



Ohlone alumni return to campus for the 50th Anniversary Celebration.

## 10

## Chapter Ten POLICIES AND PROCEDURES

Policies and Administrative Procedures of the Ohlone Community College District are posted on the Ohlone College website at [www.ohlone.edu/board/policy](http://www.ohlone.edu/board/policy) and contained in the Board Policies and Administrative Procedures Manual. Copies of the manual may be consulted in the Office of the President/Superintendent on the Fremont campus.

Information about policies and procedures relating to admission, residency and fees, and academic regulations are included in the related sections of this catalog.

### Academic Freedom

The following Academic Freedom policy is from the Ohlone Community College District Board Policy 4030:

- References: Title 5 of California Code of Regulations, §51023; ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard I.C.7.
- Approved by Ohlone Community College District Board of Trustees on November 9, 2005
- Reviewed and Re-approved by Ohlone Community College District Board of Trustees on March 10, 2010
- Amended on November 18, 2015

“Citizens in a free society in order to discharge their responsibilities intelligently must examine, with critical judgment, all points of view on major issues.

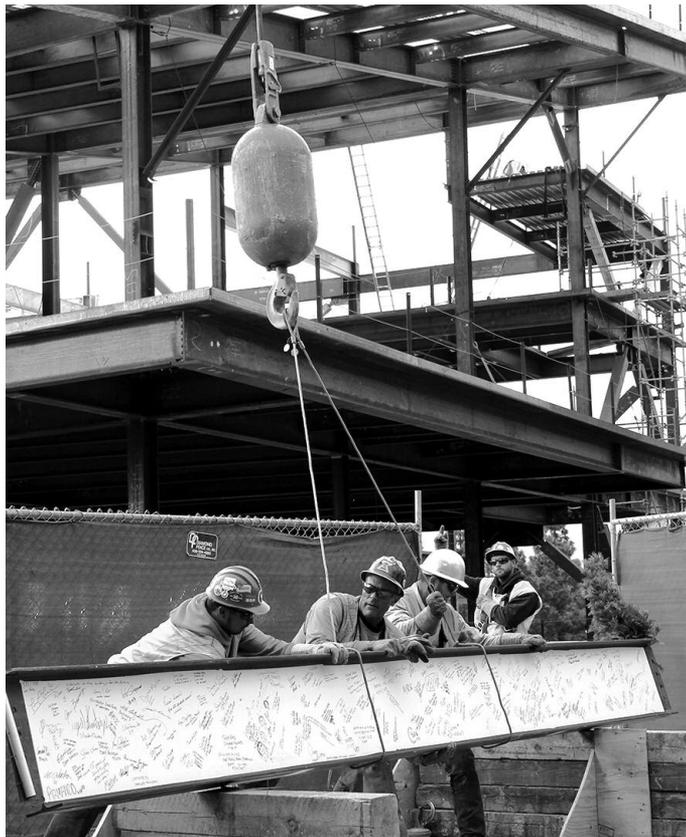
The Governing Board of the Ohlone Community College District in order to create an environment and atmosphere most conducive to excellent teaching and to provide students with the most appropriate learning conditions approve the following policy for Academic Freedom:

The community having invested resources in a community college has the obligation to support and sustain an atmosphere which encourages the free exploration of ideas.

Academic Freedom includes the protection of the opportunity for the teacher to teach, and for the teacher and the student to study without coercion, censorship, or other forms of restrictive interference and that academic freedom encourages the flow of ideas with the recognition that freedom to teach and freedom to learn imply both rights and responsibilities within the framework of the law.

Instructors as citizens, members of a learned profession, and representatives of the Ohlone Community College District shall be free from District censorship and discipline when speaking or writing. However, the special position of instructors imposes special obligations. Instructors, as representatives of the District, should be accurate, objective, exercise appropriate restraint, encourage a spirit of mutual respect for the opinion of others, and ensure the relevancy of subject matter to their instructional areas.

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**Teaching Controversial Subjects:** Citizens in a free society in order to discharge their responsibilities fully and intelligently must examine, with critical judgment, all points of view regarding major issues of their day and nation.

- A. Objectivity:** Instructors shall maintain an attitude of objectivity on controversial topics when discussing them with students.
- B. Respect for Others:** Instructors shall encourage a spirit of mutual respect for honest and informed opinions, regardless of how divergent they may be.
- C. Relevant Data:** Instructors shall become fully informed about the various viewpoints on problems relevant to their instructional assignments and present pertinent and objective data to their students.
- D. Suitable Learning Materials:** Instructors and librarians shall make available a variety of suitable learning materials from which students may obtain valid data dealing with the pros and cons of issues being studied.
- E. Time Consideration:** A reasonable allocation of time shall be devoted to the study of any single issue, in accordance with the approved course outline and student needs.”

## Equal Educational and Employment Opportunity Policy

Ohlone College maintains an atmosphere that is welcoming to all students and conducive to their academic and personal success. The College provides an environment free of all forms of harassment, in which all students and employees are treated with dignity and respect.

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Ohlone College is committed to equal opportunity in educational programs, employment, and campus life. The College does not unlawfully discriminate on the basis of actual or perceived ancestry, color, disability, sex, gender, gender identity, gender expression, ethnicity, national origin, race, religion, sexual orientation, or veteran status, or association with a person or group with one or more actual or perceived characteristics, or any other basis protected under applicable law to the extent required by law, in any access to and treatment in College programs, activities, and application for employment.

Equal educational opportunity includes, but is not limited to, admission, recruitment, extracurricular programs and activities, facilities, access to course offerings, counseling and testing, financial assistance, employment, physical education, and athletics. Equal employment opportunity includes, but is not limited to, providing and safeguarding the opportunity for all persons to seek, obtain, and hold employment; and qualify for advancement in the District without discrimination.

Ohlone College is committed to nondiscrimination in compliance with all applicable law including the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; the Rehabilitation Act of 1973 (Sections 503 and 504); the Americans with Disabilities Act of 1990; Executive Orders 11246 and 11375; the Vietnam Era Veterans’ Readjustment Act of 1974; the Age Discrimination in Employment Act of 1967; other applicable federal non-discrimination laws, and applicable non-discrimination laws of the State of California, such as FEHA prohibiting discrimination in employment based on protected characteristics that include medical condition, pregnancy, marital status, age, genetic information, military and veteran status, and possessing a driver’s license under Vehicle Code section 12801.9.

Ohlone College is committed to the civil rights responsibilities spelled out in the Vocational Education Programs *Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Education Programs*. Race, color, national origin, disability, sex, or the lack of English language skills will not be a barrier for admission to and participation in vocational education programs at Ohlone College. Ohlone will comply with all non-discrimination laws that apply to a program.

Inquiries regarding equal opportunity and nondiscrimination may be made as follows:

Staff inquiries to:

Associate Vice President, Human Resources and Training  
Ohlone College  
Building 19  
43600 Mission Boulevard  
Fremont, CA 94539  
510-659-6088

Student inquiries to:

Vice President, Student Services  
Ohlone College  
Building 7  
43600 Mission Boulevard  
Fremont, CA 94539  
510-659-6262

Inquiries regarding Title VI and Title IX compliance may be made as follows:

Staff inquiries to:

Associate Vice President, Human Resources and Training  
Ohlone College  
Building 19  
43600 Mission Boulevard  
Fremont, CA 94539  
510-659-6088

Student inquiries to:

Vice President, Academic Affairs/Deputy Superintendent  
Ohlone College  
Building 27  
43600 Mission Boulevard  
Fremont, CA 94539  
510-659-6220

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Inquiries related to Americans with Disabilities Act and the Rehabilitation Act of 1973 may be made as follows:

All inquiries to:

Associate Vice President, Human Resources and Training  
Ohlone College  
Building 19  
43600 Mission Boulevard  
Fremont, CA 94539  
510-659-6088

Inquiries related to sexual or other unlawful harassment may be made as follows:

Staff inquiries to:

Associate Vice President, Human Resources and Training  
Ohlone College  
Building 19  
43600 Mission Boulevard  
Fremont, CA 94539  
510-659-6088

Student inquiries to:

Vice President, Student Services  
Ohlone College  
Building 7  
43600 Mission Boulevard  
Fremont, CA 94539  
510-659-6262

Spanish, Chinese, Vietnamese, and Farsi versions of the Equal Educational and Employment Opportunity Policy are available in the back of the class schedule.

## Policies and Procedures, Student Life

Copies of policies and procedures which relate specifically to student life are available from the Office of the Vice President, Student Services in Building 7, third floor on the Fremont campus and online at [www.ohlone.edu/student-services](http://www.ohlone.edu/student-services).

Such policies and procedures include the following:

- Academic Dishonesty Procedures
- General Complaint Procedures
- Equal Educational and Employment Opportunity
- Procedures for Handling Complaints of Unlawful Discrimination
- Prohibition of Harassment
- Student Code of Conduct

Following are summaries and information from policies and procedures which relate to student life. Students are advised to read carefully the catalog and class schedule for information about policies and procedures and to obtain full copies of the documents which may relate to their concerns.

## Student Access to Records

Any student may request to review the contents of his or her academic file by completing a form in the Office of Admissions and Records on the Fremont campus during normal window hours. Any student may challenge the contents and accuracy of the records by requesting, in writing, a review of the records with the Dean, Enrollment Services. All such requests for review will be honored within fifteen working days.

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Students do not have access to:

- Information provided by a student's parents relating to applications for financial aid or scholarships;
- Physicians', psychiatrists', or psychologists' reports;
- Information maintained by Campus Security;
- Instructors' personal records regarding a student.

## Academic Dishonesty and Its Consequences

Students at Ohlone College are expected to pursue their course work with integrity and honesty. Academic dishonesty occurs when students attempt to show possession of a level of knowledge or skill which they do not possess. The two most common kinds of academic dishonesty are cheating and plagiarism. Cheating is the act of obtaining or attempting to obtain credit for academic work through the use of dishonest, deceptive, or fraudulent means. Plagiarism is when students represent the work of someone else as their own and submit it to fulfill academic requirements. Students are responsible for knowing what constitutes academic dishonesty and for consulting with instructors about questions or concerns. Copies of the Academic Dishonesty Procedures are available from the Office of the Vice President, Student Services in Building 7, third floor on the Fremont campus, and online at [www.ohlone.edu/student-services/academic-dishonesty](http://www.ohlone.edu/student-services/academic-dishonesty).

## Complaint Procedures

Ohlone College encourages prompt reporting of complaints so that rapid response and appropriate action may be taken. Information on the process, timelines, and forms to make an informal or formal complaint is available from the Office of the Vice President, Student Services located in Building 7, third floor on the Fremont campus.

Students may file a complaint when they believe that a College faculty or staff member has violated College rules, policies, or procedures, or other local, state, or federal laws including the Civil Rights Act; Title IX of the Education Amendments of 1972; the Rehabilitation Act of 1973 (Sections 503 and 504); the Americans with Disabilities Act of 1990; Executive Orders 11246 and 11375; the Vietnam Era Veterans Readjustment Act of 1974; the Age Discrimination and Employment Act of 1967; and the non-discrimination laws of the State of California.

The California Community Colleges Chancellor's Office also serves as a resource to students wishing to resolve complaints or grievances. The link to the process and form is at <http://californiacommunitycolleges.cccco.edu/complaintsform.aspx>.

Following is a list of types of complaints considered under these procedures.

### Academic Complaint

An academic complaint may be filed with an academic dean when a student feels that a faculty member has violated state law, federal law, or College policies and procedures relative to grading or other academic matters.

All grades awarded by the instructor of record shall be final. According to the California Code of Regulations, §55025, "The determination of the student's grade by the instructor shall be final in the absence of mistake, fraud, bad faith, or incompetency."



Photo courtesy of Don Jedlovec

### General Student Complaint

Students may consult with the Ombudsperson before proceeding with a complaint or grievance process. More information about the Ombudsperson is available at [www.ohlone.edu/ombudsperson](http://www.ohlone.edu/ombudsperson).

A general student complaint may be filed by a student who feels an action of a College staff member, office, or group violates existing College rules, policy, or procedures or other local, state, and federal laws. A complaint of discrimination, Americans with Disabilities Act (ADA) compliance, or sexual harassment is not included in this category; see Administrative Procedure 3430, Prohibition of Harassment, and Administrative Procedure 3435, Procedures for Handling Complaints of Unlawful Discrimination, for information on these complaints.

The Complaint Procedures are formalized procedures to ensure timely resolution at the lowest possible level. The first step is the informal resolution stage which involves the student who has a complaint and the staff member or specific group with whom the student has a complaint. The student must notify the staff person or representative of a group that the student wishes to make an appointment for an informal meeting to review an action within ten days of its occurrence. In the absence of the instructor or staff person and after a good faith effort to make contact, the student may directly contact the academic dean. Additional information is available from the Office of the Vice President, Student Services in Building 7, third floor on the Fremont campus and online at [www.ohlone.edu/student-services/policies](http://www.ohlone.edu/student-services/policies).

### Title IX Complaint

These procedures are used when a complaint concerns discrimination on the basis of sex, including sexual harassment. The procedures are available from the Office of the Vice President, Student Services in Building 7, third floor on the Fremont campus, and online at [www.ohlone.edu/student-services/policies](http://www.ohlone.edu/student-services/policies). The Associate Vice President, Human Resources and Training serves as compliance officer for student matters regarding Title IX regulations.

### Section 504/ADA Complaint

These procedures are used when a complaint concerns matters pertaining to compliance with the Americans with Disabilities Act (ADA) and discrimination on the basis of a disability. The procedures are available from the Office of the Vice President, Student Services in Building 7, third floor on the Fremont campus and online at [www.ohlone.edu/student-services/policies](http://www.ohlone.edu/student-services/policies). The Associate Vice President, Human Resources and Training serves as compliance officer for student matters concerning ADA law and regulations.

### Civil Rights Complaints

These procedures are used when a complaint concerns matters of discrimination or failure to comply with college policy or procedures or federal and/or state regulations including the Civil Rights Act; Title IX of the Education Amendments of 1972; the Rehabilitation Act of 1973 (Sections 503 and 504); the Americans with Disabilities Act of 1990; Executive Orders 11246 and 11375; the Vietnam Era Veterans' Readjustment Act of 1974; the Age Discrimination and Employment Act of 1967; and the nondiscrimination laws of the State of California. The procedures are available from the Office of the Vice President, Student Services in Building 7, third floor on the Fremont campus and online at [www.ohlone.edu/student-services/policies](http://www.ohlone.edu/student-services/policies). The Vice President, Academic Affairs/Deputy Superintendent serves as the compliance officer of all of the above except ADA and Rehabilitation Act of 1973 (Sections 503 and 504) complaints. The Associate Vice President, Human Resources and Training serves as the compliance officer for ADA and Rehabilitation Act of 1973 (Sections 503 and 504) complaints.

Civil law remedies including, but not limited to, injunctions, restraining orders, or other remedies or orders may be available to complainants.

Students wishing to pursue a civil rights complaint beyond the College level should direct their inquiries to the Board of Governors of California Community Colleges at 1102 Q St., Suite 4554, Sacramento, CA 95811 or the Office of Civil Rights, United States Department of Education, 50 Beale Street, Suite 7200, San Francisco, CA 94105-1813.

### External Resources

Most complaints, grievances, and disciplinary matters should first go through the college complaint process before seeking external resolution. Individuals are strongly encouraged to make every attempt to resolve matters through appropriate processes outlined in the college procedures. Matters that are not resolved at the college level may be processed by using the following agency:

If the complaint is associated with the institution's compliance with academic program quality and accrediting standards, contact the Accrediting Commission for Community and Junior Colleges (ACCJC) at <https://accjc.org/complaint-process>.

If the complaint does not concern Ohlone College's compliance with accrediting standards, contact the California Community College Chancellor's Office by completing the web form at <http://californiacommunitycolleges.cccco.edu/complaintsform.aspx>.

## Unlawful Discrimination and Unlawful Harassment

The District is committed to providing an academic and work environment free of unlawful harassment and unlawful discrimination. This procedure defines sexual harassment and other forms of unlawful harassment that are prohibited at the District, and sets forth a procedure for the investigation and resolution of complaints of harassment by or against any staff, faculty member, student, contractor, volunteer, or intern within the District.

### Definitions

**General Harassment:** Harassment of a student, contractor, volunteer, intern, or an employee based on perceived or actual race, religion or religious creed, color, national origin, ethnic group identification, ancestry, physical disability, mental disability, sex, gender, gender identity, gender expression, sexual orientation, or veteran status, or on any other basis protected by applicable law to the extent required by applicable law, of any person, or based on the individual's association with a person or group with one or more of these actual or perceived characteristics is illegal and violates District policy.

The law also protects employees, contractors, volunteers, or interns from discrimination and harassment based on medical condition, pregnancy, marital status, military and veteran status, age, genetic information, and possessing a driver's license under Vehicle Code section 12801.9.

Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment.

Harassment comes in many forms, including, but not limited to, the following conduct:

**Verbal:** Inappropriate or offensive remarks, slurs, jokes, or innuendoes based on a person's race, gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats, or intimidation; or sexist, patronizing, or ridiculing statements that convey derogatory attitudes based on gender, race, nationality, sexual orientation, or other protected status.

**Physical:** Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling, or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation, or other protected status.

**Visual or Written:** The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation, or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions (including postings on social media).

**Environmental:** A hostile academic or work environment exists where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation, or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders, or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her immediate surroundings, although the conduct is directed at others.

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The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

**Sexual Harassment:** In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:

- submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
- submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment; or
- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.

This definition encompasses two kinds of sexual harassment:

- "Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.
- "Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment; unreasonably interfere with an individual's academic or work performance; or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile.

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

**Examples:** Harassment includes, but is not limited to, the following misconduct:

- **Verbal:** Inappropriate or offensive remarks, slurs, jokes, or innuendoes based on a person's protected status, including, but not limited to, sex. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats, or intimidation of a sexual nature; or sexist, patronizing, or ridiculing statements that convey derogatory attitudes about a particular gender.
- **Physical:** Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling, or sexual gestures.
- **Visual or Written:** The display or circulation of offensive sexually oriented or other discriminatory visual or written material. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.

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- **Environmental:** An academic or work environment that is permeated with racially or sexually-oriented talk, innuendo, insults, or abuse not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. An environment may be hostile if unwelcome sexual behavior or other harassing behavior based on a protected status is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his/her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

The District has detailed procedures for filing complaints. Anyone who feels that he/she has been unlawfully discriminated against, harassed, or witnessed discrimination or harassment should contact the appropriate District officer for referral or resolution. The designated District officers are:

- Vice President, Student Services: Student complaints
- Associate Vice President, Human Resources and Training: Employee, intern, and volunteer complaints
- Interim Vice President, Administrative Services: Contractors (including vendors), community members, and general public complaints

Please visit [www.ohlone.edu/board/policy/ap-chapter3/ap3435](http://www.ohlone.edu/board/policy/ap-chapter3/ap3435) for the complete procedure for filing complaints.

## Drug and Alcohol Free Environment and Drug Prevention Program

These procedures are provided to students and employees of the Ohlone Community College District in accordance with the Drug Free Schools and Communities Act Amendment of 1989; 20 U.S. Code Sections 1011i; 1091(r); 1092(f)(1)(H); 1092(k); 34 Code of Federal Regulations 86.1 et seq.; 34 Code of Federal Regulations 86.100; Federal Drug-Free Workplace Act of 1988 (41 U.S. Code Section 8103); California Drug-Free Workplace Act, Cal. Gov. Code 8355; and the California Business & Professions Code Section 25608(a).

The Board of Trustees of the Ohlone Community College District prohibits the unlawful possession, use, giving, manufacture, sale, delivery, dispensation, or distribution of illicit drugs and alcohol by any person on District property or as part of any District activity. Any student or employee in violation of this policy is subject to disciplinary action up to, and including, expulsion from the District or termination from employment and/or contacting or referral to law enforcement for prosecution. A student convicted of an offense loses eligibility for a grant, loan, or work assistance for one to two years or indefinitely for certain repeat offenses. The final decision to take disciplinary action rests with the Ohlone Community College District Board of Trustees after consideration of the recommendation of the President/Superintendent of the Ohlone Community College District. The final decision of law enforcement action rests with the District Attorney's Office. Students and employees may be required to participate satisfactorily in a drug or alcohol abuse assistance or rehabilitation program approved for such purposes by a state, federal, or local health, law enforcement, or other appropriate agency in order to regain rights or privileges lost by the violation (such as grants, loans, or work assistance for students).

The possession, use, and sale of alcoholic beverages by anyone on the Ohlone Community College District controlled property is a misdemeanor per California Business and Professions Code 25608 (community college) and a violation of the Standards of Student Conduct. The use, sale, or possession of any illegal drug is a violation of state law and any person found in violation may be subject to arrest by federal, state, local, or campus security authorities. Criminal prosecution is separate from any administrative discipline that may be imposed by the Ohlone Community College District.

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An employee must notify the Ohlone College Human Resources Department of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after the conviction.

The health risks associated with the use of illicit drugs and the abuse of alcohol include:

- Death including by alcohol poisoning or drug overdose;
- Risk of addiction and withdrawal symptoms including pain, convulsions, and depression;
- Liver, heart, kidney, pancreas, and brain damage and/or loss of brain cells;
- Impaired judgment and resulting safety and health risks including accidents, unwanted pregnancies, or sexually transmitted diseases, and aggressive or violent behavior;
- Impaired performance including drowsiness, impaired memory, and impaired concentration;
- Sexual dysfunctions;
- Harm to a fetus, including spontaneous abortions, premature labor, and detached placentas;
- Psychological problems including depression, anxiety, paranoia, panic reactions, psychosis, and hallucinations;
- Seizures;
- Strokes, cardiac arrest, or cardiovascular problems;
- Lung damage or illnesses, bronchitis, or respiratory arrest; and
- Needle-related illnesses and complications such as hepatitis, HIV, muscle and nervous tissue death necessitating limb amputation, and infections.

Drug or alcohol counseling, treatment, rehabilitation, re-entry programs, or referrals are available to employees and students. Ohlone College provides confidential referrals through an Employee Assistance Program (EAP) for employees and their families needing assistance with drug or alcohol abuse. Please contact the Associate Vice President, Human Resources and Training for more information or visit the Human Resources web page at [www.ohlone.edu/hr/benefits/eap](http://www.ohlone.edu/hr/benefits/eap) for information on contacting CONCERN EAP.

Students should contact the Student Health Center or the Vice President, Student Services for resources or assistance. The Student Health Center also provides counseling, alcohol and drug abuse education information, and resources for students. Students may visit the Student Health Center on the Fremont campus (Building 7, third floor) or call the Student Health Center at 510-659-6258.

Additional information contained in this procedure is on the Ohlone College website, Administrative Procedure 3550, Drug Free Environment and Drug Prevention Program, at [www.ohlone.edu/board/policy/ap-chapter3/ap3550](http://www.ohlone.edu/board/policy/ap-chapter3/ap3550).

## Smoke-Free District

The following Smoking on Campus statement is from Ohlone College Administrative Procedure 3570:

- References: Government Code Sections 7596, 7597, and 7598; Labor Code Section 6404.5; Title 8, Section 5148
- Adopted in January 2010 (previously Ohlone Regulation 10.1.1)
- Amended in August 2013

"Ohlone Community College District is a designated smoke-free district. Smoking is prohibited in all College vehicles, buildings, indoor and outdoor facilities, disabled and general use parking lots, and all open areas of district property."



## Student Code of Conduct

Ohlone College is primarily concerned with academic achievement; the growth and development of its students; and the wellness and safety of every member of its community. In addition, the College strives to preserve peace; support a moral and just climate; meet its contractual obligations; and protect its property and that of its community members. The College strives to treat members of the community with equal care, concern, honor, fairness, and dignity. The College, therefore, has established the Student Code of Conduct to communicate its expectations of students as positive and responsible members of the College community.

The primary purpose of the Student Code of Conduct, including the Standards of Student Conduct and its associated Student Discipline Procedures, is to protect the College community and foster a safe, non-threatening environment that advances the academic mission of the College. Accordingly, students and student organizations will be held accountable for violations of College regulations and policies. Within this context, a reasonable effort will be made to foster the personal and social development of all parties involved. The Student Code of Conduct will be used in a manner the College determines is fair and equitable, and not for purposes of retaliation. Additionally, it is not intended to infringe unlawfully on the rights of individuals and groups to engage in free expression as protected by the state and federal constitutions, and by California Education Code 76120, and will not be used to punish expression that is legally protected.

The Student Code of Conduct is established in accordance with California Education Code Section 66300, which requires each community college district to adopt standards of student conduct along with applicable penalties for violation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

The College reserves the right to take any necessary and/or appropriate steps to protect the safety and well-being of the College community. While the jurisdiction of the College shall generally be limited to conduct which occurs on College premises or at College-sponsored events, a student who is charged with a felony as a result of off-campus behavior, or who represents a risk to the health or safety of the College community, or whose conduct causes or is foreseeably likely to cause a material and substantial disruption of school, may also be subject to student conduct action. In addition, the jurisdiction may be extended when a student, or a student organization, commits a prohibited act off-campus against a student or employee of the College, or against the College itself, when such act is related to the student's or victim's status at the College.

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Violations for which students are subject to disciplinary action include, but are not limited to, the following:

- Academic Dishonesty
- Dishonesty
- Disruptive Behavior
- Threatening or Intimidating Behavior
- Harassment
- Sexual Harassment
- Endangerment of Others
- Possession or Use of Weapons
- Safety Equipment Tampering
- Damage or Destruction
- Theft
- Unauthorized Recording
- Unauthorized Entry Upon or Use of College Facilities
- Unauthorized Technology Usage
- Smoking
- Alcohol
- Controlled Substances
- Gambling
- Unauthorized Animals
- Traffic/Parking Violations
- Skates/Skateboards
- Non-compliance
- Conduct Process Abuse
- Legal Violations
- Lewd, Indecent, or Obscene Conduct or Expression
- Willful Disobedience
- Willful Misconduct

Disciplinary action may include one or more of the following sanctions:

- Removal from Class
- Written or Verbal Reprimand
- Probation with Loss of Privileges
- Probation without Loss of Privileges
- Restitution
- Withdrawal of Consent to Remain on Campus
- Suspension
  - Short-term Suspension
  - Long-term Suspension
- Expulsion

The Student Code of Conduct, including descriptions of the above violations and sanctions, is available on the Ohlone College website at [www.ohlone.edu/student-services/student-code-of-conduct](http://www.ohlone.edu/student-services/student-code-of-conduct).

## Student Right-to-Know

In compliance with the Student Right-to-Know (SRTK) and Campus Security Act of 1990 (Public Law 101-542), it is the policy of the Ohlone Community College District to make available its completion and transfer rates to all current and prospective students.

For each year beginning in 1993, a cohort of all certificate-, degree-, and transfer-seeking first-time, full-time students were tracked over a three-year period. The Fall 2013 cohort was tracked through Spring 2016. The completion rate is the percentage of students in the cohort who earned a degree or certificate, or could be considered transferable to a baccalaureate institution (completed 60 or more transferable units with at least a 2.0 GPA). The transfer rate is the percentage of students in the cohort who have been identified as having transferred to another California Community College or a baccalaureate institution, but did not meet the criteria above to be classified as a completer.

The tables below present the SRTK rates for Ohlone College and statewide since 2009.

<b>Completion Rate</b>	2009	2010	2011	2012	2013
Ohlone College	34.5%	35.5%	39.0%	34.4%	36.9%
Statewide	25.1%	26.3%	28.0%	29.5%	29.3%

<b>Transfer Rate</b>	2009	2010	2011	2012	2013
Ohlone College	17.7%	13.9%	16.7%	13.8%	14.1%
Statewide	14.4%	13.6%	12.1%	10.9%	10.3%

It should be noted that the cohort used for SRTK represents a very small proportion of the students at Ohlone College. Many students attend Ohlone with goals other than earning a degree or certificate or preparing to transfer to a baccalaureate institution. In addition, the majority of Ohlone students attend on a part-time basis, thus excluding them from the SRTK cohort.

## Jeanne Clery Act and Violence Against Women Act (VAWA)

*What is the Jeanne Clery Act?*

The "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" (formerly the Campus Security Act) is a federal law that requires institutions of higher education (colleges and universities) in the United States to disclose campus security information including crime statistics for the campus and surrounding areas. The act was first enacted by Congress in 1990 and amended in 1992, 1998, and 2000.

*What is the Violence Against Women Act?*

On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA), which amended the Higher Education Act of 1965, the Clery Act. All higher education institutions are now required to compile statistics for incidents of domestic violence, dating violence, sexual assault, and stalking. VAWA also requires higher education institutions to include policies, procedures, and programs pertaining to these incidents in the annual security report.

*(continued on next column)*

*Who is Jeanne Clery?*

In 1986 Jeanne Clery, a freshman at Pennsylvania's Lehigh University, was murdered and sexually assaulted in her campus residence hall room by another student she didn't know. Her school hadn't informed students about 38 violent crimes on campus in the three years preceding her murder. Clery's parents, Connie and Howard, led the crusade to enact the original Campus Security Act. In 1998, Congress formally named the law in memory of Jeanne Clery.

*Which schools must comply with the Clery Act?*

All institutions of postsecondary education, both public and private, that participate in federal student aid programs must publish and disseminate an annual campus security report as well as make timely warnings of any criminal activities.

*What does a school have to disclose under the Clery Act?*

Schools must publish and disseminate an Annual Campus Security Report containing various security policies and three years worth of crime statistics. They must also issue timely warnings about crimes that pose an ongoing danger. Schools with a police or security department of any kind must also maintain a public crime log of all crimes reported to that department.

The Annual Campus Security Report is published and disseminated on or before October 1 each year. The Annual Campus Security Report is available online at [www.ohlone.edu/cps/cleryact](http://www.ohlone.edu/cps/cleryact). Students, staff, and the general public may obtain a printed copy by contacting Campus Police Services in Building 20 on the Fremont campus.

*Who is entitled to receive information under the Clery Act?*

Currently enrolled students and employees are to receive a school's annual campus security report automatically. Prospective students and employees are to be provided with information about the report and entitled to request a copy. The general public, including parents and the news media, have access to the public crime log as well.

*Does a school have to submit their annual crime statistics to the Department of Education (DOE)?*

Yes, they do. Schools have to report their crime statistics to the DOE through a specially designed website.

*Do school officials other than law enforcement have reporting obligations under the Clery Act?*

Yes, they do. All institutional officials with significant responsibility for campus and student activities have reporting obligations under the Clery Act. A school should have a policy for surveying these officials each year to determine if any of the covered crimes were reported to them. Only professional mental health and pastoral counselors are exempt from reporting.

*Are schools required to include crimes reported to local police agencies?*

Schools are required to "make a reasonable, good-faith effort to obtain statistics from outside" law enforcement agencies for inclusion in their annual report for all geographic areas including the main campus.

*Does someone have to be convicted of a crime before it is reportable under the Clery Act?*

Not necessarily. Convictions are not required under either the Clery Act or the FBI Uniform Crime Report (UCR) program for a crime to be reportable.

*(continued on next page)*

*Who enforces the Jeanne Clery Act and what are the penalties for noncompliance?*

The United States Department of Education is charged with enforcing the Jeanne Clery Act and may level civil penalties against institutions of higher education up to \$35,000 per violation or may suspend them from participating in federal student financial aid programs. Complaints of violations should be filed with DOE regional offices.

*Do schools have to add arson and manslaughter, as well as a geographic breakdown, to their annual crime statistics?*

Yes, they do.

*What is the difference between FBI's Uniform Crime Reporting (UCR) program and the Clery Act?*

There are several key differences between how crime statistics are reported under the UCR program and the Clery Act. The UCR program is a voluntary program where law enforcement agencies submit monthly reports, while reporting under the Clery Act is mandatory and not limited to crimes reported to law enforcement. Additionally, some reporting categories are different, specifically simple theft is not included and the definition of sexual assault is broader under the Clery Act.

*Does the Clery Act follow the guidelines established in the UCR program?*

Where guidance from the UCR program does not conflict with Clery Act reporting requirements schools are expected to follow the classifying and scoring methods outlined in the FBI UCR Handbook.

*If more than one crime occurs in the same incident, which offense is reported?*

Under a UCR standard known as the "hierarchy rule" only the most serious (using the order found in the UCR Handbook) incident is to be reported in annual crime statistics. The crime log and timely warnings may reflect more than one crime.

## Registered Sex Offenders: Megan's Law

### Notification

California Penal Code Section 290.01 requires every person who was convicted of a sex offense to register with the Campus Police Department of a college or university within five days where he/she is:

- Enrolled as a full-time student.
- Enrolled as a part-time student.
- Employed as a full-time staff, faculty, or instructor.
- Employed as a part-time staff, faculty, or instructor.
- Employed as a full-time or part-time classified employee.
- Employed as a volunteer.
- A contractor who is contracted by the college or university to work on campus.
- A carrier driver who delivers to that college or university more than 14 consecutive days or 30 days in a calendar year (i.e. water delivery; mail; VTA drivers; Outreach drivers; armored car drivers; telephone, gas, and electricity technicians; computer technicians, office supply drivers, and others).

This section does not relieve the person to register as a Sex Offender with the jurisdiction where he/she is residing. The registrations as a Sex Offender with a College or University Police Departments are in addition to the registration with the local police and sheriff's departments.

## Authority for Law Enforcement

Campus Police Officers are granted authority to act as Police Officers by 830.32(a) of the Penal Code and 72330 of the Education Code. Campus Security Officers act as non-sworn officers only and do not have police powers. They take crime reports and reports of minor auto accidents; write parking citations; patrol the campuses (on foot and in vehicles); and observe and report any unusual conditions or circumstances.

All officers working for the College (sworn and non-sworn) are required by law to attend the 832.2 P.C. School Peace Officers course or School Security Guard Course as required by the Peace Officer Standards and Training and the Department of Consumer Affairs.

Sufficient equipment, along with POST-trained and non-POST-trained personnel, shall be maintained to accomplish Campus Police Services' assigned responsibility of seven day a week coverage of facilities owned, operated, or under the control of the Ohlone Community College District.

### Crime Prevention and Safety Education

Campus Police Services distributes crime prevention material to the College community. They make inspections of facilities to insure physical security; design and present programs to reduce risk from criminal acts; review plans and new construction additions to facilities to insure against design defects that could contribute to criminal acts; make preventative patrols of grounds; make necessary arrests and detentions; and interact with all other law enforcement and investigative agencies.

Crime prevention and safety information such as *Preventing Sexual Assault/Rape, Escort Service, Earthquake Procedures, and Parking Rules* and Information are provided by Campus Police Services. This information is available online at [www.ohlone.edu/safety-tips-campus-police-services-safety-and-security](http://www.ohlone.edu/safety-tips-campus-police-services-safety-and-security). Information regarding how to call Campus Police Services for emergencies is available online at [www.ohlone.edu/cps](http://www.ohlone.edu/cps); information on how to report crimes is available online at [www.ohlone.edu/cps](http://www.ohlone.edu/cps). A rape awareness program is available online for both staff and students.

### Crime Statistics

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (commonly known as the Clery Act) is federal legislation designed to provide students, prospective students, and the public with uniform information from universities throughout the country on criminal problems and police and security issues. The Three-Year Annual Crime Report meets all reporting requirements as set forth in the Clery Act. Criminal statistics are updated by October 1 of each year and include data from the three previous calendar years.

### Reporting and Response Systems for Campus Police Services

The Procedures Manual contains the rules and regulations that govern the conduct of Campus Police Services personnel and enforcement procedure of the Ohlone Community College District. It is the responsibility of the Chief, Campus Police and Safety to maintain the Procedures Manual and communicate additions and deletions to employees.

An operational Memorandum of Understanding with the Fremont Police Department and Newark Police Department—which includes records, patrol, investigative, communications, and incarceration support—is maintained at the Campus Police Services Office. Fremont Police or Newark Police will be called for assistance in any instance where a major crime has been committed or for an auto accident in which there are visible injuries or complaint of pain and the complaining party is transported to the hospital via ambulance.

# Three-Year Annual Crime Report

## Statistics for Fremont Campus

Offense Type	On Campus			Non-Campus Property			Public Property		
	2014	2015	2016	2014	2015	2016	2014	2015	2016
Homicide	0	0	0	0	0	0	0	0	0
Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses**	NA	NA	NA	NA	NA	NA	NA	NA	NA
Rape**	0	0	0	NA	0	0	NA	0	0
Fondling**	0	0	0	NA	0	0	NA	0	0
Non-forcible Sex Offenses*	NA	NA	NA	0	NA	NA	0	NA	NA
Incest*	0	0	0	0	0	0	0	0	0
Statutory Rape*	0	0	0	0	0	0	0	0	0
Robbery	0	0	1	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	1	2	0	0	0	0	0	0	0
Motor Vehicle Theft	0	1	1	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0

### Violence Against Women Act (Enacted 2013)

Domestic Violence	0	0	2	0	0	NA	0	0	NA
Dating Violence	0	0	0	0	0	NA	0	0	NA
Stalking	0	0	0	0	0	NA	0	0	NA
Unfounded***	0	0	0	0	0	NA	0	0	NA

### Non-Clergy Reported Crimes

Auto Burglary	0	1	2	0	0	0	0	0	0
Theft/Larceny	16	11	4	0	0	0	0	0	0
Simple Assault	2	1	1	0	0	0	0	0	0
Vandalism	35	23	32	0	0	0	0	0	0

### Special Category Arrests (Liquor, Drug, and Weapons)

Arrests	On Campus			Non-Campus Property			Public Property		
	2014	2015	2016	2014	2015	2016	2014	2015	2016
Liquor Laws	0	0	0	0	0	0	0	0	0
Drug Violations	1	1	2	0	0	0	0	0	0
Weapons Possession	0	0	0	0	0	0	0	0	0

### Disciplinary Referrals

Alleged offenses reported to and investigated by Ohlone College Authority officials. Alleged offenders are referred for disciplinary action but are not arrested.

Offense	On Campus		
	2014	2015	2016
Liquor Laws	0	0	0
Drug Violations	1	1	0
Weapons Possession	0	0	0

\* Enacted 2013 US DOE changed reporting of "Non-forcible Sex Offenses" to further definite it as "Incest" and "Statutory Rape"

\*\* Enacted 2015 "Forcible Sex Offenses" reporting changed to "Rape" and "Fondling"

\*\*\* Enacted 2015 Reporting of "Unfounded" crimes

NA Not Applicable

### Hate Crimes for Both Campuses

2014	No hate crimes reported
2015	No hate crimes reported
2016	Four total criminal offenses district-wide under destruction/damage/vandalism of property. Category of Bias: Race = Three at Fremont campus; Religion = One at Newark campus

## Statistics for Newark Campus

Offense Type	On Campus			Non-Campus Property			Public Property		
	2014	2015	2016	2014	2015	2016	2014	2015	2016
Homicide	0	0	0	0	0	0	0	0	0
Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses**	NA	NA	NA	NA	NA	NA	NA	NA	NA
Rape**	0	0	0	0	0	0	0	0	0
Fondling**	0	0	0	0	0	0	0	0	0
Non-forcible Sex Offenses*	NA	NA	NA	NA	NA	NA	NA	NA	NA
Incest*	0	0	0	0	0	0	0	0	0
Statutory Rape*	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	1	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0

### Violence Against Women Act (Enacted 2013)

Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Unfounded***	NA	0	NA	NA	0	NA	NA	0	NA

### Non-Clergy Reported Crimes

Auto Burglary	0	0	0	0	0	0	0	0	0
Theft/Larceny	0	3	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Vandalism	7	14	3	0	0	0	0	0	0

### Special Category Arrests (Liquor, Drug, and Weapons)

Arrests	On Campus			Non-Campus Property			Public Property		
	2014	2015	2016	2014	2015	2016	2014	2015	2016
Liquor Laws	0	0	0	0	0	0	0	0	0
Drug Violations	0	2	0	0	0	0	0	0	0
Weapons Possession	0	0	0	0	0	0	0	0	0

### Disciplinary Referrals

Alleged offenses reported to and investigated by Ohlone College Authority officials. Alleged offenders are referred for disciplinary action but are not arrested.

Offense	On Campus		
	2014	2015	2016
Liquor Laws	0	0	0
Drug Violations	0	0	0
Weapons Possession	0	0	0

\* Enacted 2013 US DOE changed reporting of "Non-forcible Sex Offenses" to further definite it as "Incest" and "Statutory Rape"

\*\* Enacted 2015 "Forcible Sex Offenses" reporting changed to "Rape" and "Fondling"

\*\*\* Enacted 2015 Reporting of "Unfounded" crimes

NA Not Applicable

## Security of Facilities

Unauthorized persons are not allowed into buildings that are secured for evenings, weekends, and holidays. If an individual needs to gain entry into a building Campus Police Services personnel must first check that person's identification (unless the person is known). An entry is then made in the activity log stating the building, time, date, and name of the person allowed into the building. Campus Police Services has the authority to request Facilities staff to respond to situations that present a threat to the public safety and/or liability of the District.

## Parking Policies

All parking rules are enforced at all times. On the Fremont campus parking permit requirements are enforced every day from 6:00am-11:00pm. On the Newark campus parking permit requirements are enforced on Monday-Friday from 6:00am-11:00pm and Saturdays from 6:00am-5:00pm. Sundays are free on the Newark campus. General/Student or Daily Permits are not required at either campus during observed College holidays or semester breaks.

Most parking lots are open to students, visitors, and guests, with the exception of Lots A, B, D (staff stalls only), T, U, V, and W on the Fremont campus and those spaces designated as Administration, Maintenance or Police/Emergency Vehicle. Lot Q is restricted. See the Ohlone College campus maps for disabled parking locations; these locations are indicated with an asterisk (\*). Parking vending machines are available in each lot on the Newark campus and in Lots E, H, K, and P, as well as all levels of the South Parking Structure on the Fremont campus for visitors, guests, and students to purchase daily parking permits.

Daily permits are valid at both campuses for the day purchased, regardless for which campus the daily permit was purchased. Semester permits are valid on both campuses.

Disabled persons displaying either State of California license plates issued for disabled parking purposes or permits obtained from Ohlone College's Disabled Student Programs and Services Office may park in spaces reserved for the disabled. These spaces are marked with the standard blue painted disabled insignia. In addition to the disabled placard an Ohlone College semester or daily permit must also be displayed. Disabled parking permits are available in the Disabled Student Programs and Services Office located in Building 7, second floor on the Fremont campus. DSPS can be reached at 510-659-6140.

## Parking Rules

1. Cars must park in marked stalls only, not on roadways, paths, etc.
2. Motorcycles must be parked in the reserved motorcycle area in Lot W on the Fremont campus and in Lots B and C on the Newark campus. Motorcycles and bicycles are prohibited on campus walkways and in buildings.
3. Vehicles parked in permit only zones without the necessary permit are subject to citation or storage (towing).
4. Yellow loading zones are for use by vendors and staff who must deliver bulky items. These zones are restricted to 15 minute parking.
5. Government vehicles engaged in required duties may park in all areas except fire lanes and disabled lots.
6. The use of skateboards and similar devices are prohibited on both the Fremont and Newark campuses.
7. Driving is permitted on paved roads only.
8. The Fremont and Newark campuses are closed from 11:00pm-6:00am.

*(continued on next column)*

All California Vehicle Code Laws apply on the Ohlone College campuses, along with the following rules set by the Ohlone Community College District Board of Trustees:

1. The maximum speed limit is 25 m.p.h. on roadways and 15 m.p.h. in parking lots. The maximum speed limit is 5 m.p.h. in the South Parking Structure.
2. All traffic collisions must be reported to Campus Police Services.
3. Current registration, driver's license, and proof of insurance are required of all vehicle operators on both campuses.
4. No privately owned vehicles shall be washed, repaired, or stored on College property.
5. Alcoholic beverages and prohibited drugs and narcotics are not permitted on both campuses.
6. Suspicious persons, incidents, or thefts should be reported directly to Campus Police Services at extension 6111 on either campus or at 510-659-6111 if using a non-campus phone.

If a parking vending machine is broken, Campus Police Services should be notified immediately at 510-659-6111 in order for the broken machine to be repaired.

On the Fremont campus vehicles are not allowed in bus zones. Drivers may park in Key B on the Fremont campus to drop off or pick up passengers, as long as the driver does not leave the vehicle unattended.

On the Newark campus emergency phones are located in each parking lot, marked with a blue pole with a blue light on top. On the Fremont campus there are emergency phones that directly connect to Campus Police Services; these emergency phones are located outside on the second floors of Buildings 4 and 6 and on every level of the South Parking Structure. Phones in the campus elevators also call Campus Police Services directly. Campus Police Services has a 24-hour hotline recording at 510-979-7997 which may be used to report crime or suspicious events anonymously.

For more information contact Campus Police Services in Building 20, call 510-659-6111, or go to the Campus Police Services web page at [www.ohlone.edu/cps](http://www.ohlone.edu/cps).

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### Did you know???

The solar field at the Fremont campus has the capacity to generate one megawatt of power, approximately enough energy to power 200 homes per year in California.

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