption.
- The BAM will be assessed annually.
- The BAM will maintain and enhance FON requirements for the district.
- The BAM will maintain and improve 50% law calculation for future budget years.
- The BAM will support, maintain, and improve 75/25 ratio in future years.
- The BAM will provide a minimum funding for classroom 17.5 FTES/FTEF ratio to achieve expected classroom efficiency.
- The BAM will provide guidance to maintain staffing salary and benefits cost between 85% and 87% of available resources.
- The BAM encourages cooperation among and between colleges and district office to continuously find solutions to improve classroom offerings, student services and trim cost to seek fiscal stability within the district.

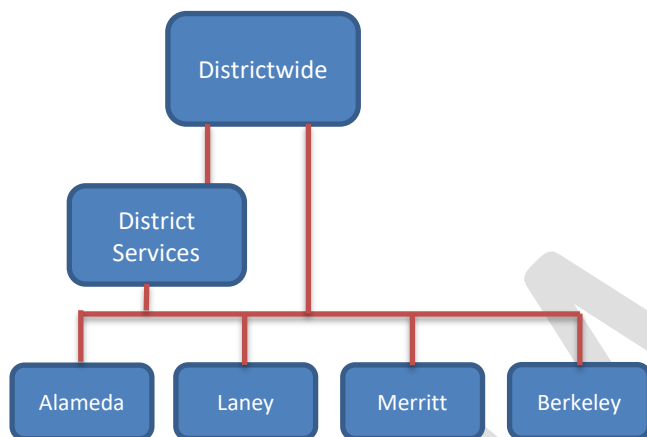
## BAM Structure

The BAM is a revenue allocation model. It incorporates:

- Student Centered Funding Formula apportionment revenues
- Other state revenues
- Local revenues

It then uses those revenues to cover expenses:

- District-wide shared costs
- All personnel & operating costs by budget center



The four educational centers contribute revenue towards district services, creating the 5 operational budget centers. The 5 budget centers then all share in covering the costs identified as institutional, or district-wide costs.

## Revenues

All ongoing and self-supported revenues are identified by budget center, either directly or by allocation formula. Those revenues form the basis for determining the operating budgets by each budget center. All revenue is considered District revenue because the District is the legal entity authorized by the State of California to receive and expend income and to incur expenses. However, the majority of revenue is provided by the taxpayers of California for the sole purpose of providing educational services to the communities and students served by the District. Services such as classes, programs, and student services are, with few exceptions, the responsibility of the four educational centers. It is the intent of the new BAM to allocate the majority of funds to the campuses in order to provide those educational services. The model intends to provide appropriate incentives for effective resource allocation decisions at the campus level. Each campus president is responsible for the successful operation and performance of their college or center as it relates to its operating revenues and expenses. The purpose and function of the District Services in this structure is to maintain the fiscal and operational integrity of the District and its individual colleges and centers and to facilitate campus operations so that their needs are met and fiscal stability is assured. District Services is also responsible for providing certain centralized functions, both to provide efficient operations as well as to assist in coordination between District Services and the campuses. Examples of these services include; human resources, business operations, fiscal and budgetary oversight, procurement, construction and capital outlay, educational services, institutional research, and information technology.

## Student Centered Funding Formula (SCFF) Revenue

SCFF Revenue is the amount anticipated to be received by the District as State Apportionment. Apportionment is the primary source of revenue for the District. PCCD's total apportionment is comprised of property tax revenues, student enrollment fees, and a state allocation, calculated using the Student Centered Funding Formula. The SCFF uses Full-Time Equivalent Student (FTES) and student headcount data to calculate the apportionment. FTES targets for each college for the upcoming academic year are used to allocate the base funding and assumptions are applied to the headcounts that are used for the additional SCFF components. The SCFF revenue is computed in three parts:

- **Base Allocation (70% of the SCFF):** This is the enrollment-based component that is most similar to the prior, SB361-based funding formula. It is the sum of a Basic Allocation funding, derived from the number of colleges and centers in a district, as well as its size, and its funding for Credit, non-Credit\*, CDCP\*, Incarcerated, and Special Admit FTES.

\* Noncredit & CDCP are funded 100% from the Base Allocation and do not participate fully in the other 2 components of the SCFF

- **Supplemental Allocation (20% of the SCFF):** This is the component of the SCFF that targets equity of access and opportunity for low-income students. The Supplemental Allocation is derived from the number of students who are receiving Pell Grants, Promise Grants, and who are AB540 students.
- **Student Success Allocation (10% of the SCFF):** This is the component of the SCFF that targets and incentivizes success outcomes of California Community College students. This allocation is based on a district's performance in the following eight outcome metrics: earned Associate's Degrees, Bachelor's Degrees, Associate's Degrees for Transfer, Credit Certificates; Completion of 9+ CTE Units, Transfer; Completion of Transfer Level Math & English in the first year, and Achievement of Regional Living Wage.

The assumptions used for the SCFF as part of budget development are:

- FTES on which we'll be funded will be the same based on targets set by the campuses. If no targets are possible or developed, the prior fiscal year FTES will be used.
- The last available headcounts are used for the Supplemental and Success components of the SCFF, which is in line with the advanced calculations prepared by the state. Ultimately, the headcounts for funding will use the actual current year submitted data.
- The allocated SCFF revenue is limited to the earned revenue.

## Other Unrestricted Revenues

The BAM also includes additional unrestricted state revenues received as well as local revenues earned.

Other State Revenue:

- Lottery
- Faculty Compensation
- Mandated Cost

- Faculty Hiring and Parity
- Other State
- Homeowners Tax Relief

State Revenues included are allocated to the campuses based on its proportion of the District's SCFF Base Allocation of prior year.

- Enrollment Fee Waivers: This budget is made up of 2% of the enrollment fees collected, which are not used to off-set the apportionment calculation, and the amount received from the State for the 2% that otherwise would have been collected from students had they not received fee waivers.
- Full-Time Faculty Hiring Funds 2018-19: Funds tied to a calculated increase in the Faculty Obligation Number by the state. This allocation was received in 2018-19.
- Part-Time Faculty Compensation: Comprised of reimbursements for office hours and health benefits, and an allocation for compensation. The final amount the District will receive will be based on the total claims submitted system wide against the available funds. We have based our estimate on the prior year allocations, reduced by 15% factoring in estimated reductions from the state.
- Lottery (Unrestricted portion): The unrestricted lottery revenue is considered part of the core revenue that is used to fund operations. The District's total allocation is based on FTES and incorporates the early lottery estimates from the state.
- Mandated Costs: Allocation based on funded FTES, as part of a block grant to cover compliance costs incurred during the year. Based upon the many uncertainties over the mandated claim process, including the State Controller's Office audits of these claims, the District has elected to opt into the more certain funding offered by participation in the block grant. This decision is evaluated annually to be responsive to changes in the mandated cost reimbursement process.

## Local Revenues

- Districtwide Activity revenues consist primarily of interest earned and are allocated in a manner similar to State Revenues discussed above.
- Budget Center Activity are funds that are received for various activities. Each budget center, Merritt College, Laney College, College of Alameda, Berkeley City College, and District Services, determined their revenue estimates based on their experiences. This also consists of self-supported activities that bring in revenue and are expected to cover their own costs.
  - Community Services Fees
  - Contract Education/Services
  - Facilities Rental Fees
  - STRS paid on behalf Others
  - Non-Resident Student Revenue
  - Student Health Fees
  - A/C Transit
  - Application Fees (Int'l)/Student Records
  - Capital Outlay
  - Other Local

Other Local Revenues distributed based on FTES of prior year:

- Interest
- 2% Enrollment Fee
- Miscellaneous Income

## Revenue to the District Office

District Services is considered a budget cost center and is funded based on colleges covering actual net operating costs within an agreed upon percentage of overall revenue. As part of the implementation of the new BAM, several factors were considered in determining an appropriate percentage, including information on the level of service and allocations at other districts. A consideration was given to provide an allocation that was sufficient to allow District Services to operate as a budget center yet still leave each campus able to maintain its operations at the current levels.

## Expenses

The expenses in the new BAM are allocated by budget center as well as the shared district-wide expenses.

### District-wide Expenses

Districtwide expenses are costs that have been identified and determined to be shared across all entities within the District. Examples of these expenses include: retiree benefits, faculty sabbatical costs and related-activity expenditures, districtwide memberships, audit expenses, employee assistance program, and hospitality. Changes to the districtwide expenses may be made directly by the Chancellor or with a request through PBC then approved by PGC for recommendation to the Chancellor. The listing of approved Districtwide expense categories and amounts are included in the annual proposed budget reports.

### Budget Center Expenses

Operating budgets included in the new BAM for the budget centers are separated into ongoing and self-supported activities.

### Personnel

The budget center's operating expenses are comprised primarily of personnel costs.

The employee groups included in position control are:

- Full-Time Faculty
- Classified staff
- Confidential staff
- Academic managers
- Classified managers
- Executives
- Temporary Special Positions (including instructors, project coordinators, managers, and directors)

### Full-Time Faculty

While most positions are determined based on the needs of the budget centers, there is a compliance component to the full-time faculty positions district-wide. A faculty obligation number (FON) is set by the state each year, based on the prior year's FON modified by changes in the FTES. The District must meet its FON or face paying a penalty. Full-time Instructors teaching credit classes, as well as full-time counselor positions are considered towards this obligation.

*NONPOS (a.k.a. Non-Position Control)*

The remaining operating budgets for each budget center are those costs outside of position control, also referred to as “NONPOS”. This includes estimated costs for Adjunct Faculty and other temporary hourly personnel, costs of departmental and campus office costs (e.g. supplies, services, equipment, etc.) and maintenance needs. As part of the implementation of the new Budget Allocation Model, each budget center is responsible for covering any increases in personnel costs, such as the costs of any negotiation settlements and increases in health plan costs. The budget centers may also set aside some contingency funds to help offset potential, yet unquantified costs.

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## Prior Year Funds

A district's ending balance for a fiscal period is referred to as its fund balance. Fund balance represents a point-in-time fiscal snapshot of a district's financial position. As this balance moves from the end of one fiscal year to the beginning of the subsequent fiscal year, it becomes categorized as one-time. One-time funds are unspent funds that remain after a fiscal year has ended, and primarily results from budgetary "savings." These funds would not necessarily be replicated in subsequent years. It is not fiscally prudent to use one-time funds for ongoing purposes such as to funding expenditures for salaries and benefits of permanent staff. Instead, these funds are more appropriately used to fund one-time items or projects. To properly differentiate one-time funds from ongoing sources of funds, the District accounts for these dollars in the One-Time Fund, a sub-fund of the Unrestricted General Fund. The Ending Fund Balance, or Carryover Funds, are broken down into 5 categories\*:

- Non-spendable – This represents resources that are not readily available for expenditures, and includes inventory and cash held in the revolving bank account.
- Restricted – This represents the carryover funds from restricted programs that have legal restrictions for their use by State and federal government.
- Committed – These are funds that were specifically committed by Board action. The District continues to maintain funds committed to help cover future PERS/STRS rate increases.
- Assigned – These funds are assigned for a specified Districtwide purpose or at the budget centers.
- Uncommitted – These are funds which have not been designated for a specific purpose and are held available to use for specific needs that may arise during the fiscal year. However, included here is a contingency set aside per Board Policy 6250 requiring that unrestricted general reserves shall be no less than 10% of unrestricted General Fund expenditures. We continue to base this on the Chancellor's Office definition of minimum required reserve for economic uncertainty.



### Non-spendable Fund Balance

Revolving Cash: The District maintains a bank account with a \$150,000 balance to facilitate issuing checks that are needed outside of the normal check process and which have associated with them legal requirements for more urgent issuance.

Inventory: Inventory maintained for some supplies, and which by itself is not spendable.

### Restricted Fund Balance

These are the Restricted funds which may carryover their unused funds. If expenditures outpace the available funds, then the fund balances will show as negative. In such circumstances, additional available unrestricted general fund resources are required to supplement the shortfall.

Health Services: All PCCD colleges maintain a student health center, which is partially funded by health fees collected. Those fees may only be used for allowable health service expenditures.

Instructional Equipment: Funds remaining from allocations by the state for instructional equipment.

Parking: Each campus maintains parking on-site and charges a fee for non-employees to park on campus. The parking fees collected from parking permits and day passes may only be used towards costs associated with the maintenance of and security for the campus parking lots.

Lottery: As a community college, we receive a share of the lottery funds collected by the state and designated for education. The restricted lottery funds may only be used for instructional purposes as identified in Education Code.

Veteran's Services: funding received to provide education benefits for veterans, which are held and disbursed per the direction of the Department of Veterans' Affairs.

Administrative Allowance: All PCCD colleges participate in the Federal financial aid programs (i.e., PELL, FWS, SEOG). Those programs provide an administrative allowance to help defray some of the costs associated with administering the financial aid to students.

### Committed Funds

Committed funds can only be used for the specific purposes determined by formal action of the Board of Trustees.

### Assigned Fund Balances

These carryovers consist of:

- One-Time Funds allocated to the various budget centers.
- Funds assigned by the budget center for activities and needs identified by that budget center.

### One-time Funds Allocated

These are carryover funds are considered to be in the Districtwide category and are allocated to the different budget centers for specific purposes. These allocations are discussed at various standing committees, including the PBC as well as the PGC, and are approved at PGC.

The one-time funds are to be used for the purposes for which they were designated. Any of the One-Time Fund Allocations that remain unused once their purpose is complete will be returned to be included in future allocations.

### Funds Assigned by the Budget Centers

Each budget center maintains control over funds that have been conserved from the previous year. These assigned funds are allocated to needs as identified by that budget center. These items are usually one-time in nature, rather than on-going costs.

### Fiscal Year Ending Balance

#### Ending Balance

District ending balance will be used as follows:

- 1) Priority 1. Allocate 10% reserve for contingency.
- 2) Priority 2. Allocate one-time expenses designated by the board for the benefit of district and colleges.
- 3) Priority 3. Allocate remaining funds to colleges based on overall FTES percentage to be used for one-time expenses as prioritized by the college.

#### Ending Balance (Less than 10%)

If the district ending balance is less than 10% then each college will be assessed to make up to 10% required for reserve for contingency based on overall FTES percentage of each college.

#### Ending Balance for Colleges

- 1) Each college will keep unspent dollars as a positive ending balance to be used for one-time expenses in the future.
- 2) Each college ending balance greater than 5% must be allocated in the following year for one-time expenses.
- 3) If a college has a negative ending balance their allocation for next year will be reduced by the same amount.
- 4) If a college has an ending balance greater than 10% for two consecutive years, excess funds must be returned to the district for distribution as district ending balance.

### Hold Harmless Allocation

As part of the multi-year transition into the SCFF, a provision was added to ensure that districts would receive no less than they did for 2017-18, plus COLA, which is 2.71% for 2018-19 and 3.26% for 2019-20, 0.00% for 2020-21, and 5.07% for 2021-22. Funds received under the hold harmless allocation have been used in the ongoing funding incorporated into the BAM. The District will use the hold harmless funding to supplement BAM, as needed, and has included it in the discussions of uses for one-time funding. The hold harmless funding is expected to end after fiscal year 2024-25.

### Stabilization

Consistent with the SCFF, should any element of the SCFF for a budget center fall below the prior year funding level, stability will be provided for one year. The funding for this stability will come from district-wide reserves.

## EVALUATION OF THE BUDGET

### Evaluation of the Allocation Model

In October of each year, the PBC will evaluate the allocation model for both the process and those allocations that are formula driven, and will prepare a report to the PGC. The primary current formula-driven allocation is the amount provided towards funding District Services as a budget center. Each budget center will provide input via their respective representative(s) on the PBC.

### Closing the Loop – Budget Allocation is linked to District Strategic Directions

In order to meet the Accreditation Standard III.D3, which requires that the District/Institution(s) systematically assess the effective use of financial resources and use the results of the evaluation as a basis for improvement. PBC should establish a clear process for doing this work and documenting it.

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**Total**21



**Peralta Community College District:  
College Level SCFF Data**



**District Total**

\* SCFF metrics for Base Allocation are based on 19-20 R1. Supplemental and Success Allocation metrics are based on 20-21 P1. All allocations are distributed based on earned outcomes.

**SCFF Data for District Funding**

19-20 R1. Supplemental and Success Allocation metrics are based on 20-21 P1. All allocations are distributed based on earned outcomes.																																			
Data		Funding Rate	2020-21 State Apportionment Funding		Data		2020-21 Estimated Funding	% of District Funding	Data		2020-21 Estimated Funding	% of District Funding	Data		2020-21 Estimated Funding	% of District Funding	Data		2020-21 Estimated Funding	% of District Funding	Reported Data	Total Estimated Funding (not a final allocation)													
Basic Allocation (\$)			\$		16,182,009		\$		4,045,502		\$		4,045,502		\$		4,045,502		\$		16,182,009.12														
Base Allocation	FTEs						FTEs				FTEs				FTEs				FTEs		2019-20 P1 FTEs														
	Traditional Credit 3-Year Average	16,280.37	\$	4,009	\$	65,268,003					2,862.64	\$	11,476,314	18.6%		3,066.20	\$	12,292,395	20.0%		15,359.80	\$	61,577,438.20												
	Actual Traditional Credit	-	\$	-	\$	-					85.33	\$	479,733	18.6%		91.40	\$	513,847	20.0%		457.86	\$	2,574,061.45												
	Special Admit Credit	457.86	\$	5,622	\$	2,574,061					-	\$	-	0.0%		-	\$	-	0.0%		-	\$	-												
	Incarcerated Credit	-	\$	5,622	\$	-					-	\$	-	0.0%		-	\$	-	0.0%		-	\$	-												
	Non-Credit	59.71	\$	3,381	\$	201,857					36.28	\$	122,639	14.0%		93.40	\$	315,740	36.1%		258.96	\$	875,447.94												
	Non Credit CDCP	41.71	\$	5,622	\$	234,491					5.84	\$	32,849	14.0%		15.04	\$	84,572	36.1%		41.71	\$	234,491.12												
	Non-Credit Incarcerated	-	\$	-	\$	-					-	\$	-	0.0%		-	\$	-	0.0%		-	\$	-												
Total	16,840	\$	-	\$	84,460,422					6,028	\$	28,461,342	34.9%		2,990	\$	16,157,038	19.8%		3,266	\$	17,252,056	21.2%	16,118	\$	81,443,447.83									
Supplemental Allocation*	19-20 Headcount						19-20 Headcount				19-20 Headcount				19-20 Headcount				19-20 Headcount		19-20 Headcount														
	Pell Grant Recipients	5,923	\$	948	\$	5,615,004					1,024	\$	970,752	17.3%		1,195	\$	1,132,860	20.2%		5,923	\$	5,615,004.00												
	AB540 Students	1,013	\$	948	\$	960,324					209	\$	198,132	20.6%		236	\$	223,728	23.3%		465	\$	960,324.00												
	California Promise Grant Recipients	12,198	\$	948	\$	11,563,704					4,216	\$	3,996,768	34.6%		2,809	\$	2,662,932	23.0%		12,197	\$	11,562,756.00												
Total	19,134	\$	-	\$	18,139,032					7,064	\$	6,696,672	36.9%		4,042	\$	3,831,816	21.1%		3,746	\$	3,551,208	19.6%	19,133	\$	18,138,084.00									
All Students	19-20 Outcomes						19-20 Outcomes				19-20 Outcomes				19-20 Outcomes				19-20 Outcomes		19-20 Outcomes														
	Associate Degrees	855	\$	1,677	\$	1,433,835					319	\$	534,963	37.4%		135	\$	226,395	15.8%		75	\$	125,775	8.8%	854	\$	1,432,158.00								
	Associate Degrees for Transfer	606	\$	2,236	\$	1,355,234					153	\$	342,163	25.2%		109	\$	243,763	18.0%		244	\$	545,672	40.3%	606	\$	1,355,234.16								
	Baccalaureate Degrees	-	\$	-	\$	-					-	\$	-	0.0%		-	\$	-	0.0%		-	\$	-	0.0%	-	\$	-								
	Credit Certificates	425	\$	1,118	\$	475,150					170	\$	190,060	40.1%		102	\$	114,036	24.1%		80	\$	89,440	18.9%	424	\$	474,032.00								
	Nine or More CTE Units	2,528	\$	559	\$	1,413,152					1,016	\$	567,944	40.2%		449	\$	250,991	17.8%		201	\$	112,359	8.0%	2,528	\$	1,413,152.00								
	Transfer	1,157	\$	839	\$	970,145					404	\$	339,028	34.9%		230	\$	192,461	19.8%		245	\$	205,504	21.2%	1,157	\$	970,144.50								
	Transfer Level Math and English	656	\$	1,118	\$	733,408					136	\$	152,048	20.8%		97	\$	108,446	14.8%		315	\$	352,170	48.1%	655	\$	732,290.00								
	Achieved Regional Living Wage	2,947	\$	559	\$	1,647,373					1,030	\$	575,693	34.9%		585	\$	326,812	19.8%		624	\$	348,961	21.2%	2,947	\$	1,647,373.00								
	Total	9,174	\$	-	\$	8,028,297					3,228	\$	2,701,899	33.7%		1,706	\$	1,462,904	18.2%		1,784	\$	1,779,881	22.2%	9,171	\$	8,024,383.66								
Student Success Allocation*	19-20 Outcomes						19-20 Outcomes				19-20 Outcomes				19-20 Outcomes				19-20 Outcomes		19-20 Outcomes														
	Associate Degrees	508	\$	635	\$	322,326					194	\$	48,857	38.2%		77	\$	27,918	8.7%		44	\$	322,326.00												
	Associate Degrees for Transfer	343	\$	846	\$	290,178					96	\$	81,216	28.0%		75	\$	63,450	21.9%		122	\$	103,212	35.6%	343	\$	290,178.00								
	Baccalaureate Degrees	-	\$	-	\$	-					-	\$	-	0.0%		-	\$	-	0.0%		-	\$	-	0.0%	-	\$	-								
	Credit Certificates	189	\$	423	\$	79,947					79	\$	33,417	41.8%		44	\$	18,612	23.3%		36	\$	15,228	19.0%	189	\$	79,947.00								
	Nine or More CTE Units	1,127	\$	212	\$	238,361					541	\$	114,422	48.0%		257	\$	54,356	22.8%		59	\$	12,479	5.2%	1,128	\$	238,572.00								
	Transfer	561	\$	317	\$	177,977					196	\$	62,196	34.9%		111	\$	35,308	19.8%		119	\$	37,701	21.2%	561	\$	177,977.25								
	Transfer Level Math and English	263	\$	423	\$	111,249					53	\$	22,419	20.2%		32	\$	13,536	12.2%		128	\$	54,144	48.7%	263	\$	111,249.00								
	Achieved Regional Living Wage	670	\$	212	\$	141,705					234	\$	34,055	24.0%		133	\$	28,112	19.8%		142	\$	30,017	21.2%	670	\$	141,705.00								
	Total	3,661	\$	-	\$	1,361,743					1,393	\$	486,283	35.7%		729	\$	262,230	19.3%		650	\$	280,698	20.6%	3,662	\$	1,361,954.25								
California Promise Grant Recipients Bonus	19-20 Outcomes						19-20 Outcomes				19-20 Outcomes				19-20 Outcomes				19-20 Outcomes		19-20 Outcomes														
	Associate Degrees	638	\$	423	\$	269,727					230	\$	97,237	36.1%		104	\$	43,968	16.3%		48	\$	20,293	7.5%	638	\$	269,727.26								
	Associate Degrees for Transfer	468	\$	564	\$	263,812					123	\$	50,169	19.0%		89	\$	50,169	19.0%		186	\$	104,848	39.7%	468	\$	263,811.60								
	Baccalaureate Degrees	-	\$	-	\$	-					-	\$	-	0.0%		-	\$	-	0.0%		-	\$	-	0.0%	-	\$	-								
	Credit Certificates	270	\$	282	\$	76,100					106	\$	29,876	39.3%		64	\$	18,038	23.7%		53	\$	14,938	19.6%	270	\$	76,099.50								
	Nine or More CTE Units	1,623	\$	141	\$	228,843					707	\$	99,687	43.6%		329	\$	46,389	20.3%		100	\$	14,100	6.2%	1,623	\$	228,843.00								
	Transfer	751	\$	212	\$	158,837					262	\$	55,507	34.9%		149	\$	31,511	19.8%		159	\$	33,646	21.2%	751	\$	158,836.50								
	Transfer Level Math and English	377	\$	282	\$	106,257					74	\$	20,857	19.6%		45	\$	12,683	11.9%		187	\$	52,706	49.6%	377	\$	106,257.45								
	Achieved Regional Living Wage	1,316	\$	141	\$	185,556					460	\$	64,845	34.9%		261	\$	36,811	19.8%		279	\$	39,306	21.2%	1,316	\$	185,556.00								
	Total	5,443	\$	-	\$	1,289,131					1,962	\$	437,344	33.9%		1,041	\$	239,570	18.6%		1,012	\$	279,837	21.7%	5,443	\$	1,289,131.31								
Total	18,278	\$	-	\$	10,679,171					6,584	\$	3,625,527	34.0%		3,476	\$	1,964,703	18.4%		3,446	\$	2,340,417	21.9%	18,276	\$	10,675,469.22									
Total SCFF 2018-19 State Apportionment		\$		113,278,625		\$		26,376,223		23.9%		\$		38,783,541		35.2%		\$		21,953,557		19.9%		\$		23,143,681		21.0%		District Data Total		\$		110,257,001.05	
3 Year Average Adjustment		\$		3,016,975		\$		725,059		24.03%		\$		1,054,316		34.95%		\$		598,518		19.84%		\$		639,082		21.18%		\$		3,016,974.60			
Total Apportionment		\$		113,278,625		\$		27,101,281				\$		39,837,857				\$		22,552,075				\$		23,782,762				\$		113,273,975.65			
Hold Harmless		\$		7,125,422		\$		1,712,427				\$		2,490,060				\$		1,413,566				\$		1,509,369				\$		7,125,422.00			
Funding w/ Hold Harmless		\$		120,404,047		\$		28,813,708				\$		42,327,917				\$		23,965,642				\$		25,292,131				\$		120,399,398			

\*Supplemental and Student Success Allocation will be changed based on the actual metrics and data of each college.



## Peralta Community College District: 2020-21 Revenue Allocation



**Total**

### Local and Other (Unrestricted) Revenue





	Districtwide	District Services	Allocation	% of Total	Allocation	% of Total	Allocation	% of Total	Allocation	% of Total	Total Estimated Funding (not a final allocation)
<b>Source of Revenue</b>											
State Revenue											
Lottery	\$ -	\$ -	\$ 21,852.40	24%	\$ 31,775.83	35%	\$ 18,038.62	20%	\$ 19,261.16	21%	\$ 90,928.00
Faculty Compensation	\$ -	\$ -	\$ 961,305.66	24%	\$ 1,397,845.64	35%	\$ 793,534.09	20%	\$ 847,314.61	21%	\$ 4,000,000.00
Mandated Cost	\$ -	\$ -	\$ 905,831.60	24%	\$ 1,317,180.16	35%	\$ 747,741.62	20%	\$ 798,418.63	21%	\$ 3,769,172.00
Faculty Hiring and Parity	\$ -	\$ -	\$ 222,301.93	24%	\$ 323,251.80	35%	\$ 183,504.76	20%	\$ 195,941.50	21%	\$ 925,000.00
Other State	\$ -	\$ -	\$ -	24%	\$ -	35%	\$ -	20%	\$ -	21%	\$ -
Homeowners Tax Relief	\$ -	\$ -	\$ -	24%	\$ -	35%	\$ -	20%	\$ -	21%	\$ -
<b>Total</b>	\$ -	\$ -	\$ 2,111,291.59	24%	\$ 3,070,053.42	35%	\$ 1,742,819.09	20%	\$ 1,860,935.90	21%	\$ 8,785,100.00
<b>Source of Revenue</b>											
Local/Dedicated Revenue*											
2% Enrollment Fee Administration	\$ -	\$ -	\$ -	24%	\$ -	35%	\$ -	20%	\$ -	21%	\$ -
Community Services Fees	\$ -	\$ -	\$ -	24%	\$ -	35%	\$ -	20%	\$ -	21%	\$ -
Contract Education/Services	\$ -	\$ -	\$ -	24%	\$ -	35%	\$ -	20%	\$ -	21%	\$ -
Facilities Rental Fees	\$ -	\$ -	\$ -	24%	\$ -	35%	\$ -	20%	\$ -	21%	\$ -
STRS paid on behalf Others	\$ -	\$ -	\$ 25,234.27	24%	\$ 36,693.45	35%	\$ 20,830.27	20%	\$ 22,242.01	21%	\$ 105,000.00
Non Resident Student Revenue	\$ -	\$ -	\$ 112,068.29	24%	\$ 162,959.80	35%	\$ 92,509.61	20%	\$ 98,779.30	21%	\$ 466,317.00
Student Health Fees	\$ -	\$ -	\$ 45,421.69	24%	\$ 66,048.21	35%	\$ 37,494.49	20%	\$ 40,035.62	21%	\$ 189,000.00
A/C Transit	\$ -	\$ -	\$ 789,700.59	24%	\$ 1,148,312.72	35%	\$ 651,878.34	20%	\$ 696,058.36	21%	\$ 3,285,950.00
Application Fees (Int'l)/Student Records	\$ -	\$ -	\$ 1,395,514.45	24%	\$ 2,029,233.64	35%	\$ 1,151,962.73	20%	\$ 1,230,035.18	21%	\$ 5,806,746.00
Other Student Fees and Miscellaneous	\$ -	\$ -	\$ 195,264.97	24%	\$ 283,937.05	35%	\$ 161,186.41	20%	\$ 172,110.57	21%	\$ 812,499.00
Capital Outlay	\$ -	\$ -	\$ 94,561.23	24%	\$ 137,502.58	35%	\$ 78,057.96	20%	\$ 83,348.22	21%	\$ 393,470.00
Other Local	\$ -	\$ -	\$ -	24%	\$ -	35%	\$ -	20%	\$ -	21%	\$ -
<b>Total</b>	\$ -	\$ -	\$ 2,657,765.50	24%	\$ 3,864,687.43	35%	\$ 2,193,919.81	20%	\$ 2,342,609.26	21%	\$ 11,058,982.00
<b>Total Unrestricted Revenue</b>	\$ -	\$ -	\$ 4,769,057.10	24.0%	\$ 6,934,740.86	34.9%	\$ 3,936,738.90	19.8%	\$ 4,203,545.15	21.2%	\$ 19,844,082.00

\*Local/Dedicated Revenue will change based on each location producing its own income.



**Peralta County Community College District:  
2020-21 Adopted Budget Expenditure Allocation**

**Expense Budget**

													<b>Total</b>	
					Allocation	% of Total	Allocation	% of Total	Allocation	% of Total	Allocation	% of Total	Total Estimated Funding (not a final allocation)	
					<u>Districtwide</u>		<u>District Services</u>							
<b>Source of Expenditure</b>														
GF Expenses	01 Academic Salaries	\$ -	0.00%	\$ 1,964,327	4.25%	\$ 9,922,846	21.47%	\$ 16,570,721	35.86%	\$ 8,124,654	17.58%	\$ 9,626,426	20.83%	\$ 46,208,974
	02 Classified Salaries	\$ -	0.00%	\$ 14,560,731	48.82%	\$ 3,315,734	11.12%	\$ 5,570,327	18.68%	\$ 3,246,676	10.88%	\$ 3,134,249	10.51%	\$ 29,827,717
	03 Benefits	\$ -	0.00%	\$ 10,142,941	25.43%	\$ 6,662,952	16.70%	\$ 11,438,527	28.67%	\$ 5,650,106	14.16%	\$ 5,997,710	15.03%	\$ 39,892,236
	04 Supplies	\$ -	0.00%	\$ 386,721	44.99%	\$ 100,157	11.65%	\$ 175,580	20.42%	\$ 77,952	9.07%	\$ 119,240	13.87%	\$ 859,650
	05 Other Operating	\$ 4,567,434	17.09%	\$ 14,993,877	56.09%	\$ 1,685,211	6.30%	\$ 2,658,760	9.95%	\$ 1,430,783	5.35%	\$ 1,394,727	5.22%	\$ 26,730,792
	06 Capital Outlay	\$ -	0.00%	\$ 156,549	59.81%	\$ 67,150	25.65%	\$ 4,147	1.58%	\$ 10,243	3.91%	\$ 23,654	9.04%	\$ 261,743
	08 Other Outgo/Contingencies	\$ -	0.00%	\$ 1,007,803	97.21%	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%	\$ 28,885	2.79%	\$ 1,036,688
	<b>Total</b>	<b>\$ 4,567,434</b>	<b>3.15%</b>	<b>\$ 43,212,949</b>	<b>29.84%</b>	<b>\$ 21,754,050</b>	<b>15.02%</b>	<b>\$ 36,418,062</b>	<b>25.15%</b>	<b>\$ 18,540,414</b>	<b>12.80%</b>	<b>\$ 20,324,891</b>	<b>14.03%</b>	<b>\$ 144,817,800</b>

## SCFF Calculation

### Peralta Community College District

Estimated State COLA			2020-21					
			0.00%		% change			
Base Allocation	Credit FTES	Basic Allocation	FTES		Rate	Total		
		3-Year Average Credit			\$	16,182,009		
		Special Admit	16,280.37	\$	4,009	\$	65,268,003	
		Incarcerated Credit	457.86	\$	5,622	\$	2,574,061	
			-	\$	5,622	\$	-	
	Subtotal		16,738.23			\$	67,842,065	
	Non-Credit FTES	Traditional Non Credit	59.71	\$	3,381	\$	201,857	
		CDCP	41.71	\$	5,622	\$	234,491	
		Incarcerated Non-Credit	-	\$	3,347	\$	-	
		Subtotal		101.42			\$	436,349
Total		16,839.65			\$	84,460,422		
Supplemental Allocation	Pell Grant Recipients State Nonresident Fee Waiver California Promise Grant Recipients		Headcount		Rate			
			5,923	\$	948	\$	5,615,004	
			1,013	\$	948	\$	960,324	
			12,198	\$	948	\$	11,563,704	
	Total		19,134			\$	18,139,032	
Student Success Allocation	All Students	Associate Degrees Baccalaureate Degrees Associate Degrees for Transfer Credit Certificates Nine or More CTE Units Transfer Transfer Level Math and English Achieved Regional Living Wage		Outcomes		Rate		
				855	\$	1,677	\$	1,433,835
				-	\$	1,677	\$	-
				606	\$	2,236	\$	1,355,234
				425	\$	1,118	\$	475,150
				2,528	\$	559	\$	1,413,152
				1,157	\$	839	\$	970,145
				656	\$	1,118	\$	733,408
		2,947	\$	559	\$	1,647,373		
	Subtotal		9,174			\$	8,028,297	
	Equity: Pell Grant Recipients	Associate Degrees Baccalaureate Degrees Associate Degrees for Transfer Credit Certificates Nine or More CTE Units Transfer Transfer Level Math and English Achieved Regional Living Wage		508	\$	635	\$	322,326
				-	\$	635	\$	-
				343	\$	846	\$	290,178
				189	\$	423	\$	79,947
				1,127	\$	212	\$	238,361
				561	\$	317	\$	177,977
				263	\$	423	\$	111,249
		670	\$	212	\$	141,705		
	Subtotal		3,661			\$	1,361,743	
	Equity: California Promise Grant Recipients	Associate Degrees Baccalaureate Degrees Associate Degrees for Transfer Credit Certificates Nine or More CTE Units Transfer Transfer Level Math and English Achieved Regional Living Wage		638	\$	423	\$	269,727
				-	\$	423	\$	-
				468	\$	564	\$	263,812
				270	\$	282	\$	76,100
				1,623	\$	141	\$	228,843
				751	\$	212	\$	158,837
				377	\$	282	\$	106,257
		1,316	\$	141	\$	185,556		
	Subtotal		5,443			\$	1,289,131	
	Preliminary Total		18,278			\$	10,679,171	
	Success Growth	Available Growth						
		Maximum Growth		no limit				
		Funded Growth						
Total						\$	10,679,171	
Total SCFF before Hold Harmless							\$	113,278,625
Hold Harmless Funding							\$	7,125,422
Total SCFF							\$	120,404,047





### Agenda Item Details

Meeting	Jan 25, 2022 - REGULAR MEETING OF THE BOARD OF TRUSTEES
Category	12. ACTION ITEMS
Subject	12.1 Consider Approval of the PCCD Mission Statement. Presenter: Interim Chancellor Dr. Jannett Jackson
Access	Public
Type	Procedural

### Public Content

**TO: Peralta Board of Trustees**

**FROM: Dr. Jannett Jackson, Interim Chancellor**

**PREPARED BY: Dr. Jannett Jackson, Interim Chancellor**

### BACKGROUND/ANALYSIS:

The Accrediting Commission for Junior and Community Colleges (ACCJC) Standards and Eligibility Requirements call for institutions of higher education to periodically review and articulate the mission statement.

- Standard 1.A.1: The institution's educational mission is clearly defined, adopted, and published by its governing board consistent with its legal authorization, and is appropriate to a degree-granting institution of higher education and the constituency it seeks to serve. The mission statement defines an institutional commitment to student learning and achievement (Standard 1.A.1 and 1.A.4)
- Standard 1.A.4: The institution articulates its mission in a widely published statement approved by the governing board. The mission statement is periodically reviewed and updated as necessary. (ER 6)
- Eligibility Requirement 6: The mission describes the institution's broad educational purposes, its intended student population, the types of degrees and other credentials it offers, and its commitment to student learning and student achievement. (ER 6)

Over the past two years, a Peralta Governance Committee (PGC) taskforce led by Dr. Tina Vasconcellos (VP Student Services at College of Alameda) organized and conducted a PCCD mission statement review sessions at each of the four colleges as well as the district office. These sessions involved more than 150 students, classified professionals, full and part-time faculty as well as administrators allowing all voices to be included. Each of these sessions reviewed the current mission statement and developed a new one for district-wide consideration. PCCD employees were then invited to respond to a survey and indicate their preference of the five mission statements developed. We received 171 responses. The statement receiving the majority of votes was then presented to the PGC. PGC members worked with the statement and made modifications to address additional constituent input. The amended statement was recommended to the Chancellor by the Peralta Governance Committee by unanimous vote on March 27, 2020.

A revised District mission statement that had been through the District governance process was provided to the Board in its March 23, 2021 Board meeting.

An overview of the conversations related to the revised Mission Statement is given in the following timeline:

- **Fall 2018:**
  - PBIM Summit- Chancellor Laguerre directed Dr. Vasconcellos to lead a district wide Mission statement review. The work was done under the charge of the PGC.
  - Dr. Vasconcellos reached out to faculty to join in a PCCD Mission Statement Taskforce
  - Dr. Mario Rivas (retired) and Dr. Joseph Bielanski joined in the inclusive process
- **Spring 2019:**
  - PCCD Taskforce launched a review with each college and district office employees and students
  - Taskforce met with each college council/roundtable twice to develop a recommended
  - Taskforce met with District Office personnel for a review session and development of mission statement recommendation
- **Fall 2019:**
  - Launched Districtwide survey to vote on recommended mission statements
  - 249 responses voting on mission statement
- **Spring 2020:**
  - Finalized and Approved PCCD Mission Statement Review by the PGC on March 27, 2020
  - Chancellor Standback Stroud presented PCCD Mission Statement to the Board of Trustees for review at the April 7, 2020 Board meeting. Failed to pass motion.
- **Fall 2020:**
  - Chancellor Walter brought it back to the Board again for review at the November 10, 2020 and it was tabled for further discussion.
  - The Mission Statement and Strategic Plan was discussed during the Board Retreat, held on December 16, 2020
- **Spring 2021:**
  - The Mission Statement and Strategic Plan was discussed during the Study Session, held on March 23, 2021
  - The Mission Statement was discussed again during the Board Retreat, held on July 20, 2021
- **Spring 2022:**
  - The Mission Statement was discussed and approved during the Board Retreat, held on January 11, 2022

The Recommended Mission Statement was:

*The Peralta Community College District is a collaborative of colleges advancing social and economic transformation for students and the community through quality education, rooted in equity, social justice, environmental sustainability, and partnerships .*

The current Mission Statement is: <https://web.peralta.edu/about-peralta/mission/>

We are a collaborative community of colleges. Together, we provide educational leadership for the East Bay, delivering programs and services that sustainably enhance the region's human, economic, environmental, and social development. We empower our students to achieve their highest aspirations. We develop leaders who create opportunities and transform lives. Together with our partners, we provide our diverse students and communities with equitable access to educational resources, experiences, and life-long opportunities to meet and exceed their goals. In part, the Peralta Community College District provides accessible, high quality, educational programs and services to meet the following needs of our multi-cultural communities:

- Articulation agreements with a broad array of highly respected Universities;
- Achievement of Associate Degrees of Arts and Science, and certificates of achievement;
- Acquisition of career-technical skills that are compatible with industry demand;
- Promotion of economic development and job growth;
- Foundational basic skills and continuing education;

- Lifelong learning, life skills, civic engagement, and cultural enrichment;
- Early college programs for community high school students;
- Supportive, satisfying, safe, and functional work environment for faculty and staff; and
- Preparation for an environmentally sustainable future

#### **EVALUATION AND RECOMMENDED ACTION:**

The Interim Chancellor recommends approval.

#### **Administrative Content**

#### **Executive Content**

Last Modified by Sasha Amiri on January 19, 2022



***PERALTA COMMUNITY COLLEGE DISTRICT***  
**PARTICIPATORY GOVERNANCE COUNCIL (PGC)**

**PGC**  
**GOALS for 2021-22**

1. Identify a standardized platform for committee materials and implement it. Maintaining committee documentation from year to year.
2. Regular Assessment of committees.
3. Develop a Master Calendar for the PGC. Align with critical activities at State level, as well as colleges and District levels.
4. Create Sub-committees for key areas of PGC responsibility/scope (Accreditation, Master Planning, monitoring PBIM effectiveness, etc.)
5. Review the PBIM Structure for possible necessary/appropriate updates.