STUDENT SERVICES

ACADEMIC COUNSELING AND ADVISING

Counselors assist students with their educational planning and setting of academic goals. All students are encouraged to seek the help of counselors in creating a Student Education Plan (SEP) and selecting appropriate courses for a Certificate, Associate Degree, and/or for transfer to a four-year institution. For information or to make an appointment, call (510) 436-2475.

ALTERNATE MEDIA SERVICES

Alternate media services will be provided to students, staff, and community members whose disability-related limitations prevent them from accessing printed materials in its standard or published format. This catalogue, in addition to other educational materials, is available in alternate formats, such as Braille, large print, audio file, or electronic text. The office is located in Building L, Room 112. For information, call (510) 434-3910.

ASSESSMENT SERVICES

Assessment to establish appropriate levels in English and mathematics is required of all new matriculating students. See the Schedule of Classes for dates, times, and locations of math, English, and English as a Second Language (ESL) assessments.

The Assessment Office schedules and conducts day and evening assessments for all new and returning nonexempt matriculating students, coordinates the new-student orientations and the "ability to benefit" testing for financial aid students, and maintains assessment results and course recommendations. The office is located in Building L, Room 105. For information, call (510) 436-2562.

ASSOCIATED STUDENTS OF MERRITT COLLEGE

The Associated Students of Merritt College, Inc. (ASMC) is the official organization of the student body. Active participation in the student council provides students with the opportunity to assist in the development of co-curricular programs and to participate in problem solving, which impacts on the formulation of general college policies.

ASMC is a self-governing student organization representing all Merritt College students. Every student enrolled in Merritt College is a member of ASMC. ASMC is composed of the Executive Council, the Senate and the Inter-Club Council. ASMC offers student leadership opportunities through participation at all levels within the student government and through campus committee representation. Merritt students enrolled in six or more units and in good academic standing are eligible to participate in the ASMC Council.

Responsibility for the direction and administration of the student body government rests with the Senate of the ASMC, which controls and distributes all student body funds. The officers of the ASMC are elected or appointed in accordance with the student body constitution. The offices include those of president, vice president, commissioner of finance, and senators. Senate meetings are open and students are encouraged to attend. Information about meeting times can be obtained from the Student Activities Office in Building R, Room 145. ASMC is a member of the California Student Association of Community Colleges. For more information, contact the Student Activities Advisor in the Student Center, Building R, Room 145, or call (510) 436-2540.

BOOKSTORE - SEE COLLEGE STORE

CALWORKS PROGRAM - SEE MERRITTWORKS

CAMPUS CENTER – BUILDING R

The Merritt College Campus Center houses MC Café, the Student Lounge, the Student Activities Offices, and the Game Room.

Food services at Merritt College are provided by MC Café in the cafeteria which serves a variety of food at moderate prices, including breakfast, lunch, and short orders. The dining room is also available for special events.

The Student Lounge offers students a place to relax, study, and meet with their fellow students. Information about reservations can be obtained from the Student Activities Office, Room R145, for daytime events, and from the Facilities Rental/Reservation Office, Room Q222, for evening events.
The Student Activities Offices include the offices of student body officers and campus clubs and organizations. The Student Council room is used for council meetings, club organizational meetings, and as a workroom.

**CAREER AND TRANSFER CENTER**

The Career and Transfer Center, an affiliate of the Oakland One-Stop Career Center, located in Building Q, Room 202, offers a variety of career and job-search/referral services to students. Visit the center, or call (510) 436-2445 for information on the following services provided by the Center:

- Career resource area with a library of career and job information; includes bank of computers for online career and job search.
- Job-search assistance such as career counseling, vocational assessment, job-site visits, and resume and interview preparation.
- Job referral for full- and part-time jobs, both on and off campus, locally and nationwide.
- Information on volunteer and internship positions.
- Information and support for the transfer process.
- Career and transfer presentations and workshops by faculty and local employers.

**CAREER COUNSELING**

Counselors provide career counseling and guidance for students setting educational and vocational goals. Many students are undecided as to their major field of study and should discuss possible career choices with a counselor. In addition, the college has a Career and Transfer Center that provides career resources and occupational information. Computerized systems, such as Eureka, are also available in the Career and Transfer Center for student use. Refer to Counseling Services and Career and Transfer Center.

**CASHIER'S OFFICE**

The Cashier's Office (Bursar's Office), located in Building Q, Room 215, is open during registration periods to 7:00 p.m. on Monday and Tuesday evenings (days and hours are subject to change). During the balance of the term, the office is open to 4:00 p.m. The Cashier's Office accepts personal checks, Visa, Discover, MasterCard or cash. For information or assistance, call (510) 436-2402. Fee-based (community services) classes are paid for in the Office of Instruction located in Building Q, Room 300.

**CHILDREN'S CENTER**

The Children's Center provides child care services to eligible students (working parents, those enrolled in six or more units, or from low-income families) on campus. The center provides professional care for children from one to five years of age. A registration process is required. Information regarding guidelines and application procedures is available at the Center, located on campus. For information, call (510) 436-2436.

**COLLEGE HOUR**

Activities and events of college-wide interest are held during College Hour every Thursdays from 12:30 p.m. to 1:30 p.m. during the fall and spring terms. For more information, contact the Student Activities Office at (510) 436-2535, or visit the office in Building R, Room 145.

**COLLEGE STORE/BOOKSTORE**

The College Store is operated by the Follett College Stores Corporation. All required texts plus supplementary books are stocked in the store. In addition to books, a complete assortment of school, art and engineering supplies and physical education attire is available. A wide variety of convenience items also may be purchased at the store. The College Store, located in Building R, Room 125, is open at 7:45 a.m. to 7:00 p.m. on Monday and Tuesday, to 5:00 p.m. on Wednesday and Thursday, and to 3:00 p.m. on Friday. Business hours are extended during the first two weeks of each semester to 8:00 p.m. Monday through Thursday, and from 8:45 a.m. to 4:00 p.m. on Saturday. The College Store accepts Visa, American Express, MasterCard, Traveler's checks, money orders, and cash, but no personal checks. Books may also be ordered online at efollett.com. For information, call (510) 436-2438.

**COOPERATIVE AGENCIES RESOURCES FOR EDUCATION (CARE)**

The CARE program, part of EOPS, is a state-funded supplemental support service program for students who are single heads of household with children age 14 and under and who have an active CalWORKs case number. CARE students receive supplemental counseling and advising services, additional study time, childcare services, textbooks, supplies, and meals. Services provided include workshops, activities and classes to enhance personal development, parenting and study skills, group support, peer networking and referrals to campus and com-
community-based resources. The CARE program is located in Building P, Room 313. For information, call (510) 436-2476.

**COUNSELING SERVICES**

The college provides counseling services to assist students with their choice of a career, with planning a program of study, and with personal problems. Students may schedule appointments with counselors during available day or evening hours. The Counseling Office is located in Building P, Room 300. For information or to make an appointment, call (510) 436-2475.

**DISABLED STUDENTS PROGRAMS AND SERVICES (DSP&S)**

Disabled Students Programs and Services (DSP&S) provides educational and vocational support services to persons with disabilities who are enrolled in classes at the college. Services include academic, personal and career counseling; registration assistance; and liaison with four-year colleges and community agencies. The DSP&S Office is located in Building P, Room 300. For information, call (510) 436-2429 (Voice), or (510) 434-3881 (V/TDD). Also refer to Alternate Media Services and High Tech Center.

**EXTENDED OPPORTUNITY PROGRAMS AND SERVICES (EOPS)**

Extended Opportunity Programs and Services (EOPS) provides financial and academic support to students whose educational and socioeconomic backgrounds may prevent them from successfully attending college. To qualify, the student must be a California resident, enrolled in at least 12 units (but not have completed more than 70 units), eligible for a Board of Governor’s fee waiver, and educationally disadvantaged. Services provided include orientation, priority registration, specialized counseling, academic planning, career guidance, academic progress monitoring, basic skills instruction, book services, transfer assistance, and special cultural awareness activities. The EOPS Office is located in Building P, Room 300. For information, call (510) 436-2474.

**FINANCIAL AID**

The Financial Aid Office offers information, applications and assistance about federal and state financial aid. Fee waivers, grants, loans, scholarships, work-study and other forms of assistance are available to students to cover fees, books, academic expenses and other related costs. The office is located in Building P, Room 339, and is open Monday and Tuesday, 8:00 a.m. - 7:00 p.m., Wednesday and Thursday, 8:00 a.m. - 4:30 p.m., and Friday, 8:00 a.m. - 3:00 p.m.; telephone number: (510) 436-2465.

**FOOD SERVICES (SEE CAMPUS CENTER)**

**HEALTH SERVICES CENTER**

The Health Services Center provides a variety of health programs and services to students in an effort to improve and support the student's sense of well-being while pursuing his/her academic goals. The Health Services Center is staffed by a Registered Nurse/Marriage, Family and Child Counselor. Services are free and confidential. Appointments are not necessary, but appreciated. Services offered include assessment of illness, injuries and stress with referrals to low-cost community clinics when indicated. Additional services include health education and wellness classes and information; crisis counseling; referrals for domestic violence, sexual assault, drug abuse, and parental stress; and Social Service referrals for shelter, food, and legal needs. Condoms, over-the-counter medications, feminine-hygiene products, blood-pressure checks, pregnancy tests, and TB skin tests are also provided free to students. A flu-shot program as well as other programs are periodically offered and are advertised in advance.

Classes in stress reduction, nutrition and weight management, mental health issues, anger control, sexual health, and healthy parenting are offered for credit in the Health Services Center, usually from 12:00 - 1:00 p.m. These classes are listed in the Merritt College Schedule of Classes under “Health Education” with course titles beginning with “Wellness Education.”

Check with the Health Services Center as additional services are added periodically. The Health Services Center is located in Building R, Room 137. For information, call (510) 436-2533.

**HIGH TECH CENTER**

The High Tech Center offers services for students who are recovering from head injuries, have a diagnosed learning disability, or who need accommodations/adaptive equipment. The lab contains state-of-the-art computer adaptations including voice recognition, screen readers, and spelling and math programs for students who participate in the DSP&S program. Students learn to use Microsoft Word to produce documents and desktop publishing projects. The High Tech Center offers classes on using the Internet and basic Web-page
design. Assessments for Department of Rehabilitation clients are also provided. Students are advised to meet with a counselor in the DSP&S program before enrolling in these classes. The Center is located in Building L, Room L102. For information, call (510) 436-2592.

**HOUSING**

Merritt has no dormitory facilities. Students not living at home must make their own arrangements for living quarters. The Student Activities Office, located in Building R, Room 145, maintains a listing of rentals. These listings are also posted on bulletin boards throughout the campus. The college assumes no responsibility for these rentals.

**INSTRUCTOR ADVISING**

Instructor advising is available to students in most majors. Instructor advisors are experts in a particular discipline or major who give information regarding the content of a particular course, or what sequence of courses will suit the student. Students are encouraged to consult an instructor advisor as well as a counselor.

Instructor advisors can assist students interested in the course offerings in a particular field or major at universities and colleges. They can also help students find current information regarding jobs and careers in specific fields.

**INTERNATIONAL STUDENT SERVICES**

Special regulations govern the admission of foreign students. These students should contact the Office of International Education for applications and admissions information at (510) 466-7380 or by fax at (510) 465-3257. The office is located next to the Peralta Community College District main office at 333 East Eighth Street, Oakland, CA 94606.

**LEARNING CENTER (SELF-PACED CLASSES, TUTORING PROGRAM, AND TECHNOLOGY SERVICES)**

The Learning Center is open to all students who would like assistance with instructional assignments. The Learning Center offers classes that are designed to help students acquire the skills they need to succeed in other college courses. There are several self-paced courses available for credit in English communication, writing skills, and study skills. Students receive tutorial assistance as they work at their own pace – and whenever their schedules allow – toward mastery of course materials.

These courses are non-degree applicable (they cannot be applied toward an AA degree) and only credit/no-credit grades are awarded at the completion of the courses. Students may enroll up to the 12th week of the semester. Refer to the class schedule for more details.

The Tutoring Program provides students with academic assistance across the curriculum. Free tutoring is available for most courses at Merritt College. Students are eligible for one-to-one or group tutoring if they are enrolled in a Peralta Community College District course.

Merritt students can use the computers in the Computer Lab and make use of current technology to access the Internet, use email, do laser printing, scan materials, and use educational software for academic classes. Tutors in the Computer Lab assist students with word processing tasks or in using software for classes. Students can also receive tutorial help on writing projects.

The Learning Center is located in Building D, Room 187. For information, call (510) 436-2442 or 436-2443.

**LEARNING OPPORTUNITY PROGRAM**

The Learning Opportunity Program provides assessment and instructional assistance in study skills to students who have learning disabilities. The Learning Disabilities Specialist provides students with individual assessment to determine specific learning disabilities. Students should be enrolled in at least six units (at least one academic course) to participate in the program.

**Goals:**

- Assisting students with learning disabilities in reaching their academic and vocational goals.
- Strengthening and developing students' individual learning styles to become independent learners.

**Services:**

- Assessment and evaluation of eligibility for the learning disabilities program.
- Identification of students' learning styles and modalities.
- Evaluation of academic skills and academic coaching.
- Compensatory learning strategies and techniques.
- Accommodations and services based on individual testing results.
- Computer-assisted instruction.
For information, contact the DSP&S Office in Building P, Room 300, or call for an appointment with a DSP&S counselor at (510) 436-2429.

LIBRARY

Library services are provided throughout the semester and include day and evening hours of operation. Professional librarians are available to assist students with their research and reference needs and to provide orientation in library-use techniques. The Library is located in Building L, Room 200. For information, call (510) 436-2457.

LOST AND FOUND

Lost and Found is located in the Student Activities Office in Building R, Room 145. For information, call (510) 436-2535.

MEDICAL EMERGENCIES

In case of severe illness or accidents requiring medical assistance, students are advised to dial 7236 from a campus phone or (510) 465-3456 from a pay phone. Peralta Police Services will respond to the emergency and notify the campus nurse. Police Services will activate the emergency response services (i.e., ambulance, fire, police, etc.)

In life or death situations (a person has stopped breathing, is bleeding profusely, or is in immediate danger), telephone 9-911 from a campus phone or phone 911 from a pay phone. The county emergency response team will be activated and send an ambulance, the fire department, and police. Then dial 7236 from a campus phone or (510) 465-3456 from a pay phone. The campus police will respond and assist you. Tell them whether or not you have already called 911.

In cases of illness or accident which are serious, but not life threatening, dial 7236 from a campus phone or (510) 465-3456 from a pay phone. Campus police will respond and notify the campus nurse and/or call 911, if necessary.

MERRITTWORKS (CALWORKS)

MERRITTWorks is the name applied to the CalWORKs program on the Merritt campus. Merritt College works in collaboration with the Alameda County Department of Social Services to help families with dependent children transition from welfare to work. The program provides support services to students who are enrolled in classes and who are currently receiving aid for dependent children. Services provided include academic, personal and career counseling; financial assistance and work-study opportunities; childcare assistance and referrals; design of individualized student education plans; job placement; employment readiness skills workshops/classes; assessment and assistance with learning disabilities; computer loan program; supervised study time; academic tutoring and computer learning assistance; lifeskills and special interest workshops; and information and referral to other student services, support services and agencies. The Department of Social Services provides transportation vouchers and checks for student supplies and books on a limited basis. For information, contact the MERRITTWorks Office in Building P, Room 309, or call (510) 436-2428 or 436-2651.

ORIENTATION

All new students at Merritt College must attend an Orientation to College session. This session lets you know what to expect at college, how often to see your counselor, information about planning your schedule, and where to find the resources that you need to succeed.

If you are a new Merritt College student, you can now attend this Orientation online. Just visit our website at http://merritt.edu:80/~StudentServices/Orientation/ to begin. When you have completed the Online Orientation, print out the final survey and bring it to the P Building, Room 300, to set up an appointment with a counselor.

PARKING ON CAMPUS AND TRAFFIC REGULATIONS

The responsibility for establishing rules and regulations for vehicles and parking on Merritt College property is vested in the college and district administration (Section 2113 of the California Vehicle Code and Section 76360 of the California Education Code). Vehicle and parking regulations are as follows:

1. All persons who drive motor-powered vehicles on the Merritt campus shall abide by the State of California Vehicle Code pertaining to motor vehicles and special regulations that have been or may be invoked at any time.

2. The parking fee to park on campus is $0.50 per day or $20.00 per semester or $10 for summer session (motorcycle permits are $10 per semester and $5 for summer session). Daily tickets may be purchased from the boxes located in the parking lots or semester parking permits may be
The lots are monitored and parking tickets are issued for cars not displaying a daily ticket or a parking permit. Violators of traffic regulations are prosecuted in the Oakland traffic court.

3. Parking of private vehicles on Merritt College property is done at the risk of the owner.

4. Parking lot A and a portion of parking lots C and D are reserved for faculty, staff, visitors, and motorcycle parking. Students are not permitted to park in lot A, or in reserved spaces marked for staff and visitors in lots C and D.

5. Student parking lots are C and D (excluding reserved spaces for staff and visitors) and E. All vehicles must park in designated areas and display a parking ticket/permit.

6. A vehicle left unattended in an area where it will constitute a traffic hazard will be towed at the owner’s expense.

7. The speed limit on the Merritt campus is 15 m.p.h. The speed limit on Campus Drive is 30 m.p.h. Because of the hazardous nature of the curve on Campus Drive, it is essential that the speed limit be observed. There have been several serious accidents, including one fatality, at that curve.

8. Parking spaces designated “Handicapped” are reserved for vehicles displaying a state disabled/handicapped permit. Temporary permits are issued in the Business Services Office.

9. Visitors to the campus may park in green (30-minute) zones for a maximum of 30 minutes without a permit. Visitors intending to remain longer than 30 minutes must park in a fee lot and pay $0.50.

10. Questions or problems involving parking should be referred to the Dean of Student Support Services.

Personal Counseling

Counselors are available to assist students with problems and concerns which affect or impede academic progress. When appropriate, students may be referred to other professional services in the community. For information, call (510) 436-2475.

Police Services

Police Services is located in Building R, Room 135, and is available 7 days a week, 24 hours per day.
Emergency Line: (510) 465-3456, or on campus at ext. 7236.
Non-Emergency Line: (510) 465-3414, or on campus at ext. 2668.

Puente Program

The goal of the Puente Community College Program is to increase the number of educationally under-served students who transfer to four-year colleges and universities. Puente students are provided with accelerated English writing instruction and sustained academic counseling and mentoring from the professional community. To participate in the Puente Program, students must be interested in transferring to a four-year college or university, be eligible for English 201A/201B (as determined by assessment or completion of prerequisites), and make a commitment to work with the Puente counselor as well as mentors designated by the Project Coordinator. For information, contact the Puente Office in Building R, Room 143, or call (510) 436-2529.

Safety Aides

Safety Aides assist Police Services by patrolling the campus and its parking lots. Aides are available for escort services to and from parking lots. To receive assistance, call (510) 466-7236.

Scholarship Information

Scholarship information can be accessed in the following ways:
• Online at a Eureka Access Scholarship Web site; on-campus access sites include computers in Rooms D-178, D-180, Q-202, R-4, and R-136.
• Postings on the Student Activities bulletin board located in Room R-145.
• In a scholarship binder available in the Financial Aid office located in P-300 or the Student Activities Office located in Room R-145.

Student Activities

The college recognizes that student activities are an integral part of the educational program and provides time in the regular
schedule for individuals and groups to participate in planning and organizing activities of mutual interest. The Student Activities Office provides a variety of services and activities that enhance student life on the Merritt campus. The Office plans and implements a calendar of campus activities and sponsors multicultural enrichment events in conjunction with the ASMC.

The Student Activities Office, located in Building R, Room 145, provides assistance to students wishing to participate in the student government or in any of the planned activities and programs. Students interested in forming new clubs, running for student body offices, or learning details of any activity should consult with this office or call (510) 436-2535 for information.

The Student Activities Office is responsible for a variety of services, including: AC transit passes, activities and activities coordination, ASMC Photo ID (student ID cards), BART passes, calendar of student events, fax and copy machine services, housing bulletin boards, lost and found, merchant discounts with ASMC “gold” photo ID, postage stamps, posting approval, student government and club information, reserving Student Lounge and Club Room (R136), and student organizations' offices and mailboxes.

**STUDENT CLUBS AND ORGANIZATIONS**

Student organizations were established to provide opportunities for students to participate in scholastic, social, and recreational pursuits outside the regular classroom schedule. In order for a club or organization to be sponsored by the ASMC, it must abide by the campus policy on club activities as set forth in the Procedures and Policies Handbook for Student Activities, available in Building R, Room 145. For information, call (510) 436-2535.

**STUDENT "GOLD" ID CARD**

The effective functioning of the ASMC depends on student participation and financial support. Because some of the financial support for ASMC originates from the sale of the "Gold" student ID cards, students are encouraged to purchase a gold card in support of their student council. The ASMC “Gold” ID card may be purchased for $5.00 per academic semester in the Student Activities Office. The “Gold” card entitles students to reduced admission costs to home athletic events, and Discount Days at the Bookstore and with participating local merchants. The optional fee supports student activities as determined by the Associated Students Council.

**TUTORIAL PROGRAM**

The Tutorial Program, housed and operated in the Learning Center, provides students with qualified student tutors in various academic areas. Tutors support the student’s regular instructional program through individual and small-group tutoring. Tutorial assistance provides support, motivation, and encouragement for students. This service is free to all Merritt students. To sign up for tutoring services, a student must complete a brief application and indicate the hours available for tutoring. Those students who are interested in becoming tutors can contact the Tutorial Coordinator at (510) 436-2442. The Tutorial Program is located in Building D, Room 187.

**VETERANS' AFFAIRS OFFICE**

Merritt College offers educational assistance to eligible active-duty military, retired, and reserve personnel and their dependents, according to Title 38, *U.S. Code*, and Section 32320 of the *California Education Code*. The U.S. Department of Veterans Affairs and the California Department of Veterans Affairs determine eligibility for benefits under this program. For information, visit the Veterans' Affairs Office located in Building P, Room 300, or call (510) 436-2574.

**VOCATIONAL EDUCATION TUTORING SERVICE**

Vocational education funds assist the college in providing services it would otherwise be unable to provide. One of these services is tutoring students who are either majoring in specific vocational programs, or those who are enrolled in vocational classes. Students should contact their instructor for further details.
ACADEMIC ADJUSTMENTS AND AUXILIARY AIDS AND SERVICES FOR STUDENTS WITH DISABILITIES

The Peralta Community College District, consisting of four colleges and other programs of higher education and vocational training, commits itself to a policy of equal opportunity and nondiscrimination for students with disabilities. It is the policy of the District to provide reasonable modifications, academic adjustments, and auxiliary aids and services consistent with federal, state, and local laws and regulations. See Board Policy 5.24 and its Implementing Procedures.

In the case of dispute involving a student’s request for or provision of academic adjustments and auxiliary aids and services or a student’s inquiry regarding the District’s compliance with applicable laws and regulations, the Division Dean supervising the program to which the request or inquiry is directed must review the matter and make an interim decision pending any resolution through the Student Grievance Procedure, Board Policy 4.43. The findings and decision of the Grievance Committee may be directly appealed to the District Equal Opportunity Officer.

ACADEMIC ACCOMMODATION PROCEDURES FOR STUDENTS WITH DISABILITIES

Pursuant to Section 504 of the Rehabilitation Act of 1973, Title 5, Section 56027, and Board Policy 5.24, the Peralta Community College District has developed the following procedures to respond in a timely manner to requests by students with disabilities for academic accommodations. Pursuant to Title 5, Sections 56000-56088 the District has developed Disabled Student Programs and Services (DSP&S) at each college to assist students with disabilities in securing appropriate instruction, academic accommodations and auxiliary aids.

The goal of all academic accommodations and auxiliary aids is to minimize the effects of the disability on the educational process. The student with a disability shall be given the opportunity both to acquire information and to be evaluated in a way that allows the student to fully demonstrate his/her knowledge of the subject. The goal is to maintain academic standards by giving the student assignments that are comparable in content, complexity, and quantity.

1. When a student requests disability-related services, the student’s disability is verified by the DSP&S professional according to state-mandated criteria. If the student is deemed ineligible for services and wishes to appeal this decision, he/she will follow the District Student Grievance Procedure. Concurrently, the college ADA Coordinator will review the case and make an interim decision pending resolution through the student grievance procedure. The finding of the grievance committee may be appealed directly to the District Affirmative Action Officer.

2. The DSP&S professional, in consultation with the student, determines educational limitations based on the disability and authorizes the use of any appropriate auxiliary aids and/or academic accommodations. These may include but are not limited to:

   a. Auxiliary aids such as a tape recorder, assistive listening device, calculator, computer, taped text or spelling checker used in the classroom and/or in completing class assignments;

   b. The use in the classroom of a reader, American Sign Language interpreter, note taker, or scribe, or real-time captioner for students who are deaf or hard of hearing or the presence of guide dogs, mobility assistants, or attendants in the classroom;

   c. Testing accommodations such as extended time for test taking and distraction-free test setting;

   d. Extending the length of time permitted for course or degree requirements and flexibility in the manner in which specific course content is obtained.

   e. Substitution for specific courses required for the completion of general education degree requirements, or substitutions or waivers of major or certificate requirements.

   f. Access to Alternate Media such as Braille, large print, video captioning.

3. With the consent of the student, instructors are informed of authorized auxiliary aids and academic accommo-
dations. It is the responsibility of the instructor to allow auxiliary aids to be used in the classroom or to coordinate with the DSP&S professional for the delivery of academic accommodations. It is the responsibility of the DSP&S professional to make arrangements for and facilitate the delivery of academic accommodations with the disabled student in coordination with faculty, as appropriate. The DSP&S professional will assist with providing the appropriate accommodations and appropriate follow up for DSP&S students. An example of appropriate follow up might be a DSP&S Counselor contacting an instructor and DSP&S student to inquire about the effectiveness of an accommodation.

GRIEVANCE PROCEDURES

If a student is denied academic accommodations or the use of auxiliary aids by an instructor and wishes to appeal, she/he should contact the DSP&S professional to schedule a meeting with the instructor to discuss and resolve the issue. The student may invite the DSP&S professional (i.e., a DSP&S Coordinator, Counselor, Instructor, Acquired Brain Injury (ABI) Specialist, Learning Disability (LD) Specialist, etc.) to attend this meeting. In the case where an unresolved issue becomes a dispute (i.e., an issue that is not resolved informally between the student and the instructor with the assistance of the DSP&S professional), the student may file a complaint through the District Student Grievance Procedure. Concurrently, the college ADA Coordinator or designee will review the case and make an interim decision pending resolution through the student grievance procedure. If the issue is still not resolved, the student may appeal directly to the District Affirmative Action Officer.

MEETING GENERAL EDUCATION DEGREE REQUIREMENTS

When the severity of the disability of an otherwise qualified student precludes successful completion of a course required for graduation from a college within the Peralta Community College District, despite an earnest effort on the part of the student to complete the course or its prerequisite – if appropriate for the disability as determined by a qualified DSP&S Specialist – and despite the provision of academic adjustments and/or auxiliary aids, the student may request a substitution of the course as an alternative method of meeting general education degree requirements. The Evaluation Team will consist of the DSPS Coordinator, the Department chair or instructor from the discipline of the course or major for which a substitution is being requested, and the appropriate Dean of Instruction. The team may consult, as appropriate, with DSPS professionals, Associate Vice Chancellor for Admissions and Records and Student Services, and the college Vice President of Instruction in order to make a decision. In assessing requests, the Evaluation Team should consider the anticipated exit skills from the course that can be substituted for comparable exit skills in another course. These comparable skills may be found in a discipline different from the discipline of the original course.

MEETING MAJOR OR CERTIFICATE REQUIREMENTS

The process for evaluating requests for major or certificate requirements is the same as stated in the section above except that the student may request a substitution or a waiver of the course as an alternative method of meeting major or certificate requirements.

A course substitution maintains the standards of academic rigor of degree programs because the student is required to demonstrate comparable skills.** Therefore, requesting a course substitution is the preferred option to meet general education degree requirements. For major or certificate course requirements, course substitutions and/or waivers may be considered.

Course substitutions are applicable for Peralta Community College District and may not be recognized by a transfer college.

*DSP&S professional, as defined pursuant to Title 5 Sections 56006, 56048, 56060, 56064 and 56066, is the professional authorized to make these determinations.

**When a student completes a comparable course as established by an Evaluation Team.

EVALUATION OF SUBSTITUTION/WAIVER REQUEST

PART A. DOCUMENTATION

The student will complete the Request for Change of Graduation Requirements Form (available in the DSPS office) and submit it to the DSP&S professional with the following attachments:

1. **PETITION** for Substitution/Waiver (obtained from the Admissions Office).

2. **LETTER** (written by the student) addressing the criteria listed in Part B.

3. **EVIDENCE FROM THE DSP&S PROFESSIONAL** (DSP&S Coordinator, Counselor, Instructor, Acquired Brain Injury (ABI) Specialist, Learning Disability (LD)
Specialist, etc.) verifying the disability and how it relates to the student’s request.

4. **DOCUMENTATION** of the student’s academic record, the degree requirements for graduation and information about the course in question regarding whether or not it is essential to the student’s course of study, major, transfer goals and/or employment goals as appropriate.

5. **ADDITIONAL SUPPORTING DOCUMENTATION** can be provided by students.

**PART B. EVALUATION OF REQUEST**

The DSP&S professional will review all documents, outline evidence of the use of all appropriate and available services and academic adjustments and indicate that, according to CRITERIA listed below, that the request is appropriate. The DSP&S professional then signs the *Request for Change of Graduation Requirements* Form and forwards the packet to the DSP&S Coordinator, who will convene an Evaluation Team.

The Evaluation Team consists of the DSP&S Coordinator, the Department Chair (or an Instructor) from the discipline of the course or major for which a substitution is being requested and the Dean of Instruction with responsibility for the Division, which includes the discipline of the course substitution. The Evaluation Team meeting is to be chaired by the Dean of Instruction and should consult with the Associate Vice Chancellor for Admissions and Records and Student Services, DSP&S professionals, and the College Vice President of Instruction as appropriate.

The Evaluation Team will assess student requests based on the following criteria:

- Documentation of the student’s disability with specific test scores, when appropriate, and a description of educationally related functional limitations in the academic area under discussion.

- Evidence of the student’s earnest efforts to meet the graduation requirement, which may include:
  - Consistent and persistent efforts in attempting to meet all graduation requirements.
  - Evidence that the student has attempted to take the course in question or its prerequisite with accommodations and has been unable to successfully complete course requirements.
  - Regular attendance (i.e., meeting the attendance requirements of the course); completion of all course assignments.
  - Use of all appropriate and available services such as tutorial assistance or instructional support classes.
  - Use of all appropriate and available academic accommodations such as test accommodations.
  - Agreement among the student, DSPS Counselor and the appropriate Disabilities Specialist that, due to the severity of the disability, the student would not be able to successfully complete the course requirements, even with accommodations.

- Evidence that the student is otherwise qualified such as:
  - The student’s success in completing other course work requirements for the degree/certificate as indicated by a grade point average of 2.0 or greater in degree applicable classes.
  - Information about the course in question regarding whether or not it is essential to the student’s Course of Study, Major, Transfer Goals or Employment Goals.
  - Information about alternatives to the course in question based on the learning/academic goals of that course.

**MEETING GENERAL EDUCATION DEGREE REQUIREMENTS**

The Evaluation Team’s decision will be made by majority vote. If the Team recommends a course substitution, the Team will request the department*** to provide a list of previously identified appropriate course substitutions. If the department cannot identify an appropriate course substitution or if the Team concludes that a substitute course is inappropriate due to the severity of the disability, as documented by the Verification of disability and Educational Limitations Form, then the College Vice President of Instruction and the Associate Vice Chancellor for Admissions and Records and Student Services shall be included in the evaluation process to assist with the identification of an appropriate course substitution. To approve recommendations for course substitutions, the Evaluation Team will forward its recommendation to the Vice President of Instruction and then to the Associate Vice Chancellor for Admissions and Records and Student Services. The District Office of Admissions and Records will verify, implement and notify the student.
MEETING MAJOR/CERTIFICATE REQUIREMENTS

The process for evaluating requests for major/certificate requirements is the same as those stated above except that the student may request a substitution or a waiver of a course as an alternative method of meeting major or certificate requirements.

GRIEVANCE PROCEDURE

If the student is dissatisfied with the decision of the Evaluation Team, she/he may follow the Student Grievance Procedure. The finding of the grievance committee may be appealed directly to the District Affirmative Officer. Students can obtain the assistance of the District Affirmative Action Office at any point during this process.

***That is, the department in which the student is asking for the course substitution. The departments of the Colleges must go through the normal curriculum process in determining these appropriate course substitutions.

ANIMALS ON CAMPUS

Students are urged not to bring animals on campus. Animals running loose or left tied on campus will be impounded in accordance with sections 3-9.16 and 3-9.17 of the Oakland Municipal Code. Seeing-eye dogs are an exception.

DISCRIMINATION COMPLAINT PROCEDURES

The Peralta Community College District as a public institution, prohibits discrimination in any and all of its activities, including: employment; procuring of goods and services; availability of its educational offerings; and other programs and activities such as financial aid and special services. In order to accomplish these tasks, the Office of Equal Opportunity is assigned the responsibilities of overseeing and investigating any charges of discrimination or other complaints. A discrimination complaint log will be maintained as well as complete records of complaints and resolutions. The Office of Equal Opportunity will handle both student and employee complaints by working with the Vice Presidents of Student Services for student complaints and with the Vice President of Instruction for employee complaints.

To insure that students and employees of the District are aware of the provisions of this policy, a general statement will be published in each class schedule and a bulletin will be circulated to each District employee.

The following procedures are in compliance with the guidelines of state law:

1. Student discrimination complaints may be filed with the Office of Student Services at each campus.

2. Employee complaints may be filed with the Office of Instruction at each campus.

3. All complaints should be forwarded to the District Equal Opportunity Officer on the approved district form.

   a. Upon receipt of a complaint, a copy will be forwarded to the State Chancellor’s Office on the appropriate form.

   b. Defective complaints will be returned to the complainant with an explanation of the deficiencies and how they may be corrected if the complaint is to be considered.

4. Within fourteen (14) days of the complaint, an investigation will commence with notification to the complainant of the initiation of the investigation.

5. If the complaint proves to be accurate, a resolution of the problem will be proposed and corrective actions taken to ensure that the act is not repeated.

6. After a proposed resolution is developed and approved, the complainant will be notified of the resolution. Should the complainant not be satisfied, he/she may object to the proposed resolution through the State Chancellor’s Office within thirty (30) days. The Office of Equal Opportunity will furnish the complainant with necessary information regarding where and how to file the objection with the State.

7. After the resolution proposal is sent to the complainant, the District will forward the complete file of the complaint; findings of the investigation; the District’s proposed resolution; the letter to the complainant informing him/her of the proposal; and any relevant material to the State Chancellor’s Office.
POLICY PROHIBITING DISCRIMINATION (INCLUDING SEXUAL AND RACIAL HARASSMENT AND DISCRIMINATION) TOWARD STUDENTS

The Peralta Community College District, in accordance with applicable Federal and State laws and Board Policy, prohibits unlawful discrimination towards students on the basis of race, creed, color, ancestry, religion, sex, national origin, age (40 and over), marital status, medical condition (cancer related), disability, political views and affiliations, sexual orientation/preference, and transgender status at any stage in any and all of its programs and activities, including availability of its educational offerings; and other programs and activities such as financial aid and special services. To that end, the District will take immediate, appropriate steps to investigate complaints of discrimination to eliminate current discrimination and prevent further discrimination. The District prohibits retaliation against any individual who files a complaint or who participates in a discrimination or discriminatory harassment inquiry.


The Title IX, Section 504 and ADA Coordinator for the Peralta District is the District Affirmative Action Officer whose office is located at 333 E. 8th Street, Oakland, California 94606; telephone (510) 466-7220.

Each college has an ADA Coordinator who can be reached by calling the main number of the college.

Students, faculty, employees, and applicants for employment who believe they have been discriminated against may file a discrimination complaint with the President of the college, Vice President of Student Services (for students), Vice President of Instruction (for faculty or employees) or the District Affirmative Action Officer. Complaint forms and procedures are available in the offices of the President, Vice Presidents, and Affirmative Action Officer.

The Peralta Colleges encourage "mainstreaming" students with disabilities into regular classes. The colleges offer support services to make education accessible. Each main campus has an Enabler/Coordinator who coordinates the Disabled Students Program. Students who find that a class is not accessible should contact the Disabled Students Programs and Services Office for assistance. Services provided include classroom interpreters, notetakers, readers, special counseling on disability management, peer counseling groups, and special adaptive equipment.

The lack of English language skills will not be a barrier to admission and participation in the colleges’ vocational education programs.

POLÍTICA QUE PROHÍBE LA DISCRIMINACIÓN HACIA LOS ESTUDIANTES (INCLUYENDO LA DISCRIMINACIÓN Y EL ACOSO SEXUAL Y RACIAL)

El Distrito de los Colegios Universitarios Comunitarios de Peralta, de conformidad con las leyes federales y estatales pertinentes y con la Política de la Junta, prohíbe que los estudiantes sean sometidos a discriminación y acoso discriminatorio ilícitos basados en la raza, las creencias, el color, la ascendencia, la religión, el sexo, el origen nacional, la edad (40 años de edad o más), el estado civil, los problemas médicos (relacionados con el cáncer), las incapacidades, las afiliaciones y opiniones políticas, la orientación/preferencia sexual o la transmutación de sexo en cualquier etapa, en cualquiera de los programas y actividades del Distrito, incluyendo la disponibilidad de los ofrecimientos educacionales; y en otros programas y actividades como la ayuda financiera y los servicios especiales. Por ello, el Distrito investigará las quejas de discriminación inmediatamente, siguiendo los pasos pertinentes, a fin de eliminar la discriminación actual y evitar discriminación futura. El Distrito prohíbe las represalias contra cualquier individuo que presente una queja o participe en una investigación con relación a discriminación o acoso discriminatorio.


El Coordinador del Título IX y Sección 504 para el Distrito de Peralta es el Funcionario de Acción Afirmativa del Distrito, cuya oficina se encuentra situada en el 333 E. 8th Street, Oakland, CA 94606; teléfono (510) 466-7220.

Los estudiantes, miembros de la facultad, empleados y solicitantes de empleo que crean que han sido discriminados pueden presentar una queja de discriminación ante alguno de los siguientes funcionarios: el Presidente del colegio corres-
pondiente, el Vice Presidente de Servicios Estudiantiles (en el caso de los alumnos), el Vice Presidente de Enseñanza (en el caso de facultad o empleados) o el Funcionario de Acción Afirmativa del Distrito. Los formularios de queja y los procedimientos correspondientes se encuentran a su disposición en las oficinas del Presidente, de los Vice Presidentes y de Acción Afirmativa.

Todos los colegios del Distrito de Peralta fomentan la incorporación de alumnos con incapacidades físicas y mentales a las clases regulares. Los colegios ofrecen servicios de apoyo a fin de brindar una educación accesible. Cada colegio tiene un Coordinador cuya función es administrar el programa para estudiantes incapacitados. Los estudiantes que encuentren que una clase no es accesible deben comunicarse con el Centro de Recursos para Estudiantes Incapacitados a fin de recibir asistencia. Los servicios del Centro incluyen asistencia por medio de intérpretes en el aula, personas que puedan tomar los apuntes, lectores, un servicio de asesoramiento especial para el manejo de las incapacidades y un grupo de asesoramiento constituido por personas con problemas similares. También hay libros de texto en sistema Braille, libros de texto grabados y otros equipos especiales.

La falta de fluidez en el idioma inglés no es un obstáculo para el ingreso y la participación en los programas de educación vocacional de los colegios.

**IMPLEMENTING PROCEDURES PROHIBITING SEXUAL, RACIAL, AND DISABILITY HARASSMENT AND DISCRIMINATION TOWARD STUDENTS**

**A. DISSEMINATION**

The policy and procedures shall also be displayed in a prominent location at each college along with the other notices regarding the college's procedures and standards of conduct. A copy of the Policy and Procedures shall be made available to any person expressing a verbal complaint about such matters.

**B. SEXUAL, RACIAL, AND DISABILITY HARASSMENT AND DISCRIMINATION DEFINED**

The Peralta Community College District expressly forbids sexual, racial, and disability harassment of its students by faculty, administrators, supervisors, District employees, other students, vendors or members of the general public. The District also prohibits discrimination of its students by subjecting any student to adverse or differential treatment, or depriving that student of any benefits of the District because of that student’s sex, race, or disability. Furthermore, the District prohibits retaliation against any individual who files a complaint or participates in a discrimination inquiry.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the educational setting, under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or a condition of a student’s academic status, or progress.
2. Submission to, or rejection of, the conduct by a student is used as the basis of academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact upon a student’s academic performance, or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to, or rejection of, the conduct by a student is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.
5. Any other such conduct that may have an effect on a student’s learning environment or his or her ability to enjoy any privileges or benefits provided by the District.
The prohibition of racial harassment similarly enjoins conduct or incidents based on race that may interfere with or limit the ability of an individual to participate in or benefit from the services, activities, or privileges provided by the District.

The prohibition of disability harassment similarly enjoins conduct or incidents based on disability that may exclude an individual from participation in or be denied the benefit of the services, programs, or activities provided by the District to other non-disabled students.

A harassing environment is created if conduct of a sexual or racial nature or conduct based on student's disability is sufficiently severe, persistent, or pervasive to limit a student’s ability to participate in or benefit from the education program by the District or to create a hostile or abusive educational environment.

C. EXAMPLES OF PROHIBITED HARASSMENT

Sexual, racial, disability harassment includes, but is not limited to, the following examples of conduct that is undertaken because of the sex, race, or disability of the student victim:

1. Unwanted physical touching (beyond normal greetings).
2. Displays of offensive materials, objects, photos, etc., with a sexual, racial, or disabled theme.
3. Situations affecting a student’s studying and learning conditions and making the learning environment unpleasant and uncomfortable, whether the actions are purposeful or not.
4. Verbal insults (in reference to gender, race, sexual orientation, or disability).
5. Rumors designed to cause the individual emotional distress or place him or her in a bad light.
6. Physical assault.
7. Unwelcome direct propositions of a sexual nature.
8. Subtle pressures for unwelcome sexual activity, an element of which may be conduct such as repeated and unwanted staring.
9. A pattern of conduct not legitimately related to the subject matter of a course, which is sufficiently severe, persistent, or pervasive to limit a student’s ability to participate in or benefit from the education program or to create a hostile or abusive educational environment, that includes one or more of the following:
   (a) Comments of a sexual/racial nature or which are demeaning or derogatory based on a disability, or
   (b) Sexually explicit statements, questions, jokes, or anecdotes.
10. Unwanted attempts to establish a personal relationship.
11. A pattern of conduct that would cause discomfort or humiliate, or both, a reasonable person at whom the conduct was directed that may include one or more of the following:
   (a) Unnecessary touching, patting, hugging, or brushing against a person’s body,
   (b) Remarks of a sexual nature about a person’s anatomy or clothing, or
   (c) Remarks about sexual activity or speculations about a previous sexual experience.

All persons should be aware that conduct towards a student that is not specifically identified in this policy may nonetheless constitute impermissible sexual, racial or disability harassment.

D. ACADEMIC FREEDOM AND FREEDOM OF SPEECH

As participants in a public institution, the faculty and staff of the Peralta Community College District enjoy significant free speech protections found in the First Amendment of the United States Constitution and Article I Section I of the California Constitution. The right of academic freedom includes a special area of protected speech. Consistent with the principles of academic freedom, course content and teaching methods remain the province of individual faculty members. Academic freedom, however, is not limitless. Academic freedom does not protect classroom speech that is unrelated to the subject matter of the course or in violation of federal or state anti-discrimination laws. Some speech may constitute environmental sexual harassment, harassment based on another impermissible characteristic or discrimination. If a faculty member engages in unwelcome sexual behavior or other improper behavior based on a characteristic protected by this policy that has the purpose or effect of unreasonably interfering with an employee’s work environment or a student’s academic performance or creates a
hostile and intimidating work or academic environment, then it may constitute environmental harassment or discrimination, as outlined in Board Policy and these implementing procedures.

The District must balance these two significant interests: the right of academic freedom and the right to be free from discrimination and harassment. The First Amendment protections, including those of academic freedom, are not absolute. When a faculty member raises academic freedom as a defense against charges of discrimination or discriminatory harassment, the District must examine the nature and context of the faculty member’s behavior. A key to this examination is determining whether the behavior of the faculty member is related to his or her legitimate academic judgments within the context of furthering the institution’s legitimate mission.

Nothing in the District’s Discrimination and Discriminatory Harassment Policy should be construed to prevent faculty members from rigorously challenging fundamental beliefs held by students and society. These challenges should be done in a manner that, in the professional judgment of the faculty member, is most pedagogically advisable. Indeed, this is at the core of academic freedom; however, faculty members may not interject into the academic setting an element of discrimination or discriminatory harassment that is unrelated to any legitimate educational objective. Nor, may a faculty member create, or allow, the educational setting to be so charged with discrimination or discriminatory harassment, that our students are prevented from effectively participating in the academic environment. As such, faculty members must be aware that the District will investigate and respond to employee or student complaints that involve course content in accordance with its general discrimination and discriminatory harassment policy and faculty members may be subject to discipline for egregious conduct, in the same manner as provided in Board Policy and any implementing procedures for all other District employees.

E. Consensual Relationships

1. Definitions

(a) The terms “instructors” and “faculty member” are defined as any person who teaches in the District, is in an academic position, or by virtue of their position has control or influence on student performance, behavior, or academic career.

(b) A “District employee” is defined as any person who is employed by the Peralta Community College District, or acts as its agent and operates within the District’s control.

2. Rationale

The District’s educational mission is promoted by professionalism in faculty/student, as well as supervisor/subordinate, relationships. Professionalism is fostered by an atmosphere of mutual trust and respect. Actions of faculty members and supervisors that harm this atmosphere undermine professionalism and hinder fulfillment of the educational mission. Trust and respect are diminished when those in positions of authority abuse their power in such a context as to violate their duty to the educational community and undermine the trust placed in the District as a public employer and an educational institution.

3. Ethical Violation

Recognizing that the unequal power of adult consenting parties is inherent in consensual relationships between supervisor and employee or student and teacher, the District will view it as unethical behavior if faculty members or supervisors engage in romantic relations with students enrolled in their classes or employees under their supervision even though both parties appear to have consented to the relationship.

4. Presumption of a Policy Violation

The faculty member or supervisor who contemplates a romantic relationship with a student or employee must realize the complexity of the situation and its potential negative consequences. Regardless of consent or mutual attraction, the faculty member or supervisor generally will be judged guilty of sexual harassment if any complaint
eventually emerges, either from the partner in the relationship or from his or her fellow students or co-workers. A romantic relationship between any minor employee or student and an adult employee is presumptively deemed not to be a consensual relationship and constitutes sexual harassment.

5. Voluntary Consent Not a Defense

Faculty members and supervisors exercise power over students and their subordinates, whether in giving or failing to give praise, criticism, performance evaluations, promotions or other similar actions. Romantic relationships between faculty members and students, or between supervisors and subordinates, can destroy necessary professional relationships. Voluntary consent by the student or subordinate is always suspect, given the asymmetric nature of the relationship. Moreover, such unprofessional behavior, or even the appearance of such may affect other students, faculty, and staff, because it gives one student or subordinate the appearance, correctly or incorrectly, of power or favor at the expense of others.

F. HARASSMENT AND DISCRIMINATION COMPLAINT PROCEDURES

In order to accomplish the task of prohibiting discrimination and harassment, the District’s Affirmative Action Officer is assigned the responsibilities of overseeing and investigating any charges or complaints of discrimination or harassment. The District’s Affirmative Action Officer will maintain a discrimination and harassment complaint log and complete records of complaints, investigations and resolutions.

The District’s Affirmative Action Officer will work with the Vice President of Student Services of each college for processing all discrimination and harassment complaints.

In compliance with the guidelines established by state and federal law, the following procedures will be implemented to investigate and resolve complaints of unlawful discrimination and harassment:

1. Complaints of unlawful discrimination may be filed by a student who has personally suffered discrimination or by a person who has knowledge of such discrimination, within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation of unlawful discrimination or harassment.

2. Student discrimination or harassment complaints may be filed with the District’s Affirmative Action Officer (at 333 East Eighth Street, Oakland, CA 94606; (510) 466-7230).

3. Student discrimination and harassment complaints may also be filed with the Vice President of Student Services as follows:

   - College of Alameda, Building A, Room 111, (510) 748-2204
   - Laney College, Tower Building, Room 412, (510) 464-3162
   - Merritt College, Building P, Room 311, (510) 436-2478
   - Vista Community College, 2020 Milvia St., Berkeley, 3rd Floor, (510) 981-2820

4. All complaints not filed directly with the District’s Affirmative Action Officer should be immediately forwarded to that Officer on the approved District form.

5. Whenever any person brings charges of unlawful discrimination to the District Affirmative Action Officer’s attention, that Officer shall:

   (a) Inform the complainant that he or she may, but is not required to, informally resolve the charges and that s/he has the right to end the informal resolution effort and begin the formal stage at any time;
   (b) Notify the complainant of the procedures for filing a complaint;
   (c) Discuss with the complainant what actions he or she is seeking in response to the alleged discrimination; and
   (d) Advise the complainant that he or she may file a complaint with the Office for Civil Rights of the United States Department of Education.
   (e) Immediately upon receipt of a complaint, the District’s Affirmative Action Officer will forward a copy to the State Chancellor’s Office on the appropriate form.
   (f) The District’s Affirmative Action Officer will return defective complaints to the complainant with an explanation of the deficiencies and how they may be corrected if the complaint is to be considered.
   (g) Upon receipt of the complaint, the District Affirmative Action Officer will review the complaint and
Determine the need for any interim measures of relief pending completion of the investigation.

6. Within fourteen (14) days of receiving the complaint, a thorough and impartial investigation will commence with notification to the complainant and the Chancellor of the initiation of the investigation. Complaints will be investigated and resolved in accordance with the District’s unlawful discrimination complaint procedures. To ensure a prompt and equitable investigation of complaints, the investigation shall include an opportunity for the complainant and the accused to present witnesses and other evidence on their behalf. Thus, the investigation shall include private interviews with the complainant, the accused individual and each of the witnesses identified by both parties. Sufficient information about the allegations of the complaint shall be disclosed to the accused to provide him/her with an opportunity to respond to the allegations of the complaint and provide additional information. To the extent appropriate, the District will keep the complainant apprised of the progress of the investigation.

7. Complaints will be handled promptly in an appropriately confidential manner — that is, the District’s Affirmative Action Officer will disclose the identities of the parties only to the extent necessary to carry out an investigation.

8. The results of the investigation shall be set forth in a written report which shall include at least all of the following:

(a) Description of the circumstances giving rise to the complaint;
(b) A summary of the testimony provided by each witness, including the complainant and any witnesses identified by the complainant;
(c) An analysis of any relevant data or other evidence collected during the course of the investigation; and
(d) A specific finding as to whether discrimination did or did not occur with respect to each allegation in the complaint.

9. Within ninety (90) days of receiving a complaint, the District shall complete its investigation and provide the complainant with the following information:

(a) A written notice setting forth:
   (1) A copy or summary of the District’s investigative report;
   (2) The District’s determination on the merits of the complaint; the proposed resolution of the complaints, to the extent that disclosure does not invade any person’s privacy rights; and
   (3) The complainant’s right to appeal to the District governing board and the Chancellor.

Likewise, the accused individual shall be notified of the outcome of the investigation.

10. If the allegation of sexual, racial, or disability harassment is substantiated, the District will take reasonable, timely and effective steps to end the harassment. Depending upon the severity of a given case and/or prior incidents of harassment, a violation of this rule shall lead to disciplinary action including the possibility of expulsion or termination from the District. Remedial measures will be offered if appropriate to correct the discriminatory effects on any individual who has experienced harassment. The District’s policy against discriminatory harassment will be interpreted consistently with any federally guaranteed rights involved in a complaint proceeding, including student’s First Amendment rights to free speech and the accused individual’s right to due process.

11. Should the Complainant not be satisfied, he or she may appeal the proposed resolution within ten (10) days of the date of the proposed resolution to the Chancellor. The Chancellor may request an additional investigation, sustain the administrative determination, reverse the administrative determination or take any other appropriate action. If the Chancellor makes the administrative determination, the Complainant may appeal directly to the Board of Trustees within the same time periods set forth above. If the Chancellor sustains the administrative determination or the Complainant is not otherwise satisfied with the Chancellor’s decision, the Complainant may appeal to the Board of Trustees within fifteen (15) days of the Chancellor’s decision. All appeals shall be filed with the Chancellor’s Office at 333 East 8th Street, Oakland, CA 94606. Should the complainant not be satisfied, he or she may appeal the proposed resolution to the District governing board within fifteen (15) days. The District board shall review the original complaint, the investigative report, the determination and the appeal and may issue a final District decision within forty-five (45) days of receiving the appeal. The decision of the Administration will become final if the Board does not act within forty-five (45) days. The student may then appeal the final District
decision to the State Chancellor’s Office within thirty (30) days. The Office of Affirmative Action will furnish the complainant with necessary information regarding where and how to file the objection with the State Chancellor’s Office.

12. Within 150 days of receiving the complaint, and after the resolution proposal is sent to the complainant, the District will forward the complete file of the complaint, findings of the investigation, the District’s proposed resolution, the letter to the complainant informing him or her of the proposal, and any relevant material to the State Chancellor’s Office.

**Sexual Assault Policy and Procedures**

**1.0 Policy**

1.1. Unlawful sexual assault is a criminal activity prohibited in all employee and student areas, buildings, properties, facilities, service areas, satellite centers of the PCCD and all non-District areas where Peralta classes/instruction are conducted. It is the policy of the PCCD to ensure, to the extent possible, that students, faculty and staff who are victims of a sexual assault committed at or upon the grounds of or upon off-campus grounds or facilities maintained by the District or its colleges, shall receive information, follow-up services, and referrals to local community treatment centers.

1.2. Each college, through the Office of the Vice President of Student Services, shall make available sexual assault awareness information to students and employees.

**2.0 Definition of Sexual Assault (Education Code 67365)**

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

**3.0 Procedure**

The Office of the Vice President of Student Services shall have full responsibility, except for public information, for the administration and follow-up of the sexual assault program required. This includes:

1. Making available to students and staff, District policy on sexual assault.
2. Meeting legal reporting requirements.
3. Identifying available services for the victim.
4. Developing and updating a description of campus resources available to victims as well as appropriate off-campus services.
5. Implementing procedures for keeping the victim informed of the status of any student disciplinary proceedings in connection with the sexual assault.
6. Providing confidentiality.

3.1. It shall be the responsibility of the Vice President of Student Services to see to it that victims of sexual assault committed at or upon the grounds of, or upon off-campus grounds or facilities maintained by the District, shall receive information and referral for treatment. Services available include immediate short-term crisis counseling, and long-term counseling referral to agencies in the community. This information shall be provided with sensitivity and in consideration of the personal needs of the victim.

3.1.1. Any student, faculty, or staff member who is a victim of sexual assault at a District facility referred to in Section 1.1 of this policy is encouraged to notify the Vice President of Student Services. The Vice President of Student Services, with the consent of the victim, shall notify the Campus/District Police Services.

3.1.2. Pursuant to legal requirements, the Campus/District Police will notify the appropriate local law enforcement agency of the reported sexual assault, and obtain an ambulance to transport the victim to the hospital, as necessary.

3.1.3. In accordance with the Campus Crime Awareness and Security Act of 1990, the District, on an annual basis, shall notify students and employees of statistics concerning specific types of crime, including sexual assault. This notice shall be made through appropriate publication/mailings. The names of the victims will not be reported in the statistics.
3.1.4. In cases of violent crimes considered to be a threat to other students and employees, each college's President or the Chancellor of the District shall make timely reports, respecting the confidentiality of the victim, to the college community in a manner that will aid in the prevention of similar occurrences.

3.1.5. Upon notification of a sexual assault, the Campus/District Police Services will distribute to the victim a description of campus resources and services available to the victim, as well as appropriate off-campus services. Each student or employee should have a copy of this policy.

3.1.6. The listing of resources and services shall be available through the Campus/District Police Services, each college's Counseling Department, and Health Services Unit.

3.1.7. A victim of sexual assault shall be provided with information about pursuing the following remedies or actions against the perpetrator:

   Employees: Criminal Prosecution/Civil Prosecution:

   District disciplinary process:
   Violation of this policy will cause disciplinary action which may include termination of employment or may require an employee to participate in a rehabilitation program.

   Students: Criminal Prosecution/Civil Prosecution:

   District disciplinary process:
   Students are required to comply with this policy to remain in good standing and as a condition of continued attendance at any of the District's colleges. Violation of this policy will be cause for disciplinary action against the student, up to and including expulsion, and/or may require the student to participate in a rehabilitation program. Student discipline shall be accomplished in accordance with provisions of Article 3 of the Title 3, Division 7, Part 47, of the California Education Code.

   Non-Student/Employer: Criminal Prosecution/Civil Prosecution.

3.1.8. A victim of sexual assault shall be kept informed by the college President/designee or the Chancellor of the status of and disposition of any District/College disciplinary proceedings in connection with the sexual assault.

3.1.9. The Counseling Department and Health Services shall assist, upon request, the victim of sexual assault in dealing with academic difficulties that may arise because of the victimization and its impact.

3.1.10. The identity of a victim of sexual assault shall remain confidential unless otherwise prescribed by law. Requests for information regarding the sexual assault from the press, concerned students, parents, and Peralta employees not involved in the assault or its investigation, will be handled by the college's Public Information Office or the District's Office of Marketing in accordance with these regulations: the Family Educational Right and Privacy Act, applicable California Education and Administrative Code sections, and Peralta Community College District Policy.

4.0 DISSEMINATION

4.1. These procedures shall be published in all student, faculty and staff handbooks, each college's catalog and schedule of classes and other printed material deemed appropriate by each college’s Vice President of Student Services.

4.2. These procedures will also be disseminated at each college’s orientation and at periodic workshops to be scheduled by each college’s Vice President of Student Services.

STUDENT GRIEVANCE AND DUE PROCESS POLICY

The Peralta Community College District (District) has developed the following policies and procedures to address student grievances and to ensure due process.

A grievance is any complaint of a student involving the interpretation, application or alleged violation of District policies and procedures. A grievance may be initiated by a student against another student, an instructor, an administrator, or a member of the classified staff.
The following allegations are grounds for filing a grievance:

1. Violation of rights which a student is entitled to by law or District policy, including rules for student conduct, admission, probation, suspension or dismissal policies.
2. Act or threat of physical aggression.
3. Act or threat of intimidation or harassment.

Board Policy 4.43A, the Student Academic Grievance Procedure, should be followed for a complaint alleging mistake, fraud, bad faith or incompetence in the academic evaluation of student performance.

Any student or employee who feels he/she has been or is presently an alleged victim of sexual harassment, may first contact the Vice President of Student Services or Vice President of Instruction to file a complaint verbally or in writing, or may directly contact the District's Affirmative Action Officer at 333 East Eighth Street, Oakland, CA 94606, (510) 466-7220. At the time a complaint is made known, a copy of the complaint procedures and a complaint form shall be made available to the complainant. For additional information regarding reporting of discrimination, sexual assault or sexual harassment, please refer to the Policy Prohibiting Discrimination (Including Sexual and Racial Harassment and Discrimination) toward Students in the District and College Policies section of the Catalog.

PROCEDURE

A. STEP ONE: INFORMAL RESOLUTION

A student who has a complaint may, within thirty (30) school days of the allegation, request a meeting to resolve the complaint informally with:
(a) the person against whom he/she has the grievance;
(b) the supervisor of the person against whom he/she has a grievance; or
(c) the Vice President of Student Services or his/her designee.
Regardless of whether a student has attempted informal resolution, he/she may proceed to Step Two by filing a formal complaint.

B. STEP TWO: FORMAL COMPLAINT PROCEDURE

1. A formal complaint must be filed by a student within ninety (90) school days of the alleged violation or at the time when he/she knew or should have known of the alleged violation. Failure to file a formal complaint within such a ninety (90) day period constitutes waiver of the student's right to appeal.
2. A complaint must be filed on an approved complaint form* and must include the following:
   a. The exact nature of the complaint (grounds).
   b. The specific details of the complaint (e.g., chronology of the event and an explicit description of the alleged violation).
   c. A description of the informal meeting and attempted resolution, if any.
   d. The specific resolution/remedy sought.
*(The student may obtain the form from the Office of the Vice President of Student Services.)

3. The complaint form should be filed with the Vice President of Student Services or his/her designee.

4. The Vice President of Student Services or his/her designee shall provide the person against whom the grievance has been filed with a copy of the grievance and a copy of the procedure.

5. The Vice President of Student Services or his/her 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.

6. The Vice President of Student Services or his/her designee shall make a request for records and documents from the student filing the complaint and the party against whom the complaint has been filed, and forward copies of all documents pertinent to the alleged violation to the College 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.

7. 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 classified employee, and one alternate, jointly appointed by Local 790 and the Classified Senate;
   d. one administrator, and one alternate, appointed by the College President;
e. one student, and one alternate, appointed by the Student Government President.

**Hearing**

Four-fifths of the members of the committee shall be present in order for the committee to act. Committee members shall be given five (5) school days' notice of the hearing. In the event a member of the committee cannot attend, or is disqualified because of conflict of interest, the alternate shall serve. The votes of the majority of the members present (at least three (3) votes) are necessary in order for the committee to make a recommendation to the Vice President of Student Services.

The College Grievance Committee shall conduct its proceedings as follows:

1. The Vice President of Student Services shall supply a summary record of the evidence to the committee.
2. The committee shall discuss issues, hear testimony, and consider all available evidence pertaining to the charge.
3. The committee shall judge the relevancy and weight of testimony and evidence and make its findings of facts, limiting its investigation to the formal charge, and the committee shall make recommendations for the disposition of the charge to the Vice President of Student Services.
4. The chairperson of the committee shall notify the Vice President of Student Services of the committee's recommendation within three (3) school days. The Vice President of Student Services shall, within five (5) school days, notify by certified mail the parties of the committee's recommendation and the appeal procedure.
5. 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.

Any decision to reject findings of the committee must be supported by a summary finding of fact.

**Final Action**

The committee shall conduct the hearing and recommend decisions on the student’s grievance, and base its recommendations to the Vice President of Student Services or his/her designee solely on the evidence submitted before the hearing and on the evidence and the testimony presented to the committee during the hearing. The Vice President of Student Services or his/her designee may accept the recommendation, return it to the committee for further review, or reject it. The Vice President of Student Services or his/her designee shall, within ten (10) school days, render his/her decision in writing to the grievant, student and the committee.

**Appeal Process**

1. Either party (grieved or grievant) may submit a written appeal to the College President within ten (10) school days for review of the matter.
2. The College President shall issue a written decision to the parties and their representatives by certified mail within ten (10) school days of receipt of the appeal.
3. The College President's decision may be appealed to the Chancellor within ten (10) school days of the receipt of the decision.
4. The Chancellor, or his/her designee, shall issue a written decision to the parties and the representatives by certified mail within ten (10) school days of the receipt of the decision.
5. The Chancellor's, or his/her designee's, decision may be appealed to the Board of Trustees within ten (10) school days of the receipt of the decision.
6. 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) school days after receipt of the decision.
7. All recommendations, resolutions, and actions taken by the PCCD shall be consistent with the State and Federal...
law, the PCCD Policies and Procedures, and the PCCD-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.)

**RIGHTS**

1. 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 own choosing.

2. Written notice, including the date, time and place of the hearing shall be delivered to both parties at least ten (10) school days prior to the hearing. The notice shall be hand delivered or sent by certified mail and shall include a copy of the complaint.

3. In so far as is consistent with privacy laws, both parties (and their representatives) shall receive copies of all documents developed or utilized during the review by the committee of the complaint. This shall include documents added to the file.

4. Both parties shall be given adequate time (at least five (5) school days) to read and review all documents. This right may be waived by the respondent. 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 chairperson of the committee shall inform both parties orally of this fact at the commencement of the hearing.

5. The chairperson of the committee shall provide the involved complainant with a written summary of rights he/she may be entitled to by law or contract at least five (5) school days before the hearing.

6. In accordance with Education Code Section 76234, the results of any disciplinary action or appeal in connection with any alleged sexual assault, physical abuse or threat of the same shall be made available within three (3) school days of the results, to the alleged victim, who shall keep such information confidential.

**GUIDELINES**

1. Evidence: 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. The strict 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 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.

2. 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.

3. The chairperson of the committee shall conduct the hearing. The chairperson 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.

4. 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.

5. Both parties (and their representatives) shall receive copies of all documents developed or utilized during the review of the complaint. This shall include documents added to the file.

6. 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.

7. The chairperson of the committee may exclude a witness from the hearing when the witness is not giving testimony.

8. Anyone who disrupts the proceeding or interferes shall be excluded from the proceeding.

9. Any member of the committee may ask questions of any witness.
10. The committee may call in "expert witnesses" if the subject of the grievance is beyond their expertise.

11. 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.

12. The grievance committee shall make all evidence, written and oral, part of the record.

13. The hearing date may be postponed or continued at the discretion of the chairperson of the committee. Both parties shall be given notice of the new or continued hearing date.

14. 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.

### STUDENT ACADEMIC GRIEVANCE HEARING PROCEDURE

The Peralta Community College District (PCCD) has developed the following policies and procedures to address student grievances alleging mistake, fraud, bad faith or incompetence in the academic evaluations of student performance. In the absence of mistake, fraud, bad faith or incompetence, the grade determined by the instructor shall be final (Ed. Code Section 76224).

### PROCEDURE

#### A. STEP ONE: INFORMAL RESOLUTION

1. A student who has an academic complaint may, within thirty (30) school days of the allegation, make an appointment with the faculty against whom he/she has a grievance during his/her posted office hours or at a mutually-agreed-upon time, in order to discuss the student’s complaint.

2. Should the faculty against whom he/she 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 or file a formal complaint.

3. Should the informal meeting fail to resolve the complaint to the student’s satisfaction, the student may meet with the Division Dean of Instruction of the discipline or file a formal complaint.

4. Should the student choose to bypass Step One (Informal Resolution), he/she may initiate a formal complaint.

#### B. STEP TWO: FORMAL COMPLAINT PROCEDURE

1. A formal complaint must be filed by a student within 90 school days of the alleged violation or of the time when he/she knew or should have known of the alleged violation. Failure to file a formal complaint within such ninety (90) day period constitutes waiver of the students' right to appeal.

2. The complaint must be filed on an approved complaint form which shall include the following:
   a. The exact nature of the complaint (grounds);
   b. The specific details of the complaint (e.g., a chronology of the event and an explicit description of the alleged violation);
   c. A description of the informal meeting and attempted resolution, if any;
   d. The specific resolution/remedy sought.

   *(The student may obtain the form from the Office of the Vice President of Student Services.)*

3. The complaint form should be filed with the Vice President of Student Services or his/her designee.

4. The Vice President of Student Services or his/her designee shall inform the student that a decision to recommend a grade change may only be made where there is a finding of fraud, mistake, bad faith or incompetency.

5. The Vice President of Student Services or his/her designee shall make a request for records and documents, and shall forward copies of all documents pertinent to the alleged violation to the College 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.

6. The College Grievance Committee shall be appointed for a term of one academic year as follows:
   a. The Vice President of Instruction, who shall chair the committee;
b. Two faculty members, and one alternate, jointly appointed by the PFT and the Faculty Senate;
c. One student, and one alternate, appointed by the President of the Associated Students;
d. One administrator, and one alternate, appointed by the College President.

Hearing

Four-fifths of the members of the committee shall be present in order for the committee to act. Committee members shall be given five (5) school days’ notice of the hearing. In the event a member of the committee cannot attend, or is disqualified because of conflict of interest, the alternate shall serve. The votes of the majority of the members present (at least three (3) votes) are necessary in order for the committee to make a recommendation to the Vice President of Student Services or his/her designee.

Final Action

The committee shall conduct the hearing and recommend decisions on the student’s grievance, and base its recommendations to the Vice President of Student Services or his/her designee solely on the evidence submitted before the hearing and on the evidence and the testimony presented to the committee during the hearing. The Vice President of Student Services or his/her designee may accept the recommendation, return it to the committee for further review, or reject it. The Vice President of Student Services or his/her designee shall, within ten (10) school days, render his/her decision in writing to the grieved faculty, student and the committee.

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

Appeal Process

1. The faculty member or the student may submit a written appeal to the College President within ten (10) school days for review of the matter.

2. The College President shall issue a written decision to the parties and their representatives by certified mail within ten (10) school 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.

3. The College President’s decision may be appealed to the Chancellor within ten (10) school days of the receipt of the decision.

4. The Chancellor, or his/her designee, shall issue a written decision to the parties and the representatives by certified mail within ten (10) school 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.

5. The Chancellor’s, or his/her designee’s, decision may be appealed to the Board of Trustees within ten (10) school days of the receipt of the decision.

6. 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 Ed. Code 72122, and will issue a final decision within forty-five (45) school 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.

7. Implementation of any grade change shall be held in abeyance until the internal appeal process has been exhausted.

8. All recommendations, resolutions, and actions taken by the PCCD shall be consistent with the State and Federal law, the PCCD Policies and Procedures, and the PCCD-PFT Collective Bargaining Agreement.

(In the event of a conflict between the Collective Bargaining Agreement and the PCCD Policies and Procedures, the Collective Bargaining Agreement shall govern.)

Rights

1. At all steps of the process, both the student and faculty member have the right to be accompanied, advised and represented by a person or counsel of their own choosing.

2. Written notice, including the date, time and place of the hearing shall be delivered to both parties at least ten (10) school days prior to the hearing. The notice shall be
hand delivered or sent by certified mail and shall include a copy of the complaint.

3. In so far as consistent with privacy laws, both parties (and their representatives) shall receive copies of all documents developed or utilized during the review of the complaint. This shall include documents added to the file.

4. Both parties shall be given adequate time (at least five (5) school days) to read and review all documents. This right may be waived by the respondent.

5. 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 chairperson of the committee shall inform both parties orally of this fact at the commencement of the hearing.

6. The chairperson of the committee shall provide the involved faculty member with a written summary of rights they may be entitled to by law or contract at least five (5) school days before the hearing.

GUIDELINES

1. Evidence: 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. The strict 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 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.

2. 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.

3. The chairperson of the committee shall conduct the hearing. The chairperson 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.

4. The hearing shall be open only to persons directly involved in the matters to be heard. The bargaining agent representing the respondent (PFT) may send an observer to any hearing.

5. 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.

6. The chairperson of the committee may exclude a witness from the hearing when the witness is not giving testimony.

7. Anyone who disrupts the proceeding or interferes shall be excluded from the proceeding.

8. Any member of the committee may ask questions of any witness.

9. The committee may call in “expert witnesses” if the subject of the grievance is beyond their expertise.

10. 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.

11. The grievance committee shall make all evidence, written or oral, part of the record.

12. The hearing date may be postponed or continued at the discretion of the chairperson of the committee. Both parties shall be given written notice of the new or continued hearing date.

13. A committee member shall withdraw from participation in the hearing if a conflict of interest is anticipated; in which case, the alternate committee member shall serve.
STUDENT CONDUCT AND DUE PROCESS POLICY

Colleges will be guided by pertinent provisions of the California Education Code as to admission, probation, suspension, and dismissal of students in cases where disciplinary action is indicated. Except for short term suspensions initiated by instructors and as provided for in the Education Code, Section 48900/76030, only the College President has the authority to suspend or dismiss a student for disciplinary reasons.

A student excluded for disciplinary reasons from one college in the district may be denied admission to other colleges in the district. The President of a college may also deny admission to a student suspended or excluded for disciplinary reasons from other colleges or universities.

STUDENT RULES FOR STUDENT CONDUCT

Students are responsible for complying with all college regulations and for maintaining appropriate course requirements as established by the instructors.

A. Disciplinary action may be imposed on a student for violation of college rules and regulations, the California Education Code, California Penal Code, and the California Administrative Code. Student misconduct may result in disciplinary action by the college or prosecution by civil authorities. Misconduct that may result in disciplinary action includes, but is not limited to, the following violations:

1. Violation of District policies or regulations including parking and traffic regulations (subject to Education Code Section 76036), policies regulating student organizations, and time, place and manner in regard to public expression.

2. Obstruction or disruption of teaching, research, administrative procedures or other college activities.

3. Physical or verbal abuse, or threat of such abuse, of any person on college-owned or controlled property or college sponsored or supervised functions; or conduct which threatens or endangers the health or safety of such person.

4. Theft of, damage to, or threat of damage to property of the college.

5. Unauthorized entry to or use of college facilities.

6. Dishonesty; i.e., cheating, plagiarism or furnishing false information to the college, forgery, alteration or misuse of college documents, records, or identification documents, etc.

7. Manufacture, sale, use, possession, distribution of alcoholic beverages or narcotic or hallucinogenic drugs on college property.

8. Disorderly conduct or lewd, indecent, or obscene behavior.

9. Insulting or abusing college employees in the performance of their duty on or near the school premises or public sidewalks adjacent to school premises.

10. Refusal to comply with directions of District or College employees acting in the performance of their duties.

11. Willful misconduct which results in injury or death to a student or college personnel.

12. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the governing board.

13. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.

B. Students facing disciplinary action for violations of college rules and regulations consistent with the Education Code are subject to any of the following actions:

1. Warning: An oral or written reprimand.

2. Temporary exclusion: Removal for the duration of the class period or activity.

3. Suspension: Exclusion from classes, privileges or activities for a specified period of time as set forth in the notice of suspension as provided in the Education Code, Section 66017.

4. Expulsion: Termination of student status as set forth in the notice of expulsion.
C. Disciplinary action may be imposed on a student by:

1. A college certificated employee who may place a student on probation or temporarily exclude the student from class and/or a college activity for the remainder of that class/activity period.

2. The President or Vice President of Student Services who may summarily suspend a student when deemed necessary for the welfare and safety of the college community.

3. The President may recommend "expulsion" to the Board of Trustees.

4. The Board of Trustees may terminate a student's privilege to attend any college of the District.

D. Students who believe that they have been improperly subjected to any of the disciplinary measures stated in this policy may file a Student Grievance with the Vice President of Student Services in accordance with Board Policy 4.43.

STUDENT RIGHTS AND DUE PROCESS

When a charge is brought against a student by a representative of the college, or by another student, the procedures outlined below shall be utilized to guarantee fair and reasonable treatment to all concerned. The community college is bound by the California Penal Code, the California Administrative Code, and the policies and procedures of the Peralta Community College District.

DUE PROCESS

1. Notice of Charges:
The Vice President of Student Services, within five (5) school days, must inform a student in writing (by certified mail, return-receipt requested) of the specific charge(s) against him/her and of the need to schedule an appointment with the Vice President. This appointment must be scheduled within three (3) school days after receipt of the Vice President’s written notice.

2. Follow-Up:
A student charged with misconduct must meet with the Vice President of Student Services for a conference regarding the basis of the charge and the possible disciplinary action that may arise as a consequence. If the student fails to respond within three (3) school days after receipt of the certified notification, the Vice President may proceed on the assumption that the charge(s) is (are) valid.

The conference with the Vice President will be for the purpose of:

a. Reviewing the written statement of the charge(s) as presented to the student;
b. Providing a reasonable opportunity at the meeting for the student to answer the charge(s) personally;
c. Informing the student in writing of possible disciplinary action that might be taken;
d. Presenting to the student the College Due Process Procedures.

3. One of the following alternatives will occur:

a. The matter is dismissed, in which case no public record of this incident shall be retained; however, an annual confidential report is required to be submitted to the Peralta Board of Trustees;
b. The student accepts the disciplinary action;
c. The student does not accept the disciplinary action, and within three (3) school days of the conference with the Vice President, the student’s written notice of intent to appeal to the Student Due Process Committee is to be filed at the Office of the Vice President of Student Services.

APPEAL PROCESS

STEP 1: APPEAL TO THE DUE PROCESS COMMITTEE

1. Within two (2) school days of presenting written notice of intent to appeal, the student shall file a specific, written response to each of the charges. Any charge(s) to which the student does not respond shall be deemed valid.

2. The charges, the response, and the appeal will be referred to the Student Due Process Committee. The committee shall consist of a college administrator selected by the President of the College, other than the Vice President of Student Services or the Vice President’s management staff; a student selected by the President of the Associated Students; a faculty member selected by the President of the Faculty Senate; and a classified employee selected by the President of the Classified Senate.
3. The committee shall convene within five (5) school days of the written notice of appeal to the Student Due Process Committee. The committee will conclude its hearing within three (3) school days and will then present a recommendation to the Vice President of Student Services, who is charged with carrying out the decision and will send the student written notification (certified mail, return receipt requested).

**STEP 2: APPEAL BEYOND THE STUDENT DUE PROCESS COMMITTEE**

1. A student may, within three (3) school days of the decision of the Student Due Process Committee, appeal the decision in writing through the Vice President of Student Services to the President of the college.

2. The President or his/her designee will review all previously submitted documents and the decision of the Student Due Process Committee.

3. The President or his/her designee, within three (3) school days of the appeal, will render his/her decision.

4. The student will be notified of the President's decision within three (3) school days.

5. A student may, within three (3) school days of the decision of the President, appeal the decision in writing to the Chancellor.

6. The Chancellor, or his/her designee, shall issue a written decision to the parties and the representatives by certified mail, return receipt requested, within ten (10) school days of the receipt of the decision.

7. The Chancellor's, or his/her designee's, decision may be appealed to the Board of Trustees within ten (10) school days of the receipt of the decision.

**STEP 3: APPEAL TO THE BOARD OF TRUSTEES FOR REVIEW**

1. The Board of Trustees may accept a final appeal from the student.

2. The Trustees will review all previously submitted documents and the decision of the President and the Chancellor.

3. The Trustees will render their decision at the next scheduled Executive Session of the Board of Trustees' Meeting.

4. The Trustees will notify the student of their decision not later than three (3) school days following their review of the case.

The decision of the Peralta Board of Trustees concludes the District’s Due Process Procedure.

**PRESERVING A DRUG-FREE CAMPUS**

It is the policy of the Peralta Community College District to maintain a campus where students are prohibited from the unlawful manufacture, distribution, dispensing, possession or use of controlled substances as listed in Schedules I through IV of Section 202 of the Controlled Substances Act (21 U.S.C. Section 812) and from abuse of alcohol.

For purposes of this policy, campus shall mean those places where a student is engaged in an authorized college activity. The campus includes property owned or leased by the District; property used by the District for student participation in field trips, field study, athletic competition or study travel programs; District or private vehicles while being used for official District business.

All students are required to comply with this policy to remain in good standing and as a condition of continued attendance in any of the District’s colleges. Any violation of this policy will be cause for disciplinary action against the student, up to and including expulsion, and/or may require the student to participate satisfactorily in a substance abuse assistance or rehabilitation program. Student discipline shall be accomplished in accordance with the provisions of Article 3 of Title 3, Division 7, Part 47, of the California Education Code.

Any student who needs information about substance abuse treatment may consult a counselor, who can provide the student with information about available treatment resources. The District does not provide substance abuse treatment.

The District shall provide annual notice to its students of the prohibitions stated in this policy, including a description of the health risks associated with drug or alcohol abuse and of the District and community resources available for counseling and rehabilitation of those with alcohol or drug-related problems. The District shall also provide notice of the consequences of campus illicit drug and alcohol abuse violations,
including possible criminal sanctions and student disciplinary action up to and including expulsion pursuant to applicable state law and District policy.

**SMOKE-FREE CAMPUS**

Merritt College is a smoke-free campus. Smoking is not permitted in any of the college’s facilities.

**STUDENT RIGHT-TO-KNOW DISCLOSURE**

In compliance with the Student Right-to-Know and Campus Security Act of 1990, completion and transfer rates for students attending Merritt College can be found on the Peralta Community Colleges web site at http://www.peralta.cc.ca.us.

**TITLE 5 REGULATIONS**

It is the policy of the Peralta Community College District (unless specifically exempt by statute) that every course, wherever offered and maintained by the district, for which the average daily attendance is to be reported for state aid, shall be fully open to enrollment and participation by any person who has been admitted to the college(s) and who meets such prerequisites as may be established pursuant to Chapter 11, Division 2, Part VI, Title 5 of the *California Administrative Code*, commencing with Section 51820.

**WEAPONS POLICY**

The unauthorized use, possession or storage of weapons, fireworks, or explosives is prohibited on any Peralta College premise (including vehicles) or at any Peralta Community College-sponsored activity. Weapons may include, but are not limited to, firearms, pellet guns, bows and arrows, martial arts equipment, switchblade knives, swords, large knives, and clubs.