Chapter Three: General Institution

BP 3925

POSTING AND DISTRIBUTION OF PRINTED MATERIAL

The Cabrillo Community College Governing Board recognizes the need for individuals and groups to distribute and post various materials on campus.

This policy:

1) generally provides students, faculty, staff, and the public the opportunity to distribute and display written or printed materials expressing points of view or promoting educational or cultural events;

2) assigns Cabrillo College (and affiliated organizations) highest priority;

3) endorses the principle of freedom of expression for all individuals and academic freedom for the college community;

4) prohibits distribution which is likely to incite students or faculty as to create a clear and present danger to college people or property or which is substantially disruptive to the orderly operation of the college;

5) requires the implementation of clear rules and regulations regarding time, place, and manner of posting and distribution readily available to all who may wish to post materials under this policy; and

6) designates the chief student services administrator or designee as the policy implementation monitor.

Legal Reference: Education Code Section 76120

Adopted: June 6, 1988
Chapter Three: General Institution

AP 3925

POSTING AND DISTRIBUTION OF PRINTED MATERIALS

I. Definition Of Terms

Posting: The affixing of publicity or information materials on a surface such as a bulletin board or other designated posting space.

Distribution of Materials: The process whereby individual(s) representing a specific organization or interest hand out printed information from a designated place and in a designated manner.

Time: The designated period of time for which a particular item may remain either “posted” or “distributed,” whichever applies.

Place: The type and/or location of posting area authorized for use, such as bulletin boards or similarly designated surfaces or the point from which materials may be handed out by individuals.

Manner: The means by which items may be either affixed to a particular surface or method distributed from a particular place.

Posting Surfaces: Bulletin boards, bus stops, pedestrian bridge, tack rails, sign standards.

Bulletin Boards - Specific: Boards that are designated for specific programs or activities of the college.

Bulletin Boards - General/Outdoors: Bulletin boards available for all approved posting consistent with Time, Place, and Manner guidelines and stamped “Approved for Posting by Student Affairs.”

Bulletin Boards - General/Indoors: Boards interior to a District building and subject to the discretion, use, and/or approval of respective faculty and/or service unit personnel.

II. Regulations For Posting

1. The unenclosed spaces of the posting area in the college amphitheater shall be recognized as the “Free Speech Posting” area. Items may be posted in this area without approval and without respect to purpose, sponsorship, or content. The area may be cleared a minimum of one day per week.

2. Posting surfaces are intended primarily for Cabrillo College and affiliated organizations for the purpose of cultural and/or educational programs, activities, and services.

3. The Student Affairs Office is designated by the Dean of Student Services to monitor policy implementation and to grant “posting approval” stamping for all outdoor general (non-specific) posting areas.

4. Indoor posting spaces such as classroom and services area bulletin boards are subject to the discretion, use, and/or approval of respective faculty and/or services area personnel.
5. Outdoor specific posting areas are limited to uses designated, such as “Performing Arts Division Only.”

6. College programs and services have priority for all posting space, excluding the Free Speech Area, in which case there is no priority recognition.

7. Local college district not-for-profit community organizations shall seek posting approval through the Office of Student Affairs.

8. Posted items must generally be affixed with thumb tacks, push pins, or similar type implements to assure ease in removal. The use of tape and staples are prohibited.

9. Items posted on the college pedestrian bridge are restricted to college programs and services, and are subject to individual approval by the Dean of Student Services/designee. Pedestrian bridge signs must be wood framed, affixed with chain, are limited to the week of event being advertised, and may contain minimum contact information in large lettering.

10. Painted banners for student activities are generally permitted for the College Center, gymnasium, and stadium.

11. Restrictions
   a. No campus-wide posting of materials on doors, windows, door windows, pillars, and building rails.
   b. No staples (except at the bus stops), tapes, or glue are to be used in posting of materials.
   c. Items that are commercially-sponsored for profit” organizations are prohibited.

12. Exceptions
   a. Instructional/Faculty use of glass classroom door or window surfaces for posting of grades or timely classroom information shall not be restricted by these regulations.
   b. Building rails may be utilized for item 10 (above) for college sponsored activities upon the approval of the appropriate dean or division chairperson.

III. Regulations For The Distribution Of Materials

1. All materials for distribution must be approved for time, place, and manner by the Dean of Student Services/designee (Student Affairs Office).

2. Non-campus related material will generally be distributed in the College Center at a table for a time not to exceed ten days each semester and four days during summer session.

3. Campus related materials may generally be distributed from a designated table in the College Center, Theater, patio area, and/or amphitheater.

4. Coercion to induce students to accept printed material or to sign a petition will not be tolerated.

5. The responsible person or group must submit two (2) copies of material to be distributed and a signed copy of the Statement of Responsibility to the Student Affairs Office for approval at least three school days prior to the intended distribution.

6. In support of campus instructional programs, the distribution of materials for courses listed in the College Catalog may exceed the written guidelines stated in this policy.

7. Campus Mailboxes (non-campus material)
   — Cabrillo College faculty/staff and various student mailboxes are used to disseminate U.S. mail and Cabrillo College campus mail only. Information of public interest and/or business advertisement with the approval of division chair may be left either in division areas, or placed on divisional jurisdiction bulletin boards.
8. Parking Lots
   — Placing printed material on vehicles is prohibited.

9. Newspaper-type Publications, Magazines, Pamphlets, Flyers, etc.
   a. The Dean of Student Services is responsible for approving distribution of commercial
      newspapers, magazines, and the like.
   b. Vendor must complete a “Request to Distribute Newspaper-type Publications on
      Campus” form. Forms may be secured from the Student Affairs Office in the College
      Center.

10. It is prohibited to distribute printed matter which is likely to incite students or faculty in such
    a manner as to create a clear and present danger to college people or property, or which is
    substantially disruptive to the orderly operation of the college.

11. Violators of the above policies may be charged accordingly and may be denied permission
    for subsequent distribution or posting of materials.

IV. Omissions
Items not addressed in these regulations may be reviewed by the Dean of Student Services.
Chapter Three: General Institution

INFORMATION TO THE PUBLIC

The Cabrillo College Governing Board recognizes the need for dissemination of accurate and timely information about Cabrillo College classes, policies and activities. The Board delegates to the President’s Office Department oversight of the development and production of the majority of the college’s official publications, for the development and placement of advertising for general college programs, and for the development and distribution of news releases and other necessary public information activities through appropriate channels.

Adopted: August 6, 1990
Revised: June 1995
Revised: May 6, 2013
Chapter Three: General Institution

INFORMATION TO THE PUBLIC

The Marketing and Communications Department is within the President’s Component. The Director of Marketing and Communications, in consultation with the Superintendent/President and other managers and administrators, establishes the priority of activities within the Marketing and Communications Department.

The Marketing and Communications Department is responsible for the design, coordination, production, and distribution of all collateral and publications about the college, including the Schedule of Classes, the Cabrillo College Catalog, and all general publications about the college, in printed or digital format.

Although the content for these publications generally originates from the instructional and student services components of the college, the Marketing and Communications Department is responsible for coordination and design of the publications, preparation for publishing, arrangements for printing, and distribution. Arrangements for printing include responsibility to prepare specifications for the bidding process when it is required. The Marketing and Communication Office Department is responsible for the production and distribution of collateral describing all college departments and programs, in printed or digital format. In addition, the Marketing and Communication Office Department prepares and distributes news releases, and develops, places, and evaluates all media advertising to promote enrollment in fall and spring semesters and in summer sessions. These activities are the highest priorities of the Marketing and Communications Department.

The Marketing and Communications Department facilitates the production of internal communications and various special projects at the direction of the Superintendent/President. These activities are included among the highest priorities of the Department.

The Marketing and Communications Department is also responsible for the design and content development of the college website, in cooperation with Cabrillo Information Technology (IT). The Marketing and Communications Department is also responsible for the development, content and administration of the Cabrillo College presence on all social media outlets and channels.

The Marketing and Communications Department regularly produces printed, electronic and online collateral as well as news releases to describe the programs and activities of individual departments of the college. All requests for service in this category are accommodated on the basis of time available. Requests for service for non-college projects, even if made by members of the college, will not be considered.

Departments and individuals may produce their own collateral in print or digital format, with the approval of their supervising chair, manager or administrator. All collateral published in print or digital format must be reviewed for content and appearance and approved by the Marketing and Communications Department.
Communications Department prior to publication or distribution. Departments and individuals provide the Marketing and Communication Office Department with copies of all printed marketing materials distributed to the public.

Reviewed: 4/1/13
Chapter Three: General Institution

BP 3975
PROTOCOL FOR RELEASE OF INFORMATION

The Superintendent/President establishes the protocol by which official responses are given to queries about college issues and policies.

Adopted: August 6, 1990
Revised: June 1995
Reviewed: May 6, 2013
All requests for non-routine information, such as analysis of policy or discussion of the significance of Board action, are referred to the Director of Marketing and Communications and Public Information Officer (PIO). The Director is responsible to provide the appropriate information, either by release of information authorized by the Superintendent/President, or by referral to another manager or administrator.

Members of the Marketing and Communications Department are authorized to respond directly to requests when they involve confirmation of routine information, such as dates and times of meetings or events, names and titles of college officials, and descriptions of actions taken in public session by the Governing Board.

Reviewed: 4/1/13
The Marketing and Communications Department owns and maintains print and/or electronic files of collateral, media lists, news coverage/clippings, photographs and digital images, clip art, Cabrillo College logos, seals, and identity system, and other publications and records. These materials are the sole property of Cabrillo College, and they are released only for the purpose of accomplishing official Cabrillo College business.

Outdated collateral, news coverage/clippings, and other appropriate materials of historic significance are given to the Cabrillo College Library Archives for permanent maintenance.

Adopted: August 6, 1990
Revised: June 1995
Revised: May 6, 2013
The Marketing and Communications Department develops and maintains complete contact lists of all Monterey Bay Area news media. Mailing lists for community college journals and other publications also are maintained for use in disseminating information about college programs, policies and personnel. These lists are generally available only to the Marketing and Communications Department for use in official college communications.

The Marketing and Communication Office Department publishes media coverage received by the college in an online repository of news stories and feature articles, which are published online as well as printed in local newspapers and magazines. Reference materials, including color charts, and various publication guides are available in the Marketing and Communications Department for use by any college member for college business. Access to these resources is restricted to in-office use.

The Marketing and Communication Office Department develops and maintains a digital inventory of photographs for use in official college publications and promotions. In most cases, photo credits are not given, and no royalties are paid for photos purchased for publication.

The Marketing and Communications Department develops and maintains files containing background information about individual college programs and, with their permission, about individual faculty and staff members. These files are resources for Marketing and Communications Department staff members, who use them for developing news releases, feature stories and in various print and electronic college publications.

Reference: BP 8000

Reviewed: 4/1/13
The Governing Board authorizes dissemination of information about college programs and services in languages other than English. The Governing Board requires that the standards of language used in such translations are equivalent to the highest standards of English usage. The Director of Marketing and Communications is responsible to ensure that accurate and appropriate non-English translations are used in print and electronic versions of college publications, areas of college website as appropriate, and advertising.

Adopted: August 6, 1990
Reviewed: June 10, 2013
ASSOCIATED STUDENTS

The Cabrillo College District shall have one Associated Students Organization, which is officially recognized as the Associated Students of Cabrillo College Student Senate (ASCC Student Senate).

All students, registered for a minimum of 5 units and maintaining a minimum 2.0 gpa, shall be encouraged to join the ASCC Student Senate.

A governing body shall be elected that shall keep an account of its meetings, expenditures, authorizations and policies established.

A simple majority of the elected voting members of the ASCC Student Senate governing body shall constitute a quorum.

The ASCC Student Senate shall make every effort to appoint a student representative to all Cabrillo College District shared-participatory governance committees, e.g. College Planning Council, Safety Committee, faculty, staff and administrative search and selection committees, Hearing Committee, Facilities Planning Committee, Bookstore Committee, Transportation Committee, etc.

The Dean of Student Services and the Student Activities Coordinator, or other designee by the Dean of Student Services, shall serve as advisers to the ASCC Student Senate.

ASCC Student Senate members traveling beyond Region IV for ASCC Student Senate official business must be accompanied and supervised by an adviser. Expenses for travel by the adviser(s) shall be paid by the ASCC Student Senate.

The offices of the ASCC Student Senate shall be housed in the Student Activity Center East (SAC East) of the Aptos campus and Building A-100 at the Watsonville Center. Use of these facilities shall be available from 8:00 a.m. to 9:00 p.m. Monday through Friday when school is in session. Hours beyond this schedule, including non-school day use, i.e. Saturdays, Sundays and holidays, must be approved by the Student Activities Coordinator or the Dean of Student Services or designee. It is a requirement, due to a number of liability concerns, that use of these facilities shall only be made available when part-time or full-time, permanent staff oversight and supervision is provided.

Reference: Education Code Section 76060

Approved by Student Services Council August 15, 2012
Revised and approved by Student Services Council August 20, 2014
I. Introduction & Scope

These are the written procedures for prevention of discrimination, discriminatory harassment and sexual harassment; and for filing, processing and investigating complaints of unlawful discrimination and discriminatory harassment, and sexual harassment at Cabrillo Community College District. These policies and procedures incorporate the legal principles contained in non-discrimination provisions of the California Code of Regulations, Title 5, sections 59300 et seq. as well as California and Federal law and regulations identified below, and any other state and federal substantive and procedural requirements.

A copy of District Policy and this Procedure on unlawful discrimination and harassment will be displayed in a prominent location in the main administrative building or other area where notices regarding the institution’s rules, regulations, procedures, and standards of conduct are posted.

A. Unlawful Discrimination and Harassment Policy

It is the policy of the Cabrillo Community College District to provide an environment free of unlawful discrimination or discriminatory harassment, including sexual harassment.

1. Unlawful discrimination and harassment are prohibited.

   Discrimination or harassment toward any person in the District’s programs, activities and work environment on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, pregnancy or pregnancy disability, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, or because he or she is perceived to have one or more of the foregoing characteristics is prohibited.

2. Sexual harassment is prohibited.

   The policy of the Cabrillo Community College District includes providing an education and employment environment free from unwelcome sexual advances, requests for sexual favors, sexual favoritism, or other verbal or physical conduct or communications constituting sexual harassment.

3. District will comply with the Rehabilitation Act.

   The policy of Cabrillo Community College District is to comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973 in the development, procurement, maintenance, or use of electronic or information technology and respond to and resolve unlawful discrimination complaints regarding accessibility. Such complaints will be treated as complaints of discrimination on the basis of disability.

4. Retaliation for making complaints under this Procedure or for cooperating with an investigation is prohibited.
Retaliation against any individual who makes a complaint of discrimination or harassment or who participates in an investigation of discrimination or harassment is also prohibited whether or not the allegations are eventually found to be true. If the District determines that retaliation has occurred, it will take all reasonable steps to stop such conduct.

Employees, students, or other persons acting on behalf of the District who engage in unlawful discrimination harassment, or retaliation as defined by this policy, or by state or federal law, may be subject to discipline, up to and including, but not limited to, discharge, expulsion, or termination of contract.


B. Academic Freedom

The Cabrillo Community College District governing board reaffirms its commitment to academic freedom, but recognizes that academic freedom does not allow any form of unlawful discrimination, discriminatory harassment or sexual harassment. It is recognized that an essential function of education is probing of opinions and an exploration of ideas that may cause some students discomfort. It is further recognized that academic freedom ensures the faculty’s right to teach and the student’s right to learn. Finally, nothing in this procedure shall be interpreted to prohibit bona fide academic requirements for a specific community college program, course or activity.

II. Definitions

Definitions applicable to nondiscrimination and harassment policies are as follows:

A. “Appeal” means a request by a complainant made in writing to the Cabrillo Community College District governing board, pursuant to Title 5, section 59338 and/or to the State Chancellor’s Office pursuant to Title 5, section 59339 to review the administrative determination of the District regarding a complaint of discrimination, harassment and/or retaliation.

B. “Association with a person or group with these actual or perceived characteristics” includes advocacy for or identification with people who have one or more characteristics of a protected category listed under “Unlawful Discrimination and Harassment Policy ” and Title 5, section 59300, participation in a group associated with persons having such characteristics, or use of a facility associated with use by such persons.

C. “Complaint” means a written and signed statement meeting the requirements of Title 5, section 59328, that alleges unlawful discrimination, harassment and/or retaliation in violation of the nondiscrimination regulations adopted by the Board of Governors of the California Community Colleges, as set forth at Title 5 C.C.R. sections 59300 et seq.

D. “Days” means calendar days.
E. “District” means the Cabrillo Community College District or any District program or activity that is funded directly by the state or receives financial assistance from the state. This includes any other organization associated with the District or its college(s) that receives state funding or financial assistance through the District.

F. “Gender” means sex and includes a person’s gender identity and gender related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

G. “Sexual Harassment” includes but is not limited to: behavior that is in the classroom, workplace, or any other college or non-college setting, that is continuous, frequent, repetitive, and part of an overall pattern, rather than one event. However, a single, severe event can constitute hostile environment sexual harassment, especially if it involves physical contact. Perpetration of such behavior can be from instructors, supervisors, subordinates, consultants, vendors or peers. The intentions of the accused are irrelevant in determining whether her/his behavior constitutes sexual harassment; it is the effect of the behavior upon the recipient that creates a hostile environment. Such conduct has the purpose or effect of unreasonably interfering with an individual’s performance or creating an intimidating, hostile or offensive work or educational environment.

Behaviors that may contribute to a sexually harassing or hostile environment as judged by a reasonable person of the same gender as the complainant, which are inappropriate or have no educational-relevance, include, but are not limited to, the following:

1. verbal, non-verbal and physical sexual behaviors;
2. sexual advances that are repeated and unwanted even when they are verbal and not coercive;
3. sexual jokes, innuendoes;
4. remarks about a person’s body;
5. turning discussions inappropriately to sexual topics;
6. making offensive sounds, such as whistling or catcalls;
7. looking a person up and down or staring in a sexually suggestive manner;
8. invading someone’s personal space or blocking his or her path;
9. distribution of sexually explicit visuals such as pinups, or digital images;
10. suggestions of sexual intimacy;
11. repeated requests for dates or private meetings in inappropriate or intimate locations;
12. unwanted letters or gifts; or
13. touching, hugging, massaging, or other unwelcome physical contact.

H. “Mental Disability” includes, but is not limited to, all of the following:

1. Having any mental or psychological disorder or condition, such as intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:
   (A) “Limits” shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.
   (B) A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.
   (C) “Major life activities” shall be broadly construed and shall include physical, mental, and social activities and working.
2. Any other mental or psychological disorder or condition not described in paragraph (1) that requires specialized supportive services.

3. Having a record or history of a mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the District.

4. Being regarded or treated by the District as having, or having had, any mental condition that makes achievement of a major life activity difficult.

5. Being regarded or treated by the District as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1) or (2).

“Mental disability” does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

I. Physical Disability includes, but is not limited to, all of the following:

1. Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:
   (A) Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine.
   (B) Limits a major life activity. For purposes of this section:
      (i) Limits shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.
      (ii) A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.
      (iii) “Major life activities” shall be broadly construed and include physical, mental, and social activities and working.

2. Any other health impairment not described in paragraph (1) that requires specialized supportive services.

3. Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) or (2), which is known to the District.

4. Being regarded or treated by the District as having, or having had, any physical condition that makes achievement of a major life activity difficult.

5. Being regarded or treated by the District as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).

6. “Physical disability” does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

J. “Responsible District Officer” means the officer identified by the District to the State Chancellor’s Office as the person responsible for receiving complaints filed pursuant to Title 5, section 59328 and for coordinating their investigation.
K. “Sex” includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. “Sex” also includes, but is not limited to, a person’s gender, as defined in section 422.56 of the Penal Code. Discrimination on the basis of sex or gender also includes sexual harassment.

L. “Sexual harassment” is unlawful discrimination in the form of 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 workplace or in the educational setting, and includes but is not limited to:

1. Making unsolicited written, verbal, physical, and/or visual contacts with sexual overtones. (Examples of sexual harassment that appear in a written form include, but are not limited to: suggestive or obscene letters, notes, invitations. Examples of possible visual sexual harassment include, but are not limited to: leering, gestures, display of sexually aggressive objects or pictures, cartoons, or posters.)
2. Continuing to express sexual interest after being informed that the interest is unwelcome.
3. Making reprisals, threats of reprisal, or implied threats of reprisal following a rebuff of harassing behavior. The following are examples of conduct in an academic environment that might be found to be sexual harassment: threatening to withhold, or actually withholding, grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied.
4. Engaging in explicit or implicit coercive sexual behavior within the work environment which is used to control, influence, or affect the employee’s career, salary, and/or work environment.
5. Engaging in explicit or implicit coercive sexual behavior within the educational environment that is used to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.
6. Offering favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.
7. Awarding educational or employment benefits, such as grades or duties or shifts, recommendations, reclassifications, etc., to any student or employee with whom the decision maker has a sexual relationship and denying such benefits to other students or employees.

M. “Sexual orientation” means heterosexuality, homosexuality, or bisexuality.

N. “Unlawful discrimination” means discrimination based on a category protected under title 5, section 59300, including harassment and retaliation.

III. Responsible District Officer

A. The Cabrillo Community College District has identified the Director of Human Resources or designee to the State Chancellor’s Office and to the public as the single District officer responsible for receiving all unlawful discrimination complaints pursuant to title 5, section 59328, and for coordinating their investigation. Informal charges of unlawful discrimination or harassment, including sexual harassment, should be brought to the attention of the responsible District officer, who shall oversee the informal resolution process pursuant to section 59327. The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract with the District. Such delegation procedures will be used whenever the officer designated to receive complaints is named in the complaint or is implicated by the allegations in the complaint. Administrators, faculty members, other District employees, and students shall direct all complaints of unlawful discrimination or harassment to the responsible District officer.
B. Notice, Training, and Education for Students and Employees
   1. The Cabrillo Community College District’s responsible District officer shall make arrangements for or provide training to employees and students on the District’s unlawful discrimination and harassment policy and procedures. Faculty members, members of the administrative staff, and members of the support staff will be provided with a copy of the District’s written policy on unlawful discrimination and harassment at the beginning of the first quarter or semester of the college year after the policy is adopted.
   2. All District employees will receive this training and a copy of the unlawful discrimination and harassment policies and procedures during the first year of their employment. Because of their special responsibilities under the law, supervisors will undergo mandatory training within six months of assuming a supervisory position and annually thereafter. In years in which a substantive policy or procedural change has occurred, all District employees will attend a training update and/or receive a copy of the revised policies and procedures.

   A training program or informational services will be made available to all students at least once annually. The student training or informational services will include an explanation of the policy, how it works, and how to file a complaint. In addition, a copy of the District’s written policy on unlawful discrimination and harassment, as it pertains to students, will be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester or summer session, as applicable.

IV. Informal/Formal Complaint Procedure
   A. Informal Complaint Procedure
      When a person brings charges of unlawful discrimination to the attention of the District’s responsible officer, that officer will:
      1. Undertake efforts to informally resolve the charges;
      2. Advise the complainant that he or she need not participate in informal resolution;
      3. Notify the person bringing the charges of his or her right to file a formal complaint and explain the procedure for doing so;
      4. Assure the complainant that he or she will not be required to confront, or work out problems with, the person accused of unlawful discrimination;
      5. Advise the complainant that he or she may file a non-employment-based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR); where such a complaint is within that agency’s jurisdiction;
      6. If the complaint is employment-related, the complainant should also be advised that he or she may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) and/or the California Department of Fair Employment and Housing (DFEH) where such a complaint is within that agency’s jurisdiction.

      Efforts at informal resolution need not include any investigation unless the responsible District officer determines that an investigation is warranted by the seriousness of the charges. Selecting an informal resolution does not extend the time limitations for filing a formal complaint. Efforts at informal resolution may continue after the filing of a formal written complaint, but after a formal complaint is filed, an investigation is required to be conducted pursuant to title 5, section 59334, and will be completed unless the matter is informally resolved and the complainant dismisses the complaint. Even if the complainant does dismiss the complaint, the responsible District officer may require the
investigation to continue if he or she determines that the allegations are serious enough to warrant an
investigation. Any efforts at informal resolution after the filing of a written complaint will not exceed
the 90-day period for rendering the administrative determination pursuant to title 5, section 59336.

In employment-related cases, if the complainant also files with the Department of Fair Employment
and Housing or with the U. S. Equal Employment Opportunity Commission, a copy of that filing will
be sent to the State Chancellor’s Office requesting a determination of whether a further investigation
under title 5 is required. Unless the State Chancellor’s Office determines that a separate investigation
is required, the District will discontinue its investigation under title 5 and the matter will be resolved
through the Department of Fair Employment and Housing or the U. S. Equal Employment Opportunity
Commission.

The District will allow for representation where required by law and may allow for representation for
the accused and complainant in other circumstances on a case-by-case basis.

B. Filing of Formal Written Complaint
If a complainant decides to file a formal written unlawful discrimination or harassment complaint
against the District, he or she must file the complaint on a form prescribed by the State Chancellor’s
office, or must provide the same information in writing as that requested on the Chancellor’s form
sufficient to allow the District to commence an investigation of the merits of the complaint. Forms are
available from the District and also at the State Chancellor’s website, as follows:


The completed form must be filed with the District representative or mailed directly to the State
Chancellor’s Office of the California Community Colleges.

Once a complaint is filed, the individual(s) accused of engaging in prohibited discriminatory conduct
should be advised of that filing and the general nature of the complaint. This should occur as soon as
possible and in a manner that is appropriate under the circumstances. The District will also advise the
accused that an assessment of the accuracy of the allegations has not yet been made, that the complaint
will be investigated, that the accused will be provided an opportunity to present his/her side of the
matter, and that any conduct that could be viewed as retaliatory against the complainant or any
witnesses must be avoided.

C. Threshold Requirements Prior to Investigation of a Formal Written Complaint
When a formal written complaint is filed, it will be reviewed to determine if the complaint meets the
following requirements:
1. The complaint must be filed on a form prescribed by the State Chancellor’s Office, or must
provide the same information in writing as that requested on the Chancellor’s form sufficient to
allow the district to commence an investigation of the merits of the complaint.
2. The complaint must allege unlawful discrimination prohibited under title 5, section 59300
3. The complaint must be filed by one who alleges that he or she has personally suffered unlawful
discrimination or harassment, or by one who has learned of such unlawful discrimination or
harassment in his or her official capacity as a faculty member or administrator, or by one who
alleges that he or she witnessed unlawful discrimination or harassment.
4. In any complaint not involving employment, the complaint must be filed within one year of the
date of the alleged unlawful discrimination or harassment or within one year of the date on which
the complainant knew or should have known of the facts underlying the specific incident or incidents of alleged unlawful discrimination or harassment.

5. In any complaint alleging discrimination or harassment in employment, the complaint shall be filed within 180 days of the date the alleged unlawful discrimination occurred, except that this period will be extended by no more than 90 days following the expiration of that 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of 180 days.

D. Notice to State Chancellor or District
A copy of all formal complaints filed in accordance with the Title 5 regulations will be forwarded to the State Chancellor’s Office immediately upon receipt, regardless of whether the complaint is brought by a student or by an employee. Similarly, when the State Chancellor’s Office receives a complaint, a copy will be forwarded to the District.

E. Defective Complaint
If a complaint is found to be defective, it will be immediately returned to the complainant with a complete explanation of why an investigation will not be initiated under California Code of Regulations, Title 5, section 59300 et seq. The notice will inform the complainant that the complaint does not meet the requirements of section 59328, and shall specify in what requirement the complaint is defective. A copy of the notice to the complainant will also be sent to the State Chancellor’s Office.

F. Confidentiality of the Process
Investigative processes can best be conducted within a confidential climate. Therefore, the District does not reveal information about such matters except as necessary to fulfill its legal obligations. Potential complainants are sometimes reluctant to pursue a complaint if their names will be revealed. The inability to reveal the name of a complainant or facts that are likely to reveal the identity of the complainant can severely limit the ability of the District to respond. Complainants must also recognize that persons who are accused of wrongdoing have a right to present their side of the matter, and this right may be jeopardized if the District is prohibited from revealing the name of the complainant or facts that are likely to disclose the identity of the complainant.

If a complainant insists that his or her name not be revealed, the responsible officer should take all reasonable steps to investigate and respond to the complaint consistent with the complainant’s request as long as doing so does not jeopardize the rights of other students and employees. It is also important that complainants and witnesses understand the possibility that they may be charged with allegations of defamation if they circulate the charges outside of the District’s process. In general, persons who are participating in a District investigative or disciplinary process that is related to a charge of discrimination are protected from tort claims such as defamation. However, persons who make allegations outside of these processes or who discuss their claims with persons outside of the process may expose themselves to tort charges.

Where an investigation reveals the need for disciplinary action, the complainant may wish to have information about what disciplinary actions the District took. However, the privacy rights of the persons involved often prevent the District from providing such information. In student disciplinary actions for sexual assault/physical abuse charges, Education Code section 76234 provides that the victim shall be informed of the disciplinary action, but that the victim must keep the information confidential. Disciplinary actions taken against employees are generally considered confidential.
G. Administrative Determination

1. In any case not involving employment discrimination, within ninety days of receiving an unlawful discrimination or harassment complaint filed under title 5, sections 59300 et seq., the responsible District officer will complete the investigation and forward a copy of the investigative report to the State Chancellor, a copy or summary of the report to the complainant, and written notice setting forth all the following to both the complainant and the State Chancellor:

(a) the determination of the chief executive officer or his/her designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
(b) a description of actions taken, if any, to prevent similar problems from occurring in the future;
(c) the proposed resolution of the complaint; and
(d) the complainant’s right to appeal to the District governing board and the State Chancellor.

2. In any case involving employment discrimination or harassment, within 90 days of receiving an unlawful discrimination or harassment complaint filed under title 5, sections 59300 et seq., the responsible District officer will complete the investigation and forward a copy or summary of the report to the complainant, and written notice setting forth all the following to the complainant:

(a) the determination of the chief executive officer or his/her designee as to whether there is probable cause to believe discrimination or harassment occurred with respect to each allegation in the complaint;
(b) a description of actions taken, if any, to prevent similar problems from occurring in the future;
(c) the proposed resolution of the complaint; and
(d) the complainant’s right to appeal to the District’s governing board and to file a complaint with the Department of Fair Employment and Housing.

3. The District will keep these documents on file for a period of at least three years after closing the case, and make them available to the State Chancellor upon request.

4. The Cabrillo Community College District recognizes the importance of and is, therefore, committed to completing investigations and resolving complaints as quickly as possible, consistent with the requirements for a thorough investigation.

V. Complainant’s Appeal Rights

Complainants have appeal rights that they may exercise if they are not satisfied with the results of the District’s administrative determination. At the time the administrative determination and summary is mailed to the complainant, the responsible District officer or his/her designee shall notify the complainant of his or her appeal rights as follows:

A. First level of appeal: The complainant has the right to file an appeal to the District’s governing board within 15 days from the date of the administrative determination. The District’s governing board will review the original complaint, the investigative report, the administrative determination, and the appeal.

The District’s governing board will issue a final District decision in the matter within 45 days after receiving the appeal. Alternatively, the District’s governing board may elect to take no action within 45
days, in which case the original decision in the administrative determination will be deemed to be affirmed and shall become the final District decision in the matter. A copy of the final decision rendered by the District’s governing board will be forwarded to the complainant and to the State Chancellor's Office.

B. Second level of appeal: The complainant has the right to file an appeal with the California Community College Chancellor’s Office in any case not involving employment-related discrimination or harassment within 30 days from the date that the governing board issues the final District decision or permits the administrative determination to become final by taking no action within 45 days. The appeal must be accompanied by a copy of the decision of the governing board or evidence showing the date on which the complaint filed an appeal with the governing board, and a statement under penalty or perjury that no response was received from the governing board within 45 days from that date. In any case involving employment discrimination or harassment, the complainant has the right to file a complaint with the Department of Fair Employment and Housing (DFEH) where the case is within the jurisdiction of that agency.

Complainants must submit all appeals in writing.

VI. Provision of Information to State Chancellor
In any case not involving employment discrimination, within 150 days of receiving a complaint, the responsible District officer will either:

forward the following to the State Chancellor:
   A. A copy of the final District decision rendered by the governing board or a statement indicating the date on which the administrative determination became final as a result of taking no action on the appeal within 45 days; a copy of the notice of appeal rights the District sent the complainant; and any other information the State Chancellor may require; OR
   B. Notify the State Chancellor that the complainant has not filed an appeal with the District governing board and that the District has closed its file.

The District will keep these documents on file for a period of at least three years after closing the case, and in any case involving employment discrimination, make them available to the State Chancellor upon request.

VII. Extensions
If for reasons beyond its control, the District is unable to comply with the 90-day or 150-day deadlines specified above for submission of materials to the complainant and the State Chancellor's Office, the responsible District officer will file a written request that the State Chancellor grant an extension of the deadline. Where an extension is deemed necessary by the District, it must be requested from the State Chancellor regardless of whether or not the case involves employment discrimination. The request will be submitted no later than 10 days prior to the expiration of the deadlines established by title 5 in sections 59336 and/or 59340 and will set forth the reasons for the request and the date by which the District expects to be able to submit the required materials.

A copy of the request for an extension will be sent to the complainant, who will be advised that he or she may file written objections with the State Chancellor within five days of receipt.
The State Chancellor may grant the request unless delay would be prejudicial to the investigation. If an extension of the 90-day deadline is granted by the State Chancellor, the 150-day deadline is automatically extended by an equal amount.

VIII. **Record Retention**
Unlawful discrimination records that are part of an employee’s employment records may be classified as Class-1 Permanent records and retained indefinitely or microfilmed in accordance with title 5, California Code of Regulations, section 59022. Unlawful discrimination records of a student that are deemed worthy of preservation but not classified as Class-1 Permanent may be classified as Class-2 Optional records or as Class-3 Disposable records. Class-2 Optional records shall be retained until reclassified as Class-3 Disposable records. Class-3 Disposable records shall be retained for a period of three years after being classified as Class-3 Disposable records.

IX. **Retaliation**
It is unlawful for anyone to retaliate against someone who files an unlawful discrimination or harassment complaint, who refers a matter for investigation or complaint, who participates in an investigation of a complaint, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of this unlawful discrimination or harassment policy.

Approved: June 6, 1994
Revised: October 7, 1996
Revised: November 22, 2002
Revised: March 5, 2003
Revised: April 7, 2003
Revised: November 2006
Revised: January 22, 2009
Revised: March 20, 2009
Revised: April 20, 2009
Revised: January 6, 2010
Revised: XXXXX, 2014
Remedial coursework consists of pre-collegiate basic skills courses.

A student’s need for basic skills coursework shall be determined using appropriate assessment instruments, methods, or procedures.

No student shall receive more than 30 semester units for basic skills coursework, subject to the following exceptions. A student who exhausts this unit limitation shall be referred to appropriate adult noncredit education services.

A. A student who is enrolled in one or more courses of English as a Second Language is exempt from this unit limitation.
B. A student who has been officially identified by the college as having a learning disability is exempt from this unit limitation.

A student who successfully completes basic skills coursework or who demonstrates skill levels which assure success in college-level courses may request reinstatement to proceed with college level coursework.

Students who demonstrate significant, measurable progress toward development of skills appropriate to enrollment in college-level courses may be granted a waiver of the limitations of this procedure.

The Catalog shall include a clear statement of the limited applicability of remedial coursework toward fulfilling degree requirements and any exemptions that may apply to this limitation.

Reference: Title 5 Section 55035
Revision: September 4, 2014 (IC)
Nothing in this policy shall conflict with Education Code section 76224 or Title 5 section 55025 that pertains to the finality of grades assigned by instructors or pertaining to the retention and destruction of student records.

**Definitions as provided under Title 5, Sections 55000 & 55045**

The following definitions shall apply:

1. “Active participatory courses” are those courses where individual study or group assignments are the basic means by which learning objectives are obtained. (T5, §55000)

2. “Course repetition” occurs when a student who has previously received an evaluative symbol in a credit course, as set forth in section 55023, re-enrolls in that course and receives an evaluative symbol. (T5, §55000)

3. “Courses that are determined to be legally mandated” are courses that are required by statute or regulation as a condition of paid or volunteer employment. (T5, §55000)

4. “Course that are related in content” are those courses with similar primary educational activities in which skill levels or variations are separated into distinct courses with different student learning outcomes for each level or variation. (T5, §55000)

5. “Enrollment” occurs when a student receives an evaluative or non-evaluative symbol pursuant to section 55023 in a credit course. (T5, §55000)

6. “Extraordinary conditions” are those conditions meeting the requirements of section 58509 (a), allowing a community college to provide full refund of enrollment fees to a student. (T5, §55000)

7. “Intercollegiate academic or vocational competition course” is a course that is designed specifically for participation in non-athletic competitive events between students from different colleges that are sanctioned by a formal collegiate or industry governing body. (T5, §55000)

8. “Intercollegiate athletic course” is a course in which a student athlete is enrolled to participate in an organized competitive sport sponsored by the district or a conditioning course which supports the organized competitive sport. (T5, §55000)

9. “Extenuating circumstances” are verified cases of accidents, illness or other circumstances beyond the control of the student. (T5, §55045)
1. **Courses in which a substandard grade or “W” has been received are limited to three enrollments**

A student may repeat a course, which is not designated as a repeatable course, in which a grade lower than a “C” has been received. Once the student has received a satisfactory grade (A, B, C or P), within the allowable three enrollments, he or she may not repeat the class again. Up to two substandard grades will be disregarded in calculating grade point average. A student may qualify to repeat a course after receiving a satisfactory grade under separate regulations.

An additional enrollment may be permitted on a petition basis for extenuating circumstances.

2. **Additionally, courses may be repeated for credit after a student has received a satisfactory grade (A, B, C or P), if one of the following is true:**

   a) Students may repeat a portion of a variable unit open-entry/open-exit course as many times as necessary to complete the entire curriculum of the course one time as described in the course outline of record.

   b) There is an extenuating circumstance beyond the student’s control which has been verified by the division administrator. Student can only qualify under this provision once for each course. In addition, a student may petition under this provision regardless of the previous grade earned.

   c) **Occupational work experience versus general work experience**

   - General work experience – does not need to be related to student goals.
   - Occupational work experience – must be directly related to student goals.
   - Only occupational work experience can be repeated. A student receiving a satisfactory grade in a general work experience course cannot repeat that course (though the student could take a different general work experience course).
   - May re-enroll in occupational work experience if:

     i. There is only one course in a field.
     ii. The course is not variable unit open entry/open exit.
     iii. The course is not more than 8 semester units in one enrollment period.
     iv. A student cannot exceed 16 semester units (includes occupational and general work experience).

   d) Students with a disability may repeat an approved class for students with disabilities any number of times based on an individual determination that such repetition is required as a disability-related accommodation for that student. *See Section 4 for more information.*

   e) Students may repeat a course to meet legally mandated training requirements, after providing documentation of the said requirements. Such courses may be repeated for credit any amount of time.

   f) Students may repeat a course as a result of a significant change in industry or licensure standards such that repetition of the course is necessary for employment or licensure.
Students must provide documents certifying the significant change in industry or licensure standards necessitating course repetition.

When any course repetition occurs, the permanent academic record shall be annotated in such a manner that all work remains legible insuring a true and complete academic history. The first satisfactory grade shall be used in calculating grade point average, unless stated otherwise.

3. **Repeatable Courses may only fall under one of three categories:**

   a) The repetition is necessary to meet major requirements of CSU or UC for completion of a bachelor’s degree. The district will retain supporting documentation as a Class 3 record.
   b) Intercollegiate athletics
   c) Intercollegiate academic or vocational competition.

Enrollment in repeatable courses is limited to no more than four times per course. All repeatable courses shall be published in the College Catalog each year. When a course is repeated pursuant to this section, the grade received each time shall be included for purposes of calculating the student’s grade point average.

Students enrolled in non-repeatable courses or re-enrolling in repeatable courses in excess of what is stated in the College Catalog will be officially (administratively) dropped from those courses.

4. **Section 504 and Title 5, Section 56029**

   Repetition is permitted to meet the requirements of Section 504 of the 1973 Rehabilitation Act, 29, USC Section 794.

Course repetition will be permitted in specific special classes created for and funded by DSPS, the Accessibility Support Center (ASC) for students with disabilities as verified by DSPS-ASC under the following circumstances:

   a) When continuing success of the student in other general and/or special education classes is dependent on additional repetitions of a specific special class, or
   
   b) When additional repetitions of a specific special class are essential to completing a student's preparation for enrollment into other regular or special classes, or
   
   c) When the student has a student educational contract that involves a goal other than completion of the special class in question and repetition of the course will further the achievement of the goal.

   a) When continuing success of the student in other general and/or special classes is dependent on additional repetitions of a specific special class;
   
   b) When additional repetitions of a specific special class are required for the student to meet the performance criteria of that class;
c) When additional repetitions of a specific special class are essential to completing a student’s preparation for enrollment into other courses which meet the requirements of a student’s educational objectives. Grades and units will count for repetitions when meeting the above conditions.

Repetitions of adaptive physical education are allowed, provided the student participates in at least one additional credit course that is not a physical education class and that is within the general offerings of the college, and if the student makes progress towards the stated education goal as documented in the Individual Educational Plan. Students may enroll in adaptive physical education for credit a total of four times. Subsequent repetitions must be offered as non-credit classes. Grades and units will count at most, four times.

Financial Aid:
Repeating courses may have consequences for financial aid. Students should see a financial aid advisor.

Public Safety employer-sponsored students on probation or dismissal will not be prohibited from enrolling in Public Safety Inservice courses.

Legal References:
Education Code Sections 66700, 70901, 70902 and 76224;
Title 5 Sections 55040, 55041, 55042, 55043, 55253, 58161 and 56029

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Revised: September 4, 2014 (IC)
Chapter Three: Instruction and Instructional Programs

BP 4250
Probation, Dismissal and Readmission

Probation
A student shall be placed on academic probation if he or she has attempted a minimum of 12 semester units of letter-graded (A-F) work and has a grade point average of less than a "C" (2.0).

A student shall be placed on progress probation if he or she has enrolled in a total of at least 12 semester units and the percentage of all units in which the student has enrolled, for which entries of "W," "I," “NC” and “NP” were recorded reaches or exceeds 50 percent.

A student who is placed on probation may submit an appeal in accordance with procedures to be established by the President/Superintendent or designee.

A student on academic probation shall be removed from probation when the student's accumulated grade point average is 2.0 or higher. A student on progress probation shall be removed from probation when the percentage of units in the categories of "W," "I," "NC," and “NP” drops below 50 percent.

Dismissal
A student who is on academic probation shall be subject to dismissal if the student has earned a cumulative grade point average of less than 2.0 in all units attempted in each of three consecutive semesters.

A student who is on progress probation shall be subject to dismissal if the cumulative percentage of units in which the student has been enrolled for which entries of "W," "I," “NC”, or “NP” are recorded in at least three consecutive semesters reaches or exceeds 50 percent.

A student who is subject to dismissal may submit a written appeal in compliance with administrative procedures. Dismissal may be postponed and the student continued on probation if the student fulfills the established criteria in AP 4255.

Readmission
A student who has been dismissed may request reinstatement according to the criteria contained in AP 4255.

Readmission may be granted, denied, or postponed according to criteria contained in administrative procedures.

The Superintendent/President or designee shall develop procedures for the implementation of this policy that comply with the Title 5 requirements.

References: Education Code Section 70902(b)(3); Title 5 Sections 55030-55034
Adopted: September 4, 2014 (IC)