

**BOARD POLICY 1100 THE PERALTA COMMUNITY COLLEGE DISTRICT**

The District has been named the Peralta Community College District.

The name is the property of the District. No person shall, without the permission of the Board, use this name or the names of any colleges or other facilities of the District, or any abbreviation of them, to imply, indicate or otherwise suggest that an organization, product or service is connected or affiliated with, or is endorsed, favored, supported, or opposed by, the District.

The District consists of the following colleges:

College of Alameda  
Laney College  
Merritt College  
Berkeley City College

Reference:

Education Code Section 72000(b)  
~~Elections Code Section 18304~~

Approved by the Governing Board: September 27, 2011  
Revised and approved by the Governing Board:

**BOARD POLICY 2010 BOARD MEMBERSHIP**

The Board shall consist of seven members elected by the qualified voters of the District. Members shall be elected by trustee area as defined in BP 2100 Board Elections.

Any person who meets the criteria contained in law is eligible to be elected or appointed a member of the Board.

An employee of the District may not be sworn into office as elected or appointed member of the Board of Trustees unless he or she resigns as an employee.

No member of the Board of Trustees shall, during the term for which he or she is elected, hold an incompatible office in any public, non-profit or private organization.

The members of the Board of Trustee shall henceforth be referred to as Trustees. The Board shall henceforth be referred to as the Board of Trustees.

No member of the Board of Trustees shall, during the term for which he or she was elected, be eligible to serve on the governing board of a high school district whose boundaries are coterminous with those of the community college district.

Reference:

Education Code Sections 72023, 72103, and 72104  
ACCJC Accreditation Standard IV.C.6

Replaces:

Board Policy 1.01 Membership adopted January 4, 1965 and last revised December 9, 2008

Approved by the Board of Trustees: September 27, 2011

Update approved by the Board of Trustees: July 28, 2015

Revised and approved by the Board of Trustees:

**BOARD POLICY 2710 CONFLICT OF INTEREST**

Board members and employees shall not be financially interested in any contract made by them in their official capacity ~~Board or in any contract they make in their capacity as Board members~~ or in any body or board of which they are members. Board members shall avoid conflicts of interest, or its appearance, between their obligations to the District and private business or personal commitments and relationships.

A Board member shall not be considered to be financially interested in a contract if his/her interest is limited to those interests defined as remote under Government Code Section 1091 or is limited to interests defined by Government Code Section 1091.5.

A Board member who has a remote interest in any contract considered by the Board shall disclose his/her interest during a Board meeting and have the disclosure noted in the official Board minutes. In order to assist Board Members in this disclosure requirement, Board members shall be provided with the names of the principals in any contract under consideration. The Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract.

A Board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to his/her duties as an officer of the District.

In compliance with law and regulation, the Chancellor shall establish administrative procedures to provide for disclosure of assets of income of Board members and employees who may be affected by their official actions, and prevent members and employees from making or participating in the making of Board decisions which may foreseeably have a material effect on their financial interest.

Board members and all designated employees identified by Administrative Procedure 2712 shall file statements of economic interest with the filing officer as proscribed by the procedure.

Reference:

Government Code Sections 1090 et seq.; 1126; and 87200 et seq.;  
Title 2 Sections 18730 et seq.  
Administrative Procedure 2710, 2712

Replaces:

Board Policy 6.86 Conflict of Interest Code Adopted January 11, 2005 and last revised October 12, 2010

Approved the Board of Trustees: January 22, 2013

Revised and approved by the Board of Trustees:

**BOARD POLICY 3520 LOCAL LAW ENFORCEMENT**

The District, on behalf of each college or center, shall enter into a written agreement with local law enforcement agencies. The agreement shall clarify operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location.

The written agreement shall designate which law enforcement agency shall have operational responsibility for violent crimes and delineate the specific geographical boundaries of each agency's operational responsibility, including maps as necessary.

The written agreements required by this policy shall be public records and shall be made available for inspection by members of the public upon request.

The Peralta Community College District encourages accurate and prompt reporting of all crimes to the Peralta Police Services and/or the appropriate police agencies. The Chancellor shall establish procedures that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Peralta Community College District has a contract with the Alameda County Sheriff's Office for services and referred to as the Peralta Police Services.

Reference:

Education Code Sections 67381 and 67381.1;  
34 Code of Federal Regulations Section 668.46(b)(4)

Approved by the Board of Trustees:

**BOARD POLICY 4020 PROGRAM, CURRICULUM, AND COURSE DEVELOPMENT**

The programs and curricula of the District shall be of high quality, relevant to the multicultural East Bay community and student needs, reflective of the District's and Colleges' Mission, Vision and Values, and evaluated regularly through Program Review and Annual Unit Plan updates to ensure quality and currency. To that end, the Chancellor shall establish procedures for the development and review of all curricular offerings, including their establishment, modification, or discontinuance.

Furthermore, these procedures shall include:

- appropriate involvement of the faculty and Academic Senate in all processes;
- regular review and justification of programs and course descriptions;
- opportunities for training for persons involved in aspects of curriculum development; and
- Consideration of job market and other related information for vocational and occupational programs, as well as regular review of vocational programs consistent with requirements of Education Code.

All new programs, program modifications, and program ~~deletions~~ discontinuances shall be approved by the Board.

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

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

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

The Chancellor shall establish a procedure which prescribes the definition of "credit hour" consistent with applicable federal regulations, as they apply to community college districts. The Chancellor shall establish a procedure to assure that curriculum at the District complies with the definition of "credit hour" or "clock hour," where applicable.

The Chancellor shall establish a procedure for using a clock-to-credit hour conversion formula to determine whether a credit hour program is eligible for federal financial aid. The conversion formula is used to determine whether such a credit-hour program has an appropriate minimum number of clock hours of instruction for each credit hour it claims.

**References:**

Education Code Sections 70901(b), 70902(b), and 78016;  
California Code of Administrative Regulations Sections 51000, 51022, 55100, 55130 and 55150  
U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid  
Programs under Title IV of the Higher Education Act of 1965, as amended  
ACCJC Accreditation Standards II.A and II.A.9  
Administrative Procedure 4020 Program and Curriculum Development

**Replaces:**

Board Policy 5.11, Review Policy for Instructional Programs approved November 14, 2000.

Approved by the Board: February 14, 2012

Reviewed and approved by the Board of Trustees: April 14, 2015

Revised and approved by the Board of Trustees:

**BOARD POLICY 4220 STANDARDS OF SCHOLARSHIP**

The Chancellor shall establish procedures that establish standards of scholarship consistent with the provisions of Title 5 Sections 55020 et seq., 55030 et seq., 55040 et seq., and Board policy.

These procedures shall address: academic record symbols and grading, credit by examination, academic and progress probation, academic and progress dismissal, alleviating substandard work and academic renewal, remedial course limit, excess units, and course repetition.

These procedures shall be published in the college catalogs.

Reference:

Education Code Section 70902(b)(3);

Title 5 Sections 55020 et seq., ~~55030~~ 55031 et seq., and 55040 et seq.

Replaces:

Board Policy 5.22 **Standards of Scholarship** adopted March 17, 1981 and last revised March 18, 2011.

Board Policy 5.23 **Excess Units** adopted October 16, 1972

Board Policy 4.32 **Remedial Course Limit** adopted May 28, 1991

Approved by the Governing Board: January 24, 2012

Revised and approved by the Governing Board:

Board Policy 5140 **Disabled Student Programs and Services**

The **Each** of the four Peralta Colleges, Berkeley City College, College of Alameda, Laney College, and Merritt College, are to maintain Disabled Student Programs and Services to promote the academic success and personal enrichment of students with diverse needs by facilitating equal access to educational opportunities in an integrated college setting, encouraging the interaction and full participation of all students with disabilities, and recognizing the importance of self-advocacy and independence in such students' pursuit of their academic careers.

**Students with disabilities shall be reasonably accommodated pursuant to federal and state requirements in all applicable program in the District.**

**The Disabled Students Programs and Services (DSPS) program shall be the primary provider for academic adjustments, auxiliary aids, services, or instruction that facilitate equal educational opportunities for students with disabilities who can profit from instruction as required by federal and state laws.**

**DSPS services shall be available to students with verified disabilities. The services to be provided include, but are not limited to, reasonable accommodations, academic adjustments, technology accessibility, accessible facilities, equipment, instructional programs, rehabilitation counseling and academic counseling.**

**No student with disabilities is required to participate in the Disable Student Programs and Services Program.**

**Please refer to AP 5140 Disabled Student Programs and Services.**

References:

Education Code Sections 67302, 67310 and 84850;  
Title 5 Sections 56000 et seq.  
42 U.S.C. Section 12101, 34 CFR Sections 104.3 and 104.44; 36 CFR 11135  
AP 5140

Replaces:

Board Policy 5.24 **Academic Accommodations for Students with Disabilities** approved July 12, 1994.

Approved by the Board of Trustees: September 11, 2012

Revised and approved by the Board of Trustees:

### **BOARD POLICY 6700 CIVIC CENTER AND OTHER FACILITIES USE**

There is a Civic Center at the colleges and at the District Office. Use of the Civic Center shall be granted as provided by law. The Chancellor shall establish an Administrative Procedure regarding the use of District property and facilities, including property designated by the District as a Civic Center, by community groups, outside contractors, and other non-employees and non-students.

The Administrative Procedure shall reflect the requirements of applicable law, including Education Code Section 82537, regarding Civic Centers. The procedures shall include reasonable rules regarding the time, place, and manner of use of District facilities. They shall assure that persons or organizations using District property are charged such fees as are authorized by law. Public use of District property shall not interfere with scheduled instructional programs, other scheduled activities of the District on behalf of employees or students, or other previously authorized civic center activities.

No group or organization may use District property to unlawfully discriminate on the basis of race, color, religion, ancestry, national origin, military or veteran status, disability, sex (i.e., gender), or sexual orientation, or the perception that a person has one or more of the foregoing characteristics, or on any basis prohibited by law.

Use of the District's Civic Centers will be only for the purposes described by the California Legislature in Education Code Section 82537(a). These purposes include use by associations "formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts" in order to "engage in supervised recreational activities" or "meet and discuss, from time to time, as they may desire, any subjects and questions which in their judgment appertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside" (Education Code Section 82537(a)). In granting permission to use the Civic Centers, the District will not discriminate on the basis of viewpoint with regard to organizations engaging in expressive activities on the topics and subject matters articulated above.

Reference:

Education Code Section 82537 and 82542

**Title 5 Sections 59601 et seq.**

Administrative Procedure AP 6700 Civic Center and Other Facilities use

Replaces:

Board Policy 6.64 Use of College Facilities adopted September 13, 1994 and last revised May 11, 2008.

Approved by the Board of Trustees: February 28, 2012

Reviewed and approved by the Board of Trustees: April 14, 2015

Revised and approved by the Board of Trustees:

**BOARD POLICY 7335 HEALTH EXAMINATIONS**

The Chancellor shall establish administrative procedures related to medical examinations of candidates for appropriate positions prior to assuming the duties of the position. Such pre-employment medical examinations shall be required only after a conditional job offer has been made, and shall be required of any candidate for a position for which a pre-employment medical examination has been deemed appropriate. No candidate shall be required to participate in such an examination solely on the basis of the candidate's age or disability.

The procedures may require any employee to undergo a physical or mental examination where such a fitness for duty exam is job related and consistent with business necessity. Such medical examinations shall be at the District's expense and shall be conducted by a physician chosen by the District. All newly hired academic employees shall have on file a medical certificate indicating freedom from communicable diseases, including tuberculosis. No academic employee shall commence service until such medical certificate has been provided to the District.

All newly hired employees must show that they have been examined within the past 60 days to determine that they are free from active tuberculosis.

All employees shall be required to undergo an examination within every four years thereafter to determine if they are free from tuberculosis.

**Reference:**

Government Code Section 12940;  
42 U.S. Code Section 12112 (d);  
29 Code of Federal Regulations, Part 1630

**Replaces:**

Board Policy 3.63 Medical Examinations

Approved by the Board of Trustees: February 12, 2013

Revised and approved by the Board of Trustees:

**BOARD POLICY 7340 LEAVES**

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

- illness or injury leaves for all classes of permanent employees (Education Code Sections 87781 and 88192);
- paid sick leave (Labor Code Section 246);
- vacation leave for members of the classified service, administrators, supervisors and managers;
- leave for service as an elected official of a community college District public employee organization, or of any statewide or national employee organization with which the local organization is affiliated; or leave for a reasonable number of unelected classified employees for the purpose of enabling an employee to attend important organizational activities authorized by the public employee organization (Education Code Sections 87768.5 and 88210);
- leave of absence to serve as an elected member of the legislature (Education Code Section 87701);
- pregnancy leave (Education Code Sections 87766 and 88193; Government Code Section 12945);
- leave to bond with a new child (Education Code Sections 87784.5 and 88207.5);
- use of illness leave for personal necessity (Education Code Sections 87784; 88207);
- industrial accident and illness leave (Education Code Sections 87787 and 88192);
- bereavement leave (Education Code Sections 87788 and 88194);
- jury service or appearance as a witness in court; Education Code Sections ~~87036-87035~~ and ~~87037~~ **87036**;
- military service; Education Code Section 87700;
- voting (up to two hours); Education Code Section 14000;
- sabbatical leaves for permanent faculty; academic employees, administrators and managers;
- vacation leave for members of the classified service, educational administrators and classified supervisors and managers; employees shall be permitted to take vacation in a timely manner to avoid accumulation of excess vacation;
- unpaid leaves in accordance with collective bargaining agreements or administrative procedures for unrepresented employees; and
- Family and Medical Leave; 29 U.S.C. 2601

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

References:

Education Code Sections 87763 et seq. and 88190 set seq. and citations above;  
29 U.S.C. 2601; 29 CFR Part 825;  
Labor Code Sections 245 et seq. ;  
Administrative Procedures 7340, 7341, 7342, 7343, 7344, 7345, 7346, 7347, 7349

Replaces:

Board Policy 3.25 Leaves Without Pay – Certificated Employees adopted May 10, 1988  
Board Policy 3.68 Vacation Management and Confidential (M&C) adopted July 17, 1979 and last revised April 28, 1992  
Board Policy 3.70 Personal Illness or Accident (M&C) last revised April 28, 1992  
Board Policy 3.71 Leave for Illness of Family member (M&C) last revised April 28, 1992  
Board Policy 3.72 Bereavement leave (M&C) last revised April 28, 1992  
Board Policy 3.73 Leave for Required Court Appearance (M&C) adopted April 28, 1992  
Board Policy 3.74 Leaves of Absence Without Pay (M&C)  
Board Policy 3.76 Occupational Disability Leave (M&C)  
Board Policy 3.82 Sabbatical Leave Policy (Certificated Managers) adopted July 17, 1979  
Board Policy 3.85 Administrative Leave (M&C) adopted July 17, 1979 and last revised October 22, 1985  
Board Policy 3.92 Catastrophic Leave (M&C) adopted May 9, 2006

Approved by the Board of Trustees: February 12, 2013

Updated and approved by the Board of Trustees: March 11, 2014

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

Revised and approved by the Board of Trustees:

**BOARD POLICY 7280 7500 VOLUNTEERS**

Peralta Community College District recognizes the value of volunteer service for programs, projects, and activities at the Colleges and District. Volunteers not only help improve the quality of service delivery for Peralta students and employees, but also help build strong relationships between the District and the community at large.

Volunteers are individuals or groups of individuals who provide non-compensated services. Volunteers shall be pre-determined and District-managed in accordance with the law, collective bargaining agreements, and District policies. As helpers, volunteers shall supplement, but not supplant the employment of regular District employees. The Chancellor shall establish an Administrative Procedure to provide for appropriate documentation and supervision of volunteers.

Reference:

Administrative Procedure 7280 7500  
Education Code Sections 72401, 87010, and 87011  
Government Code section 3119.5

Replaces:

Board Policy 3.02 Volunteerism adopted October 26, 2004

Approved by the Board of Trustees: February 12, 2013

Revised and approved by the Board of Trustees:

**BOARD POLICY 7700 WHISTLEBLOWER PROTECTION**

The Chancellor shall establish procedures regarding the reporting and investigation of suspected unlawful activities by district employees, and the protection from retaliation of those who make such reports in good faith and/or assist in the investigation of such reports. For the purposes of this policy and any implementing procedures, "unlawful activity" refers to any activity—intentional or negligent—that violates state or federal law, local ordinances, or District policy.

The procedures shall provide that individuals are encouraged to report suspected incidents of unlawful activities without fear of retaliation, that such reports are investigated thoroughly and promptly, remedies are applied for any unlawful practices and protections are provided to those employees who, in good faith, report these activities and/or assist the District in its investigation.

Furthermore, District employees shall not:

- retaliate against an employee or applicant for employment who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order;
- retaliate against an employee or applicant for employment because the employee or applicant is a family member of a person who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order; or
- directly or indirectly use or attempt to use the official authority or influence of his or her position for the purpose of interfering with the right of an applicant or an employee to make a protected disclosure to the District. The District will not tolerate retaliation, and will take whatever action may be needed to prevent and correct activities that violate this policy, including discipline of those who violate it up to and including termination.

**Reference:**

Education Code Sections 87160-87164;  
Labor Code Section 1102.5;  
Government Code Section 53296;  
Private Attorney General Act of 2004 (Labor Code Section 2698)  
Affordable Care Act (29 U.S.C. 218C)  
Administrative Procedure 3700

**New Policy**

Approved by the Board of Trustees: May 8, 2012  
Revised and approved by the Board of Trustees: March 11, 2014  
Revised and approved by the Board of Trustees: April 14, 2015  
Revised and approved by the Board of Trustees: