



District Assembly

SBCCD Boardroom, 114 S. Del Rosa Drive, San Bernardino CA 92408

Meeting Agenda – February 5, 2019, 3:00 PM

1. CALL TO ORDER

Denise Allen, Chair

2. APPROVAL OF MINUTES

A. December 4, 2018 **p4**

3. CHANCELLOR'S REPORT

Bruce Baron, Chancellor

4. NEW BUSINESS

A. Discussion Items

- i. AB19 and Input
- ii. Bond Update and Input
- iii. Alignment of Vision for Success with Campus and District Plans
- iv. IEPI PRT Spring Visit

B. Non-Academic & Professional Policies & Procedures (1st reading)

- i. BP & AP 3710 Securing Copyright (Angel to complete) **p8, p10**
- ii. BP & AP 6320 Investments **p11, p13**
- iii. AP 6345 (no BP) Bids and Contracts – UPCCAA (NEW REQUIRED)(Fiscal to complete) **p16**
- iv. AP 6350 (no BP) Contracts – Construction **p19**
- v. AP 6365 (no BP) Contracts – Accessibility of IT (NEW ADVISED) **p23**
- vi. AP 6370 (no BP) Contracts – Personal Services (NEW REQUIRED) **p24**
- vii. AP 7232 (no BP) Classification Review (NEW ADVISED) (HR to complete from 12/6/18) **p27**
- viii. AP 7234 (no BP) Overtime (NEW REQUIRED) **p28**
- ix. BP & AP 7240 Confidential Employees **p30, p36**
- x. BP & AP 7310 Nepotism (LEGALLY ADVISED) (HR to complete) **p38, p41**
- xi. AP 7336 (no BP) Certification of Freedom from TB (NEW REQUIRED)(HR to complete) **p42**

C. Academic & Professional Policies & Procedures (1st reading)

- i. BP & AP 5110 Counseling **p44, p45**
- ii. BP & AP 5120 Transfer Center **p46, p48**
- iii. BP & AP 5300 Student Equity **p49, p53**

D. Chapter 2 Policies & Procedures (review & feedback only, prior to placing on board agenda)

- i. None

E. Membership Election Process **p54**

5. OLD BUSINESS (Action)

- A. Non-Academic & Professional Policies & Procedures (2nd reading)
 - i. BP 3600 (no AP) Auxiliary Organizations **p64**
 - ii. BP & AP 3920 Electronic Mail **p65, p67**
 - iii. AP 7212 (no BP) Temporary Faculty (NEW ADVISED) **p68**
 - iv. AP 7216 (no BP) Academic Employees: Grievance Procedure for Contract Decisions (NEW REQUIRED) **p69**
 - v. AP 7233 (no BP) Claims for Out of Class (NEW ADVISED) **p70**

- B. Academic & Professional Policies & Procedures (for Information)
 - i. BP & AP 4250 Probation, Dismissal, and Readmission **p71, p75**
 - ii. AP 5045 (no BP) Student Records - Challenging Content & Access Log **p77**
 - iii. BP & AP 5055 Enrollment Priorities **p79, p81**
 - iv. AP 7211 (no BP) Faculty Service Areas, Minimum Qualifications, and Equivalencies (NEW REQUIRED) **p82**

6. UPDATES

- A. Policies & Procedures (continued/hold from previous months)
 - i. CCLC Legal Updates #33 –Updates to follow in March
 - ii. AP 7126 (no BP) Applicant Background Investigations and Reference Checks (HR to complete from 12/6/18)
 - iii. AP 7145 (no BP) Personnel Files (HR to complete from 12/6/18)
 - iv. BP & AP 7150 Evaluation (HR to consult with CSEA and Academic Senate to complete from 12/6/18) Discussion needed on evaluation committee size and contradictory language.
 - v. AP 7215 (no BP) Academic Employees: Probationary Contract Faculty (NEW ADVISED) (HR to complete from 12/6/18)
 - vi. BP & AP 7250 Educational Administrators (HR to complete from 11/6/18)(Hold until other individual APs are approved and will be referenced in this AP). Item 7.B on page 30 – we should keep red text and strike the green text until DA is able to review the handbook. Faculty work - Where did the language come from? Further research on the history of changes is needed. CTA contract is not up for negotiation and DA should not be involved in contract negotiations.
 - vii. BP & AP 7260 Classified Supervisors and Managers (HR to complete from 11/6/18). Red text to stay until the handbook is reviewed by DA.

- B. Budget Update
- C. AB 104: Adult Education Block Grant Update
- D. Webadvisor Update

7. PUBLIC COMMENTS

Any member of the public who wishes to address the Committee on any matter is limited to five minutes. The total time for members of the public to speak on the same or a similar issue shall be limited to 20 minutes. Anyone who requires a disability-related modification or accommodation in order to participate in the public meeting should contact the Chancellor's Office at (909) 382-4091 as far in advance of the meeting as possible.

8. FUTURE TOPICS

- A. Emergency Management Committee (March 2019)
- B. Draft Staffing Plan (March 2019)
- C. Committee Evaluation (April 2019)
- D. Election of President & VP (April 2019)
- E. Preliminary BP & AP Review Schedule (April 2019)
- F. Calendar Committee Update (April 2019)
- G. Campus Program Review and Educational Master Plan Update (May 2019)
- H. Brand Identity Update (May 2019)
- I. Annual approval of 6-year AP/BP review schedule (September 2019)
- J. District Program Review & District Strategic Plan Update (October 2019)
- K. Police Department Written Report (October 2019)
- L. Human Resources Written Report (November 2019)
- M. TESS Written Report (November 2019)
- N. Budget Update (December 2019/February 2020)
- O. Membership Election (February 2020)
- P. AB 104: Adult Education Block Grant Update (February 2020)
- Q. Webadvisor Update (February 2020)

9. ADJOURN

Next meeting: March 5, 2019



District Assembly

SBCCD Boardroom, 114 S. Del Rosa Drive, San Bernardino CA 92408

Meeting Minutes – December 4, 2018, 3:00 PM

1. CALL TO ORDER

D. Allen called the meeting to order at 3:03pm.

2. CHANCELLOR'S REPORT

No report.

3. APPROVAL OF MINUTES

J. Torres moved approval of the November 6, 2018 minutes. K. Wurtz seconded the motion. Unanimous approval.

4. OLD BUSINESS

A. APPROVAL OF NON-ACADEMIC & PROFESSIONAL APs and BPs FOR 2ND READING

- i. BP & AP 3590 Energy Conservation
- ii. BP & AP 6330 Purchasing
- iii. AP 7126 Applicant Background Investigations and Reference Checks
(HR to complete)
- iv. BP & AP 7130 Compensation
~~Strike Reference second paragraph, last sentence "Managers and Confidential Employees shall refer to their handbooks for information to their group".~~
- v. AP 7145 Personnel Files (HR to complete)
- vi. BP & AP 7150 Evaluation
Hold until February 2019. K. Hannon will confer with CSEA and Academic Senate to edit.
- vii. BP & AP 7160 Professional Development
- viii. BP & AP 7385 Salary Deductions
J. Torres moved approval of BP/APs listed in 4.A (with the exception of 4.A.iii, 4.A.v., and 4.A.vi) with the correction of 4.A.iv. K. Wurtz seconded the motion. Unanimous approval.

B. ACADEMIC & PROFESSIONAL APs and BPs SUBMITTED FOR INFORMATION

- i. BP & AP 4100 Graduation Requirements for Degrees and Certificates
- ii. BP & AP 4226 Multiple & Overlapping Enrollment
- iii. BP & AP 4232 Pass/No Pass
J. Torres moved approval of BP/APs listed in 4.B. K. Wurtz seconded the motion. Unanimous approval.

C. CHAPTER 2 APs and BPs SUBMITTED FOR INFORMATION

- i. None

D. PULLED FROM PREVIOUS MEETING FOR SEPARATE ACTION/HOLD

- i. CCLC Legal Updates #33 – not ready for December DA. Updates to follow as consent at January 2019 DA meeting.
- ii. BP & AP 7250 Educational Administrators (HR to complete)
11/6/18: Stephanie moved approval to hold the AP and bring back next month. TL seconded the motion. Opposed: Cassandra Thomas, Mark McConnell, Denise Allen. All others in attendance agreed. Discussion: Item 7.B on page 30 – we should keep red text and strike the green text until DA is able to review the handbook. Faculty work - Where did the language come from? Further research on the history of changes is needed. CTA contract is not up for negotiation and DA should not be involved in contract negotiations.

- iii. BP & AP 7260 Classified Supervisors and Managers (HR to complete)
11/6/18: Red text to stay until the handbook is reviewed by DA.
- iv. BP & AP 7250 Educational Administrators (HR to complete)
11/6/18: Hold until other individual APs are approved and will be referenced in this AP.
Section 4.D hold until February.

E. DISTRICT ASSEMBLY SURVEY REVIEW & ACTION

Discussion: J. Gilbert reported the results of the survey.

K. Wurtz moved to have the DA Executive Committee review the results and provide recommendations to the DA membership for consideration with focus on BPs and Aps initially to streamline the process. J. Torres seconded motion. Unanimous approval.

ITEMS PULLED FOR SEPARATE ACTION

BP & AP 7130 Compensation

J. Torres moved approval to strike "Reference" second paragraph, last sentence "~~Managers and Confidential Employees shall refer to their handbooks for information to their group~~".

K. Wurtz seconded the motion. Unanimous approval.

BP & AP 7150 Evaluations

Hold until February 2019. K. Hannon will confer with CSEA and Academic Senate to edit.

Discussion:

- Evaluation committee size
- Contradictive language

5. NEW BUSINESS

A. NON-ACADEMIC & PROFESSIONAL APs and BPs SUBMITTED FOR 1ST READING

- i. BP 3600 Auxiliary Organizations
- ii. BP & AP 3920 Electronic Mail – Edit first sentence from electing to electronic.
- iii. AP 7211 (no BP) Faculty Service Areas, Minimum Qualifications, and Equivalencies (NEW REQUIRED)
- iv. AP 7212 (no BP) Temporary Faculty (NEW ADVISED)
- v. AP 7215 (no BP) Academic Employees: Probationary Contract Faculty (NEW ADVISED) (HR to complete)
- vi. AP 7216 (no BP) Academic Employees: Grievance Procedure for Contract Decisions (NEW REQUIRED)
- vii. AP 7232 (no BP) Classification Review (NEW ADVISED) (HR to complete)
- viii. AP 7233 (no BP) Claims for Out of Class (NEW ADVISED)

B. ACADEMIC & PROFESSIONAL APs and BPs TO SENATES

- i. BP & AP 4250 Probation, Dismissal, and Readmission
- ii. AP 5045 (no BP) Student Records - Challenging Content & Access Log
- iii. BP & AP 5055 Enrollment Priorities

C. CHAPTER 2 APs and BPs (excluding 2410 and 2510) for review and feedback prior to placing on Board agenda

- i. None

6. UPDATES

A. Measure CC Bond Update

J. Torres reported the success of Measure CC in the November election. A. Levy asked J. Torres to provide a summary sheet of the historical processes of a bond and current processes that need to be abided by. J. Torres stated both colleges can change the

priority and potential of a project with the vetting of the bond counsel and board approval. J. Torres to send the DA the bond resolution.

B. Promise Update

J. Torres reported the Promise update. There was much discussion, confusion and concern. M. McConnell questioned as to why it is proposed to provide Chrome Books when statistical data shows student preference is iPhone. M. McConnell commented the conversation has not included campus input. D. Allen commented that the Promise is not meeting the basic needs of the students first.

7. REPORTS

- A. Academic Senates
None
- B. Classified Senates
None
- C. Student Senates
None

8. PUBLIC COMMENTS

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None

9. FUTURE TOPICS

- A. TESS Written Report (November 2018)
- B. Human Resources Written Report (November 2018)
- C. Strong Workforce CHC & SBVC Update (November 2018)
- D. District Support Services Update (December 2018)
- E. Budget Update (December 2018/February 2019)
- F. Progress on accomplishments, opportunities and challenges in working towards the EMPs, DSSSP, and Accreditation (February 2019)
- G. Membership Election (February 2019)
- H. AB 104: Adult Education Block Grant Update (February 2019)
- I. Webadvisor Update (February 2019)
- J. Draft Staffing Plan (March 2019)
- K. Emergency Management Committee (March 2019)
- L. Committee Evaluation (April 2019)
- M. Election of President & VP (April 2019)
- N. Preliminary BP & AP Review Schedule (April 2019)
- O. Calendar Committee Update (April 2019)
- P. Annual approval of 6-year AP/BP review schedule (September 2019)
- Q. Brand Identity Update (January 2019)
- R. District Program Review & District Strategic Plan Update (October 2019)
- S. Police Department Written Report (October 2019)

10. ADJOURN

Next meeting: February 5, 2019
Adjourned at 4:33 p.m.

District Assembly Sign-In Sheet

Date: 12/4/18

President: Denise Allen

Denise Allen

Vice President: Mark McConnell

Recorder: Stacey Nikac

Amy Avelar (2019)

Bruce Baron (ex officio)

Stephanie Lewis-Briggs (2020)

T.L. Brink (2020)

T.L. Brink

Keynasia Buffong (vested)

Laurie Green (2019)

Celia Huston (ex officio)

~~Valerie Johnson~~ (2020)

~~Luis Subirana~~
Rhiannon Lares (2020)

Audre Levy (ex officio)

Meridyth McLaren (vested)

Brandi Mello (ex officio)

Gabby Padilla (vested)

Kevin Palkki (vested)

Ginny Evans-Perry (2020)

Adrian Rios (2020)

Diana Rodriguez (ex officio)

Judy Rodriguez (ex officio)

Bethany Tasaka (2020)

Cassandra Thomas (2019)

Jose Torres (2020)

Keith Wurtz (2019)

Ruby Zuniga (2020)

Guests:

JEREMIAH GIBERT

James Smith



Origination: 11/2016
 Last Approved: N/A
 Last Revised: 11/2016
 Next Review: 6 years after approval
 Owner: Chancellor's Cabinet
 Chancellor's Cabinet:
 Policy Area: Chapter 3 General Institution
 References:

AP 3710 Securing of Copyright

Sample 1 from another district:

Material subject to copyright in the form of books, musical or dramatic compositions, architectural designs, paintings, sculptures, or other works of comparable type developed by employees shall be the property of the author unless the material is prepared by means of a District grant or an externally-funded grant or contract to the District. Prior to securing a copyright for the materials, the employee shall reimburse the District for all direct costs. Provisions of any external funding agency regarding copyright shall be followed. Materials produced during sabbatical leave do not constitute an exception and shall be the property of the author unless special funding provisions described above are applicable.

Performance Rights

The District shall pay a licensing fee to the appropriate performing rights agency as required. Public performances that require a license from a performing rights agency will follow the guidelines established by the Performing Arts Department at the colleges.

A recording of a copyrighted work performed by at the District may be made for classroom instructional use. Any public performance of this recording requires written authorization by the performing rights agency.

The District shall comply with all current federal and state laws and regulations regarding the use of copyrighted material.

Sample 2 from another district:

The Chancellor or designee, through legal counsel, shall initiate the process for securing copyright for any materials the District is entitled to ownership and for which the District wishes to obtain copyright protection to safeguard its rights of using, selling, giving or exchanging and licensing of those materials. Through legal counsel, the Chancellor shall initiate action to protect the District's copyrights against infringement.

The District abides by all relevant sections of the Education Code and United States copyright law. This procedure establishes guidelines for acceptable use of copyrighted materials by employees and students. It also outlines ownership determination of intellectual property created by employees and describes the intent to protect the District's intellectual property from copyright infringement.

Principles

- I. An intellectual environment that encourages creation, innovation, and collaboration is in the best interest of the District, its employees, and students.
- II. The District needs to balance the interests of the individual creators of intellectual property with the educational objectives of the District.
- III. The District has a responsibility to protect the rights of its intellectual property from unauthorized use.
- IV. Individual circumstances and the uniqueness of each situation may require a variety of approaches to intellectual property questions.

Elements

- I. Employees and students of the District may not duplicate or distribute copyrighted property using District technology or equipment without written permission from the copyright owner, except as allowed under the principles of "fair use".
- II. Works in the public domain are generally excepted from copyright provisions. Generally speaking, exceptions of copyrighted intellectual property include works of the federal and state governments unless they are commissioned works unrelated to the official duties of the governments. In addition, works published more than seventy-five years ago, which are not subsequently updated, are not protected by the Copyright Act. Furthermore, facts and ideas are not copyrightable (but the manner in which the author expresses a fact or idea is copyrighted).
- III. Employees who willfully violate the copyright law do so at their own risk and if legal action is commenced by the holder of the copyright, the employee will not be defended or indemnified by the District. In addition, the employee will be required to remunerate the District in the event of a loss resulting from litigation. Willful infringement of copyrights will result in disciplinary action.
- IV. In the absence of a specific contract or agreement, intellectual property created for the purpose of teaching courses within the employee's contracted teaching area(s) belongs to the employee and will be used for such purposes without additional compensation to the employee by the District.
- V. Intellectual property created by an employee within the confines of his/her contract with the District, and making use of "extraordinary resources" of the District (i.e. beyond the use of office space, routine computer resources, library resources, etc. that are provided to all employees), is considered District property unless relinquished by a prior written agreement. Materials created specifically to conduct the support services of the District (internal documents, web pages, etc.) are considered to be property of the District.
- VI. If there is a reasonable determination that a particular work created by an employee may be sold or traded commercially, the District and the employee may draw up a contract specifying the terms of ownership of the work.
- VII. If the receipt of grant funds restricts or specifies ownership of employee-created work, the District will abide by the requirements of the grant agreement.
- VIII. If the District and employee wish for any other reason to change or share ownership of a work, they may jointly draw up a contract specifying terms of this ownership.
- IX. The District will ensure the protection of copyrighted materials owned solely or partially by the



Origination: N/A
Last Approved: N/A
Last Revised: N/A
Next Review: N/A
Owner: *Chancellor's Cabinet*
Chancellor's Cabinet:
Policy Area: *Chapter 3 General Institution*
References:

BP 3710 Securing of Copyright

(Replaces current SBCCD BP 3710)

The Chancellor shall develop appropriate administrative procedures to implement the provisions of the Education Code that authorize the securing of copyrights protection for works, including but not limited to registering copyrights and policing infringements, on behalf of the District in the name of the District to all copyrightable works developed by the District.

The procedures developed by the Chancellor shall assure that the District may use, sell, give, or exchange published materials and may license materials prepared by the District in connection with its curricular and special services.

In the development of these procedures, the Chancellor shall solicit the input of the proper representatives of the college community in accordance with the District's policies regarding shared local decision-making.

References:

Education Code Sections 72207, and 81459;
17 U.S. Code Section 201

Attachments:

[BP 3710 Security of Copyright - Comments](#)
[BP 3710 Security of Copyright - Legal Citations](#)
[BP3710 -OLD.pdf](#)



Origination:	01/2002
Last Approved:	07/2018
Last Revised:	01/2017
Next Review:	07/2019
Owner:	<i>Business & Fiscal Services</i> <i>Business & Fiscal Services</i>
Policy Area:	<i>Chapter 6 General Institution</i>
References:	

AP 6320 Investments

(Replaces current SBCCD AP 6320)

All funds of the San Bernardino Community College District (SBCCD) deposited with the San Bernardino County Treasurer shall be invested in accordance with Government Code Section 27000.5, in accordance with Board Policy 6320, and under the direction of San Bernardino County's investment Advisory Committee.

Ethics and Conflict of Interest

Officers and employees of SBCCD involved in the investment process shall refrain from personal business activity that may conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

Employees and investment officials who manage public investments shall file a statement of economic interest disclosing his or her investments, interests in real property and income in accordance with Government Code 87200.

Acceptable and Prohibited Investments

Funds invested by SBCCD shall be in the following instruments, under the parameters outlined in Government Code Sections 53635, 53601, and 53631.5:

- Negotiable Certificates of Deposit
- Money Market Funds
- Collateralized Bank Deposits
- Time Deposits
- County Pooled Investment Funds

Pursuant to Government Code Section 53601.6, funds of the San Bernardino Community College District shall not be invested in any of the following instruments:

- Inverse Floaters
- Range Notes
- Interest Only Strips
- Any Security That Could Result in ZERO INTEREST ACCRUAL

Authorized Personnel

The Chancellor, Vice Chancellor of Business & Fiscal Services, or designee shall request approval from the

Board to investment surplus funds.

Both the Chancellor or designee and the Vice Chancellor of Business & Fiscal Services must jointly authorize investment decisions such as:

- Transfers of funds to the appropriate agency or financial institution for investment purposes,
- Asset allocation and rebalancing; and
- Liquidation of investments.

Safekeeping and Custody

All security transactions entered into by SBCCD shall be conducted on a delivery-versus-payment basis. Securities will be held by a third party custodian designated by the Chancellor and Vice Chancellor of Business & Fiscal Services and evidenced by safekeeping receipts with a written custodial agreement. The securities will be held directly in the name of the San Bernardino Community College District as beneficiary.

Recording and Reconciliation

Investment statements shall be provided to Fiscal Services for review, recording of investment activity, and reconciliation. Journal entries to record investment activity and the reconciliation of the investment statement shall be prepared by an accountant or designee, and approved by the Director of Fiscal Services or designee.

References:

Government Code Sections 53600 et seq., 87200

Attachments:

[AP 6320 Investments- Comments](#)

[AP 6320 Investments- Legal Citations](#)

Approval Signatures

Step Description	Approver	Date
	Stacey Nikac: Administrator	10/2018
	Stacey Nikac: Administrator	10/2018
	Stacey Nikac: Administrator	10/2018
	Stacey Nikac: Administrator	10/2018
	Stacey Nikac: Administrator	10/2018
	Stacey Nikac: Administrator	10/2018



Origination:	01/2013
Last Approved:	07/2018
Last Revised:	07/2018
Next Review:	07/2019
Owner:	<i>Business & Fiscal Services</i> <i>Business & Fiscal Services</i>
Policy Area:	<i>Chapter 6 General Institution</i>
References:	

BP 6320 Investments

(Replaces current SBCCD BP 6320)

It is the policy of the San Bernardino Community College District to invest public funds in a manner providing the highest investment return with the maximum security while meeting the daily cash flow demands of the District, and conforming to all applicable federal, state and local laws governing the investment of public funds.

This Policy shall be reviewed annually by the Board of Trustees.

The Chancellor is responsible for ensuring that the funds of the District that are not required for the immediate needs of the District are invested properly and in harmony with the requirements of the California Community Colleges Budget and Accounting Manual established pursuant to *Education Code* Section 84030. Investments shall be in accordance with law, including Government Code Sections 53600 which states:

“The Legislature hereby finds that the solvency and creditworthiness of each individual local agency can impact the solvency and creditworthiness of the state and other local agencies within the state. Therefore, to protect the solvency and creditworthiness of the state and all of its political subdivisions, the Legislature hereby declares that the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern.”

Investments shall be made based on the following criteria:

- The preservation of principal shall be of primary importance.
- The investment program must remain sufficiently flexible to permit the District to meet all operating requirements.
- Transactions should be avoided that might impair public confidence.

This Policy applies to all funds of the District.

The authority to invest funds not deposited with the San Bernardino County Treasurer is granted to the Chancellor. Authority to manage the investment portfolio and establish written procedures for the operation of the investment program, consistent with applicable law and this Policy, may be delegated at the discretion of the Chancellor.

District funds may be invested in any of the following:

1. Any eligible security as set forth in sub-sections a, b, c, e, g, h, and n of *Government Code* Section 53651, namely:
 - a. United States Treasury notes, bonds, bills or certificates of indebtedness, or obligations for which the faith and credit of the United States are pledged for the payment of principal and interest, including

the guaranteed portions of small business administration loans, so long as the loans are obligations for which the faith and credit of the United States are pledged for the payment of principal and interest.

- b. Notes or bonds or any obligations of a local public agency, or any obligations of a public housing agency for which the faith and credit of the United States are pledged for the payment of principal and interest.
 - c. Bonds of California or of any local agency or district of the State of California having the power, without limit as to rate or amount, to levy taxes or assessments to pay the principal and interest of the bonds upon all property within its boundaries subject to taxation or assessment by the local agency or district, and in addition, limited obligation bonds pursuant to Government Code Sections 50665 et seq.; senior obligation bonds pursuant to Government Code Sections 53387 et seq.; and revenue bonds and other obligations payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the state, local agency or district, or by a department, board, agency, or authority thereof.
 - d. Registered warrants of California.
 - e. Notes, tax anticipation warrants, or other evidence of indebtedness issued pursuant to Government Code Sections 53820 et seq.
 - f. State of California notes.
 - g. Any bonds, notes, warrants, or other evidences of indebtedness of a nonprofit corporation issued to finance the construction of a school building pursuant to a lease or agreement with a school district entered into in compliance with the provisions of Education Code Sections 39315 or 81345, and also any bonds, notes, warrants, or other evidences of indebtedness issued to refinance those bonds, notes, warrants, or other evidences of indebtedness, as specified in Education Code Section 39317.
2. Local Agency Investment Fund with the Treasurer's Office of the State of California.
 3. A financial institution that is insured by Federal Deposit Insurance Corporation pursuant to *Government Code* Section 53635.2.
 4. San Bernardino County Treasurer's Office, whenever required by law.

Pursuant to *Government Code* Section 53646, District funds shall be invested with the judgment and care which persons of prudence, discretion, and intelligence exercise in management of their own affairs, not for speculation, but for investment, considering the probable safety of capital as well as the probable income to be derived. The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures, and investment policy and exercising due diligence shall be relieved of personal responsibility of an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

The Chancellor, pursuant to *Government Code* Section 53646, shall submit a quarterly investment portfolio status report to the Board of Trustees. Said report shall detail:

- Investment types
- Names of issuers
- Maturity dates
- Par and dollar amounts invested in each security, investment, and money
- Weighted average maturity of investments

- Any funds being managed by contracted parties
- Market value as of date of report and source of valuation
- Description of compliance with investment policy
- Current market value of funds managed by a consultant

The primary objectives of the District's investment activities shall be:

1. SAFETY

Safety of principal shall be the foremost objective of the investment program. Investments of the District shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To obtain this objective, diversification is required so that potential losses on individual securities do not exceed income generated from the remainder of the portfolio.

2. LIQUIDITY

The District's investment portfolio shall remain sufficiently liquid to meet all operating requirements, which may reasonably be anticipated.

3. RETURN ON INVESTMENT

The District's investment portfolio shall be structured with the objective of attaining a rate of return throughout budgetary and economic cycles, commensurate with investment risk constraints and cash flow characteristics of the portfolio.

References:

Education Code Sections 39315, 39317, 81345, 84030; Government Code Sections 50665 *et seq.*, 53387 *et seq.*, 53600 *et seq.*, 53635.2, 53464, 53651, 53820

Attachments:

- [BP 6320 Investments - Comments](#)
- [BP 6320 Investments - Legal Citations](#)

Approval Signatures

Step Description	Approver	Date
	Stacey Nikac: Administrator	10/2018
	Stacey Nikac: Administrator	10/2018
	Stacey Nikac: Administrator	10/2018
	Stacey Nikac: Administrator	10/2018
Chancellor's Cabinet	Chancellor's Cabinet Chancellor's Cabinet: [SN]	01/2018
	Kelly Goodrich	12/2017



Origination: 11/2016
Last Approved: N/A
Last Revised: 11/2016
Next Review: 6 years after approval
Owner: Business & Fiscal Services
 Business & Fiscal Services
Policy Area: Chapter 6 General Institution
References: Brand New - required

AP 6345 Bids and Contracts - UPCCAA

NOTE: Procedures on bids and contracting are **legally required**. Local practice may be inserted. Districts which, by proper resolution and notification to the Controller, have elected to adopt the Uniform Public Construction Cost Accounting Act, are subject to the procedures described in detail in Public Contract Code Sections 22000 et seq. **The following template is only for use by districts that have adopted such a resolution.**

Informal and Formal Bidding Procedures under the Uniform Public Construction Cost Accounting Act, adopted by resolution by the Board of Trustees

Public Projects are defined in Public Contract Code (PCC) Section 22002(c) as construction, reconstruction, erection, alteration, renovation, improvement, demolition, repair work, or painting or repainting of or involving any publicly owned, leased or operated facility. Public projects estimated to cost up to \$175,000¹ shall be let to contract by procedures described below.

It is unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the this Procedure requiring work to be done by contract after competitive bidding.

All bid notices for work to be done shall contain an affirmative statement requiring compliance with Labor Code Sections 1775 and 1776 governing payment of prevailing wages and Labor Code Section 1777.5 governing employment of apprentices. All bid submissions must contain all documents necessary to assure compliance with these Labor Code sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

Public Projects funded by the Kindergarten-University Public Education Bond Acts of 2002 and 2004 and any future State Bond funds require that the District initiate and enforce a labor compliance program pursuant to Labor Code Section 1771.5.

Procedures Not Covered by this AP

When this procedure does not establish a process for bidding Public Projects, the procedures described in AP 6430 titled Bids and Contracts shall govern.

Contractors List

Lists of contractors shall be developed and maintained.

Award to Low Bidder; No Bids

All contracts must be awarded to the lowest responsible bidders. If two or more bids are the same and lowest, the District may accept the one it chooses. When no bids are received, the District may perform Public Projects with District employees or through a negotiated contract without further complying with this procedure.

Notice Inviting Informal Bids

When a Public Project anticipated to cost less than \$175,000 is to be performed, the District shall prepare a notice of the opportunity to bid. The notice must describe the project in general terms, state the time and place for the submission of bids and describe how to obtain more detailed information about the Project. The District shall mail the notice to all contractors for the category of work to be bid, as shown on the Contractors List. The District may also mail the notice to all construction trade journals. Other contractors and/or construction trade journals may also be notified at the discretion of the department soliciting bids. Mailing shall be completed at least ten days before bids are due.

Award of Informally-Bid Contracts

The Chancellor or designee is authorized to award informal contracts (defined as contracts for less than \$175,000.00), except those contracts described below.

Bids Exceed informal Bidding Limit

If all informal bids received exceed \$175,000, and the District determines that the cost estimate was reasonable, the District may award the contract at up to \$187,500 to the lowest responsible bidder. The contract must be approved by Resolution receiving a four-fifths (4/5) vote of the Board of Trustees.

Bid Documents for Formal Bids

The Chancellor or designee, will see that plans, specifications and working details for all Public Projects estimated to cost more than \$175,000 are adopted.

Notice Inviting Formal Bids

When a Public Project, which is anticipated to cost in excess of \$175,000 is to be performed, the District shall publish a notice inviting formal bids in a newspaper of general circulation. The notice shall be published at least 14 calendar days before the date of bid opening. The notice shall also be sent electronically, if available, by facsimile or electronic mail and mailed to all construction trade journals. The notice to construction trade journals shall be sent at least 15 calendar days before the date of bid opening. Other contractors and/or construction trade journals may also be notified, at the discretion of the department soliciting bids. Mailing shall be completed at least 30 days before the date of bid opening.

When Contractors List Has Not Been Prepared: Proprietary Product or Service

Notwithstanding the above:

- If the District has not prepared a list of contractors for the particular category of work to be performed, the notice inviting bids shall be sent to each of the construction trade journals.
- If the product or service is proprietary in nature, such that it can be legally obtained only from a certain contractor(s) pursuant to Public Contract Code Section 3400, the notice inviting informal bids may be sent exclusively to such contractors.

Contracts for Maintenance Work

Contracts for Maintenance Work may be bid pursuant to the Informal Bidding Procedures described above. Maintenance Work is routine, recurring work done for the preservation or protection of a public facility; minor repainting; landscape maintenance including mowing, watering, trimming, pruning, planting or replacement of plants, and servicing of irrigation systems; work performed to keep, operate, or maintain publicly owned water, power, or waste disposal systems.

Rejection of Bids: Re-solicitation; Use of District Employees

If the District intends to reject all bids, it must mail the apparent low bidder a written notice of the District's intent to reject the bid at least two business days prior to the hearing at which the bids will be considered.

After rejecting all bids, the District may:

- abandon the project;
- re-advertise the project; or
- perform the work with District employees, after passing a resolution by a four-fifths (4/5) majority of the Board of Trustees declaring that the project can be performed more economically by District employees.

Emergency Procedures

When an emergency necessitates repair or replacement, contracts shall be awarded pursuant to the procedures described in AP 6340 titled Bids and Contracts.

References:

Education Code Sections 81641 et seq.;

Labor Code Sections 1770 et seq.;

Public Contract Code Sections 20110 et seq., 20650 et seq., 22000 et seq. (Uniform Public Construction Cost Accounting Act (Act))

¹The California Uniform Construction Cost Accounting Commission (Commission) may recommend that the State Controller amend these amounts. Public Contract Code section 22032 authorizes public projects of \$45,000 or less to be performed by District employees by force account, by negotiated contract, or by purchase order. Public projects up to \$175,000 may be let to contract by informal procedures. Public projects in excess of \$175,000, with limited exceptions, shall be let to contract by formal bidding procedure. PCC



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Policy Area:	<i>Chapter 6 General Institution</i>
References:	<i>Brand New - advised</i>

AP 6350 Contracts - Construction

References:

The San Bernardino Community College District (SBCCD) follows the California Uniform Public Construction Cost Accounting Act Procedures (UCCAAP) under Public Contract Code (PCC) Section 22000 et seq. for the bidding of public works projects.

Public projects are defined in PCC Section 22002(c) as construction, reconstruction, erection, alteration, renovation, improvement, demolition, repair work, or painting or repainting of or involving any publicly owned, leased or operated facility. Public projects do not include maintenance work as defined in Section 22002(d).

In addition, SBCCD uses a Pre-Qualification Program for the bidding of construction projects pursuant to PCC Section 20101 et seq. The Pre-Qualification Program shall apply district-wide to any construction expenditure that meets the specified threshold, regardless of the funding source and the construction delivery method (e.g., low bid; design-build; lease lease-back; etc.).

I. General Contract Procedures

Refer to AP 6340 titled Bids and Contracts section "General Contract Procedures", parts A through G.

II. Bid Limits for UCCAAP & Pre-Qualification Program

The bid limits set in place by the State of California Uniform Construction Cost Accounting Commission will apply.

- If a contemplated expenditure is less than the UCCAAP limit, please refer to the applicable purchasing procedures in **AP 6330** titled **Purchasing**.

- If a contemplated expenditure falls within the UCCAAP limits, the informal bid process established by in PCC Section 22034 must be utilized.

- If a contemplated expenditure is falls between the upper UCCAAP limit and \$3.0 million, the Pre-Qualification Program process established by the Board of Trustees pursuant to PCC Section 20101 et seq. may be utilized.

- If a contemplated expenditure is more than \$3.0 million, the formal bid process established by UCCAAP in PCC Section 22037 must be utilized.

III. Unlawful to Split Bids

Pursuant to PCC Section 22033, it is unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the this procedure requiring work to be done by contract after competitive bidding.

IV. Labor Code Compliance

All bid notices for work to be done shall contain an affirmative statement requiring compliance with Labor Code Sections 1775 and 1776 governing payment of prevailing wages and Labor Code Section 1777.5 governing employment of apprentices. All bid submissions must contain all documents necessary to assure compliance with these Labor Code sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

Public Projects funded by any future State Bond funds require that the District initiate and enforce a labor compliance program pursuant to Labor Code Section 1771.5.

V. Award to Low Bidder; No Bids

All contracts must be awarded to the lowest responsible bidders. If two or more bids are the same and the lowest, SBCCD may accept the one it chooses.

If no bids are received through the formal or informal procedure, the project may be performed by SBCCD employees by force account, or through a negotiated contract without further complying with this procedure.

VI. Informal Bid Procedures for UCCAAP

Pursuant to PCC Section 22034, SBCCD will maintain a list of qualified contractors, identified according to categories of work. All contractors on the list for the category of work being bid will be mailed, faxed, or emailed a notice inviting informal bids unless the product or service is proprietary. All mailing of notices to contractors will be completed not less than 10 calendar days before bids are due.

In addition, or alternatively, SBCCD may mail, fax, or email a notice inviting informal bids to all construction trade journal specified in PCC Section 22036.

The notice inviting informal bids should describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids.

VII. Award of Informally-Bid Contracts

The Chancellor or designee is authorized to award informal contracts (defined as contracts that fall within the UCCAAP limits).

VIII. Bids Exceed Informal Bidding Limit

If all informal bids received exceed UCCAAP limits, and SBCCD determines that the cost estimate was reasonable, SBCCD may award the contract to the lowest responsible bidder, but only up to the limited amount specified by the California Uniform Construction Cost Accounting Commission. Such an award must be approved by a resolution receiving a four-fifths majority vote of the Board of Trustees.

IX. Pre-Qualification Program Process

SBCCD will maintain pre-qualified pools of general contractors and subcontractors based on a Pre-Qualification Questionnaire and a uniform rating system.

General contractors and subcontractors are permitted to pre-qualify in more than one pre-qualified pool/category, depending upon its/their experience, skill, licensing, and other relevant factors.

As projects arise, the pre-qualified contractors and subcontractors, as applicable, will be issued a Request for Bids and/or Proposals for each specific project.

Pre-qualification status may be revoked at any time if SBCCD learns the contractor or subcontractor does not meet the pre-qualification criteria.

Contractors and subcontractors will be required to renew their pre-qualification status with SBCCD on an annual basis.

Appeals Process

Prospective bidders may appeal their proposed prequalification rating prior to the closing time for receipt of bids. Upon request of the prospective bidder, SBCCD will provide notification to the prospective bidder in writing of the basis for the prospective bidder's disqualification and any supporting evidence that has

been received from others or adduced as a result of an investigation by SBCCD. The prospective bidder will be given the opportunity to rebut any evidence used as a basis for disqualification and to present evidence to SBCCD as to why the prospective bidder should be found qualified. If the prospective bidder chooses not to use this appeals process, the proposed prequalification rating may be assumed without further proceeding.

X. Formal Bid Procedures for UCCAAP (for bids over \$3.0 million)

Pursuant to PCC Section 22037, the notice inviting formal bids will state the time and place for the receiving and opening of sealed bids and distinctly describe the project. The notice will be published at least 14 calendar days before the date of opening the bids in a newspaper of general circulation, printed and published in the jurisdiction of SBCCD; or, if there is no newspaper printed and published within the jurisdiction of SBCCD, publication will be by posting the notice in at least three places within the jurisdiction of SBCCD as have been designated by ordinance or regulation of SBCCD as places for the posting of its notices. The notice inviting bids will also be sent electronically, if available, by either facsimile or electronic mail and mailed to all construction trade journals specified in Section 22036. The notice will be sent at least 15 calendar days before the date of opening the bids. In addition, SBCCD may give notice as it deems appropriate.

XI. Bid Documents for Pre-Qualification & Formal Bids

The Chancellor or designee, shall approve plans, specifications and working details for all public projects estimated to cost more than the UCCAAP limits.

XII. When Contractors List Has Not Been Prepared: Proprietary Product or Service

- If the District has not prepared a list of contractors for the particular category of work to be performed, the notice inviting bids shall be sent to each of the construction trade journals.

- If the product or service is proprietary in nature, such that it can be legally obtained only from a certain contractor(s) pursuant to Public Contract Code Section 3400, the notice inviting informal bids may be sent exclusively to such contractors.

XIII. Contracts for Maintenance

Contracts for maintenance work may be bid pursuant to the Informal Bidding Procedures described above. Maintenance work is routine, recurring work done for the preservation or protection of a public facility; minor repainting; landscape maintenance including mowing, watering, trimming, pruning, planting or replacement of plants, and servicing of irrigation systems; work performed to keep, operate, or maintain publicly owned water, power, or waste disposal systems.

XIV. Rejection of Bids; Re-solicitation; Use of SBCCD Employees

If SBCCD intends to reject all bids, it must mail the apparent low bidder a written notice of SBCCD's intent to reject the bid at least two business days prior to the hearing at which the bids will be considered. After rejecting all bids, SBCCD may:

- Abandon the project;

- Re-advertise the project; or

- Perform the work with District employees, after passing a resolution by a four-fifths (4/5) majority of the Board of Trustees declaring that the project can be performed more economically by District employees.

References:

Education Code ~~Section 81800;~~

~~Public Contract Code Sections 2065081641 et seq. and 22000 et seq.;~~

~~Note: Procedures on construction contracts are legally advised. Local practice may be inserted. The following language is typical and complies with general requirements.~~

~~The **[designate position]** shall be responsible for the planning and programming of new construction, alterations and repairs of existing plants, and leasing of facilities that require state approval. This includes the planning and programming of college initiated new construction, additions to existing plants, and major alterations and repairs of buildings and grounds.~~

~~The **[designate position]** shall be responsible for preparation of drawings and specifications for new buildings, leased facilities, additions, major alterations and improvements of buildings and grounds together with estimates of costs.~~

~~The preliminary drawings, which shall cover all proposed facilities together with construction cost estimates, shall be submitted to the Board for approval and authorization to proceed with the working drawings and specifications. Upon completion, the working drawings, specifications and revised cost estimates, if any, will be submitted for approval to the California Community College Chancellor's Office and the State Department of General Services as required by statute in the name of the Board of Trustees.~~

~~The final working drawings and specifications, approved by the State Department of General Services and the California Community College Chancellor's Office, together with revised estimates, if any, shall then be submitted to the Board of Trustees for adoption.~~

~~The letting of contracts for construction shall comply with procedures of the District regarding contracts that exceed the statutory minimums for competitive bidding. (See AP 6340 titled Bids and Contracts)~~

~~**Note:** Districts may, by resolution, elect to become subject to the California Uniform Public Construction Accounting Act (Public Contract Code Sections 22000 et seq.), which provides for an alternative set of bidding procedures. (See AP 6340 titled Bids and Contracts)~~

Labor Code Sections 1770 et seq.:

Public Contract Code Sections 20110 et seq., 20650 et seq., 22000 et seq. (Uniform Public Construction Cost Accounting Act (UPCCAA))

Attachments:

AP 6350 Bids and Contracts -
Construction.docx



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References:	<i>Brand New - required</i>

AP 6365 Contracts - Accessibility of Information Technology

Whenever the District enters into a contract for the purchase, development, procurement, maintenance, or use of any electronic or information technology, the vendor shall certify that it complies with the requirements of Section 508 of the Rehabilitation Act of 1973 and its related regulations. This requirement shall apply to software applications, operating systems, web-based intranet and internet information and applications, telecommunications products, video or multimedia products, self-contained closed products such as copiers, and desktop and portable computers.

Each contract with such a vendor shall contain the following provision:

"The vendor hereby warrants that the products or services to be provided under this agreement comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended, and its implementing regulations. Vendor agrees to respond promptly to and resolve any complaints regarding accessibility of its products or services that are brought to its attention. Vendor further agrees to indemnify and hold harmless the District from and against any claim arising out of its failure to comply with these requirements. Failure to comply with these requirements shall constitute a breach and be grounds for termination of this agreement."

References:

Section 508 of the Rehabilitation Act of 1973 (29 U.S. Code Section 794d);

36 Code of Federal Regulations Sections 1194.1 et seq.;

Government Code Section 11135;

Title 5 Sections 59300 et seq.

Attachments:

[AP 6365 Accessibility of Information Technology.doc](#)



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References:	<i>Brand New - required</i>

AP 6370 Contracts - Personal Services

~~AP 6370 CONTRACTS - PERSONAL SERVICES~~

~~AP 6370 Contracts - Personal Services~~

~~References:~~

~~Education Code Section 88003.1;
Government Code Section 53060;
Labor Code Section 3353;
Public Contract Code Section 10335.5~~

~~Note: Procedures on personal services contracts are legally required. Local practice may be inserted, but must comply with the following conditions.~~

~~The District may enter into personal services contracts to achieve cost savings when each of the following conditions are met:~~

- ~~• It can be clearly demonstrated that the proposed contract will result in actual overall cost savings to the District;~~
- ~~• The contractor's wages are at the industry's level and do not undercut District pay rates;~~
- ~~• The contract does not cause the displacement of district employees;~~
- ~~• The savings are large enough to ensure that employees will not be eliminated by private sector and District cost fluctuations that could normally be expected during the contracting period;~~
- ~~• The amount of savings clearly justifies the size and duration of the contracting agreement;~~
- ~~• The contract is awarded through a publicized, competitive bidding process;~~
- ~~• The contract includes specific provisions pertaining to the qualifications of the staff that will perform the work under the contract, as well as assurance that the contractor's hiring practices meet applicable nondiscrimination standards;~~
- ~~• The potential for future economic risk to the District from potential contractor rate increases is minimal;~~
- ~~• The contract is with a firm; and~~
- ~~• The potential economic advantage of contracting is not outweighed by the public's interest in having a particular function performed directly by the District.~~

~~Personal service contracts are also permissible when any one of the following conditions is met:~~

- ~~• the contract is for new functions mandated or authorized by Legislature to be performed by independent contractors;~~

- ~~the services are not available within the District or cannot be satisfactorily performed by district employees;~~
- ~~the services are incidental to a purchase or lease contract;~~
- ~~the policy, administrative, or legal goals and purposes of the District cannot be accomplished through the regular or ordinary hiring process;~~
- ~~the work meets the criteria for emergency appointment;~~
- ~~equipment, materials, facilities, or support services could not feasibly be provided by the District; or~~
- ~~the services are of an urgent, temporary, or occasional nature.~~

~~Note: The following language is optional and provides definitions of types of personal services contracts.~~

General Contract Procedures

Refer to AP 6340 titled Bids and Contracts section "General Contract Procedures", parts A through G.

Professional Services

Professional ~~Experts~~—~~Contracts for the services of persons who qualify as professional experts~~service contracts may be let without competitive bidding. Professional ~~experts~~service providers are persons specially qualified to provide services and advise in financial, economic, accounting, engineering, legal or administrative matters. They must be specially trained, experienced and competent to perform the services required. Compensation for special services and advice from professional ~~experts~~service providers may be paid from available funds in the amounts deemed proper for the services rendered.

~~Independent Contractors~~—~~To be an independent contractor, substantial conformance with the following conditions must exist:~~

- ~~The contractor controls the way in which work is performed.~~
- ~~The contractor sets his or her own hours.~~
- ~~The contractor is not restricted from taking jobs from other businesses at the same time that they are doing work for the District.~~
- ~~No District employees have duties similar to the independent contractor.~~
- ~~The District does not provide assistants to the contractor.~~
- ~~The duration of employment is for a specific job, not for a specified period of time.~~
- ~~The District does not furnish tools, training, or equipment to the contractor. Contractors should be able to perform their services without the District's facilities (e.g., equipment, office furniture, machinery).~~
- ~~The contractor's investment in his or her trade must be real, essential, and adequate.~~
- ~~The contractor has employer identification numbers with the Internal Revenue Service and the California Employment Development Department for reporting employer payroll taxes and employee wages.~~
- ~~The individual is not presently employed by the District to do the same type of work.~~
- ~~Contractors are hired to provide a result and usually have the right to hire others to do the actual work.~~
- ~~Contractors are hired for the final result, and therefore should not be asked for progress or interim reports.~~
- ~~Contractors are generally responsible for their incidental expenses.~~
- ~~Contractors should be able to make a profit or a loss. Five circumstances show that a profit or loss is possible:~~
 - ~~If the contractor hires and pays assistants~~
 - ~~If the contractor has his own office, equipment, materials, or facilities~~
 - ~~If the contractor has continuing and reoccurring liabilities~~
 - ~~If the contractor has agreed to perform specific jobs for prices agreed upon in advance~~
 - ~~If the contractor's services affect his own business reputation~~

~~Contractors can't be fired so long as they produce a result that meets the contract specifications.~~

~~Contractors are responsible for the satisfactory completion of a job or they may be legally obligated to compensate the hiring firm for failure to complete.~~

~~Consultants — Consulting services contracts refer to all services that:~~

- ~~• are of an advisory nature,~~
- ~~• provide a recommended course of action or personal expertise,~~
- ~~• have an end product which is basically a transmittal of information either written or verbal, and,~~
- ~~• are obtained by awarding a procurement type contract, a grant, or any other payment of funds for services of the above type.~~
- ~~• The product may include anything from answers to specific questions to design of a system or plan, and includes workshops, seminars, retreats, and conferences for which paid expertise is retained by contract.~~

References:

~~Section 508 of the Rehabilitation Act of 1973 (29 U.S. Code Section 794d);~~

~~36 Code of Federal Regulations Sections 1194.1 et seq.;~~

~~Government Code Section 11135;~~

~~Title 5 Sections 59300 et seq.~~

Conflict of Interest

SBCCD will not execute a professional service contract or agreement with the intent of delegating decision making authority on behalf of the District to a consultant. In the event that an extenuating condition exists where a consultant is given this authority, he or she will be subject to compliance with SBCCD's conflict of interest code and will be required to complete a statement of economic interests. See BP 2710 titled Conflict of Interest and AP 2712 titled Conflict of Interest Code.

Employees as Professional Service Providers

An individual cannot be both an SBCCD employee and a professional services provider with SBCCD at the same time unless it can be clearly demonstrated that the work being performed as a professional services provider has no relationship to work being performed as an employee of SBCCD and such work cannot be construed as falling within the broad definition of the individual's job description or classification as an employee. Any SBCCD employee hired as a professional services provider through the Human Resources Office is considered an "employee" for payroll purposes and payment for services is subject to appropriate tax withholding.

Contracts

Each professional services provider will have an approved agreement or contract on file in Business Services prior to beginning the service that has been negotiated through SBCCD's contracting process.

References:

Ed Code 88003.1.

Gov Code 53060.

Labor Code 3353.

Public Contract Code 10335.5, and the IRS 20-point Checklist

Attachments:

[AP 6370 Contracts - Personal Services - Comments](#)



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 Owner: *Human Resources Human Resources*
 Policy Area: *Chapter 7 Human Resources*
 References: *Brand New - advised*

AP 7232 Classification Review

Every position in the classified service in the District shall be assigned a classification.

These classifications will determine the salary levels that shall be applied to these positions.

Review of class specifications shall be undertaken ~~indicate time period or phrase such as "regularly"~~ every four years to revise and update the duties and/or responsibilities of positions in the classified service.

References:

Education Code Sections 88001 and 88009

Attachments:

No Attachments



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References:	<i>Brand New - required</i>

AP 7234 Overtime

Overtime is defined to include any time required to be worked in excess of eight hours in any one day and in excess of 40 hours in any calendar week. If the Board of Trustees establishes a workday of less than eight hours but seven hours or more and a workweek of less than 40 hours but 35 hours or more for all of its classified positions or for certain classes of classified positions, all time worked in excess of the established workday and workweek shall be deemed to be overtime.

The foregoing provisions do not apply to:

- classified positions for which a workday of fewer than seven hours and a workweek of fewer than 35 hours has been established,
- positions for which a workday of eight hours and a workweek of 40 hours has been established, but in which positions employees are temporarily assigned to work fewer than eight hours per day or 40 hours per week when such reduction in hours is necessary to avoid layoffs for lack of work or lack of funds and the consent of the majority of affected employees to such reduction in hours has been first obtained.

For the purpose of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, compensatory time off, or other paid leave of absence shall be considered as time worked by the employee.

When compensatory time off is authorized in lieu of cash compensation, such compensatory time off shall be granted within 12 calendar months following the month in which the overtime was worked and without impairing the services rendered by the District.

An employee having an average workday of less than four hours during a workweek shall, for any work required to be performed on the seventh day following the commencement of his/her workweek, be compensated for at a rate equal to 1 1/2 times the regular rate of pay of the employee designated and authorized to perform the work.

Work performed for the Associated Students is not affected by the college policy. The hourly rate of pay for compensation received from the Associated Students has not been changed. Time and one-half pay is related only to work performed for the college.

Travel time of thirty (30) minutes each way will be allowed if the employee is called back for an emergency situation. If service is continuous, no travel time will be allowed.

All overtime for which employees are to be paid must be authorized in advance by the Chancellor, Chancellor's designee, or college president for the site.

Employees shall not be paid unauthorized overtime.

Overtime shall be reported on the time sheet at the end of the month by dates, hours and emergency or event requiring overtime. The immediate supervisor shall sign the time sheet.

The foregoing provisions are not intended to apply to properly designated part-time positions with an assigned workday of less than eight (8) hours and a workweek of less than forty (40) hours.

Positions in the Security Department are exempt from the provisions of this policy.

Persons serving in supervisory, administrative, or executive positions shall be excluded from these procedures regarding overtime.

References:

Education Code Sections 88027, 88028, 88029, and 88030

Attachments:

No Attachments



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 References:

AP 7240 Confidential Employees

From current SBCCD AP 7260 titled *Classified Supervisors, Managers, and Confidential Employees*

HOURS OF EMPLOYMENT

The workweek for all confidential ~~and supervisory~~ employees shall be a minimum of forty (40) hours. Confidential employees may work alternative schedules during special summer hours or upon approval of supervisor.

Transfer and Reassignment

All confidential employees are District employees and may be assigned anywhere in the District to those positions for which they are qualified, subject to these regulations. This policy applies only to voluntary transfers.

A. Vacancies to be filled by transfer or reassignment.

1. Vacancies will be announced to all employees in that classification, at the same or higher pay range, and those who have taken a voluntary demotion.
2. Employees who are qualified and desire to transfer to another position and/or location must apply for the vacant position with the Director, Personnel Services & Employee Relations.
3. An employee within the same class or a higher class may volunteer to transfer. The employee requesting a voluntary demotion to a lower class will be given preference.
4. Should there be more than one employee requesting a transfer to the same vacancy, all things being equal, the position will be filled by the employee having the most seniority in that classification.
5. Each applicant shall be given, upon request, written rationale for non-acceptance to the vacant position.
6. An approved transfer resulting from the request of an employee is considered permanent; therefore, no additional probationary period is required.
7. The salary of the transferring employee shall be at a level of pay equal to the old pay range, but in no case greater than Step E of the new range.
8. An employee transferring within the class or taking a voluntary reduction in class will retain his/her old anniversary date and all seniority rights.
9. If the position from which an employee took a demotional transfer is again vacant, that employee will be

given first consideration to fill the former position and, if selected, will regain his/her higher classification.

10. If no transfer or reassignment is requested, the vacancy will be announced publicly.

RE-EMPLOYMENT AFTER LAYOFF

A. Confidential employees who are terminated as a result of lack of work or lack of funds shall, upon re-employment within thirty-nine (39) months from the termination date, be reinstated with no loss of fringe benefits and seniority.

B. Fringe benefits and seniority are not earned during the period of the layoff.

C. Upon re-employment, the employee shall be credited with the fringe benefits to which he/she was entitled as of the date of his/her layoff.

DIFFERENTIAL PAY

~~Shift differential pay shall be for all classifications at a rate of 2 1/2% for swing shift or split shift; and a 5% rate of pay for the graveyard shift.~~

A. ~~Definitions:~~

- ~~1. **Swing:** When hours of work regularly assigned exceed 4:30 p.m. by more than three (3) hours per day (regular five day consecutive workweek). Employees must work this shift at least three of the five normal workdays.~~
- ~~2. **Graveyard:** When hours of work regularly assigned exceed 12 midnight by more than three (3) hours per shift (regular five day consecutive workweek). Employees must work this shift for at least three of the five normal workdays.~~
- ~~3. **Split:** When hours of work regularly assigned are split by a break of two or more hours. Employees must work this shift for at least three of the five normal workdays.~~
- ~~4. **Overtime:** When hours worked are in excess of any shift, pay shall be at the overtime rate of that shift.~~

~~Approval for shift change or overtime must be obtained in advance from the appropriate manager.~~
Shift differential pay shall be for all classifications at a rate of 2 1/2% for swing shift or split shift; and a 5% rate of pay for the graveyard shift.

B. Definitions:

1. **Swing:** When hours of work regularly assigned exceed 4:30 p.m. by more than three (3) hours per day (regular five-day consecutive workweek). Employees must work this shift at least three of the five normal workdays.
 2. **Graveyard:** When hours of work regularly assigned exceed 12 midnight by more than three (3) hours per shift (regular five-day consecutive workweek). Employees must work this shift for at least three of the five normal workdays.
 3. **Split:** When hours of work regularly assigned are split by a break of two or more hours. Employees must work this shift for at least three of the five normal workdays.
 1. **Overtime:** When hours worked are in excess of any shift, pay shall be at the overtime rate of that shift.
1. Approval for shift change or overtime must be obtained in advance from the appropriate manager.

WORKING OUT OF CLASSIFICATION

Any confidential employee who is required to work out of classification for a period of more than five (5) working days within a fifteen (15) working day period shall have his/her salary adjusted upward for the entire period he/she is required to work out of classification. These amounts will reasonably reflect the duties required to be performed outside his/her normally assigned duties.

The following procedures regulate the salary determination for a confidential employee working out of class:

A. A manager can make such an assignment but must have written approval by the Director, Personnel Services & Employee Relations.

B. Payment for working out of classification will be paid with the contract pay.

C. When an employee, who is assigned to work in a higher classification qualifies for extra pay, he/she will be paid at the probationary step on the range of the classification to which he/ she is assigned. If that salary is the same or less than his/her regular salary, he/she will be paid on the next step of the higher range which will give a salary increase for the additional responsibility. The increase will be no less than 5%.

EXAMPLE

A B C D E

Range 10 555 583 612 653 675

Range 12 583 612 643 675 709

Range 16 643 675 709 744 781

If the Range 10 employee were required to work in a Range 12 classification, he/she would be paid at the rate of Range 12, Step C. If he/she were assigned a responsibility in Range 16, his/her rate of pay would be Range 16, Step A.

OVERTIME

A. Overtime is defined to include any time required to be worked in excess of eight (8) hours in any one day and in excess of forty (40) hours in any calendar week.

B. Compensation for overtime shall be at one and one-half times the regular rate of pay of the employee designated and authorized to perform the overtime.

C. Any confidential employee required to return to work on the same day after completion of her/his regular assignment or called in to work on a day when the confidential employee is not scheduled to work shall be compensated for at least four (4) hours of work at the overtime rate, irrespective of the actual time required to be worked.

D. All overtime for which employees are to be paid must be authorized in advance by the Chancellor, Chancellor's designee, or college president for the site.

E. Employees shall not be paid unauthorized overtime.

F. Overtime shall be reported on the time sheet at the end of the month by dates, hours and emergency or event requiring overtime. The immediate supervisor shall sign the time sheet.

G. The foregoing provisions are not intended to apply to properly designated part-time positions with an

assigned workday of less than eight (8) hours and a workweek of less than forty (40) hours.

LONG-SERVICE RECOGNITION

A. Recognition for length of service shall be provided in the form of an annual stipend in accordance with the following schedule:

YEARS OF SERVICE WITH THE DISTRICT	COMPLETED NUMBER OF YEARS OF EMPLOYMENT WITH THE DISTRICT	AMOUNT OF STIPEND
6-11	5-10	\$850
12-16	11-15	\$1000
17-21	16-20	\$1150
22-26	21-25	\$1300
27-31	26-30	\$1450

B. The first long service payment will be made in December of the first year following five complete years of service. The maximum service credit to be allowed is for thirty years.

C. The amount of long service pay will be paid by separate check and will be available to Confidential/~~Supervisory~~ employees no later than December 15, and only to those actually employed on the date of payment, except upon retirement in which case the long service payment will be in proportion to the fraction of the year worked. The payment date and method is subject to change in accordance with County of San Bernardino payroll processing.

D. In order to be eligible for long service pay, an employee must qualify for inclusion in the Retirement Program, i.e., must be employed half-time or more.

E. Any year in which an employee receives an unsatisfactory performance evaluation will not be counted as a year of service for the purpose of calculating long service recognition credit.

HEALTH AND WELFARE BENEFITS

A. A program of health and welfare benefits shall be provided to all confidential and supervisory employees.

B. Hospitalization/Medical The District pays the insurance premium for the Board-approved hospitalization/medical plan for the employee, spouse, and dependents.

C. Dental The District pays the insurance premium for the Board-approved dental plan for the employee.

D. Life Insurance The District pays the insurance premium for the Board-approved life insurance plan for the employee.

E. Health Service, Continuation After Retirement Any confidential or supervisory employee who opts for early retirement will continue to receive hospitalization/medical plan benefits available to classified employees of the district, until age 65, subject to all the conditions for one of the following:

1. Service Retirement #1

a. Has attained the age of 60 before terminating employment with the district.

b. Has completed a minimum of ten years service with the district.

c. Has been an employee of the district immediately preceding retirement status.

d. Must be on retirement with the Pubic Employees Retirement System.

OR

2. Service Retirement #2

a. Has attained the age of 55 before terminating employment with the district.

b. Has completed a minimum of twenty years with the district.

c. Has been an employee of the district immediately preceding retirement status.

d. Must be on retirement with the Public Employees Retirement System.

OR

3. Disability Retirement

a. Regardless of age before terminating employment, has completed a minimum of five years of service with the district.

b. Has been an employee of the district immediately preceding retirement.

c. Must be accepted by and remain on disability retirement with the Public Employees Retirement System.

d. Retiree agrees to enroll in Parts A & B and pay the full premium as soon as they are eligible.

Approved: March 14, 1990

LEAVES OF ABSENCE

A. Sick Leave

1. Every confidential employee employed five days a week shall be entitled to twelve days leave of absence for illness and injury with full pay for a fiscal year of service.

2. A confidential employee employed five days a week, who is employed for less than a full fiscal year, is entitled to that proportion of twelve days leave of absence for illness or injury as the number of months he/she is employed bears to 12.

3. A confidential employee employed less than five days per week shall be entitled, for a fiscal year of service, to that proportion of twelve days leave of absence for illness or injury as the number of days he is employed per week bears to 5. When such persons are employed for less than a full fiscal year of service, this and the preceding paragraph shall determine that proportion of leave of absence for illness or injury to which they are entitled.

4. Pay for any day of such absence shall be the same as the pay that would have been received had the employee served during the day.

5. Credit for leave of absence need not be accrued prior to taking such leave by the employee, and such leave of absence may be taken at any time during the year. However, a new employee of the district shall not be eligible to take more than six days, or the proportionate amount to which he/she may be entitled under this section, until the first day of the calendar month after completion of six months of active service with the district.

6. If an employee does not take the full amount of leave allowed in any year under this policy, the amount not taken shall be accumulated from year to year.

7. The Board of Trustees may require proof of illness or injury.

B. Maternity Leave

1. An employee may use sick leave for absences necessitated by pregnancy, miscarriage, childbirth, and recovery therefrom. The length of absence, including the date on which the leave shall commence and the date on which the employee shall resume duties, shall be determined by the employee and the employee's physician.

2. Disabilities caused or contributed to by pregnancy, miscarriage, childbirth, and recovery therefrom are, for all job-related purposes, temporary disabilities, and shall be treated as such under any health or temporary disability insurance or sick leave.

3. This provision shall be construed as requiring the district to grant leave with pay only when it is necessary to do so in order that leaves of absence for disabilities caused or contributed to by pregnancy, miscarriage, or childbirth be treated the same as leaves for illness, injury, or disability.

C. Bereavement Leave

1. Every person employed in a confidential or supervisory position is entitled to a paid leave of absence, not to exceed three days, or five days if travel out-of-state or a round trip of over 500 miles is required, on account of the death of any members of his/her immediate family.

2. Member of the immediate family means the mother, father, grandparent or a grandchild of the employee or the spouse of the employee, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law or sister, sister-in-law of the employee, or any relative living in the immediate household of the employee.

D. Personal Necessity Leave

1. Any days of leave of absence for illness or injury allowed pursuant to Section 88207 of the Education Code may be used by a confidential or supervisory employee, at his/her election, in case of personal emergency.

Reference:

Government Code Section 3540.1(c)

Confidential Handbook Board Approved May 2018

Attachments:

No Attachments

Approval Signatures

Step Description	Approver	Date
Chapter owners are notified	Kristina Hannon	03/2018



Origination: 11/2016
Last Approved: N/A
Last Revised: 07/2018
Next Review: 6 years after approval
Owner: Human Resources Human Resources
Policy Area: Chapter 7 Human Resources
References:

BP 7240 Confidential Employees

Confidential employees are those who are required to develop or represent management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. The fact that an employee has access to confidential or sensitive information shall not in and of itself make the employee a confidential employee.

A determination whether a position is a confidential one shall be made by the Board of Trustees in accordance with applicable law and with the regulations of the California Public Employment Relations Board.

Confidential employees are not eligible for inclusion in a bargaining unit represented by an exclusive representative and the terms and conditions of their employment are not controlled by any collective bargaining agreement.

The terms and conditions of employment for confidential employees shall be provided for by procedures developed by the Chancellor. Such terms and conditions of employment shall include, but not be limited to, procedures for evaluation and rules regarding leaves, transfers, and reassignments.

The probationary period for confidential employees shall be one year.

Also see BP/AP 7120 titled Recruitment and Hiring

See other BP's and AP's that apply to the confidential group

7130 Compensation (and Benefits)

7150 Evaluation

[7160 Professional Development](#)

[7231 Seniority](#)

[7232 Classification Review](#)

[7233 Claims for Work Out of Classification](#)

[7234 Overtime](#)

[7237 Fingerprinting](#)

[7340 Leaves](#)

[7342 Holidays](#)

[7343 Industrial Accident and Illness Leave](#)

[7347 Paid Family Leave](#)

[7350 Resignation](#)

[7365 Discipline & Dismissal](#) - ~~we need to include confidential employees in the BP/AP-7150~~

~~[7160 Professional Development](#)~~

- ~~7231 Seniority~~
- ~~7232 Classification Review~~
- ~~7233 Claims for Work Out of Classification~~
- ~~7234 Overtime~~
- ~~7237 Fingerprinting~~
- ~~7340 Leaves~~
- ~~7342 Holidays~~
- ~~7343 Industrial Accident and Illness Leave~~
- ~~7347 Paid Family Leave~~
- ~~7350 Resignation~~
- ~~7365 Discipline~~ [Classified Employees](#)
- [7381 Health & Dismissal](#) ~~– Classified Employees~~
- ~~7381 Health & Welfare Benefits~~

Reference:

Government Code Section 3540.1(c)

[Confidential Handbook](#)

Attachments:

[BP 7240 Confidential Employees - Comments](#)
[BP 7240 Confidential Employees - Legal Citations](#)

Approval Signatures

Step Description	Approver	Date
Chapter owners are notified	Kristina Hannon	03/2018



Origination:	05/2000
Last Approved:	N/A
Last Revised:	05/2000
Next Review:	07/2019
Owner:	Human Resources Human Resources
Policy Area:	Chapter 7 Human Resources
References:	

AP 7310 Nepotism

(Replaces current SBCCD AP 7310)

The employment of relatives in the same facility, department, division, office or line of supervisory authority can cause serious problems in the work place which adversely affect productivity, morale, confidentiality, safety, security, and create conflicts of interest. The employment of relatives can also adversely impact the nature of the necessary working relationships between supervisors and employees and between co-employees. Additionally, these problems adversely affect the public trust and confidence in the fairness and efficiency of the employment policies and operations of the District. These adverse effects are caused, in part, by real or perceived favoritism, scheduling conflicts, personal conflicts and hostility in the work place, claims of partiality in providing or awarding favorable working conditions, promotions, transfers or assignments, the compromise or suspected compromise of confidential or privileged information or records, alteration or destruction of records, or the suspected or actual loss or destruction of District property or financial assets. These problems frequently arise when relatives work together.

- A. "Relatives," with the exception of married employees, are defined as persons who are related by blood or marriage, or whose relationship is similar to that of persons who are related by blood or marriage (i.e., adopted child or step parent).
- B. Relatives of currently employed District employees may be hired by the District as employees, promoted or transferred only if: (1) the individuals concerned will not work in a direct supervisory relationship with each other, or be in the same line of authority or supervision; (2) the individual hired, promoted or transferred will not work in the same department, division, office or facility or under the authority of one supervisor; (3) the employment, promotion or transfer will not cause any potential conflicts or disruption to District operations; and (3) the employment, promotion or transfer will not pose any potential articulable problems or conflicts involving supervision, security, safety, confidentiality, performance or morale.
- C. Current District employees are strictly prohibited from participating in, or influencing or attempting to influence the selection process or the employment, promotion or transfer of any relative or their spouse.
- D. The District reserves the right to take prompt action to prevent the attempt of any relative or spouse to influence the selection or any other employment decision involving any relative or spouse.

The employment of spouses in the same department, division or facility involves potential conflicts of interests that are greater for married persons than for other persons. Additionally, the placement of one spouse under the direct supervision of the other frequently leads to problems involving supervision, safety, security or morale. The employment of spouses shall be governed by the rules set forth in the following paragraph E.

- E. No employment decision, including but not limited to transfers or promotions, shall be based on whether an individual has a spouse presently employed by the District except in accordance with the following criteria:
1. For business reasons of supervision, safety, security or morale, the District may refuse to place one spouse under the direct supervision of the other spouse.
 2. For business reasons of supervision, security or morale, the District may refuse to place both spouses in the same department, division or facility if the work involves potential conflicts of interest or other hazards greater for married couples than for other persons.
 3. For co-employees who marry, the District shall make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security or morale.
 4. For the purpose of this Paragraph E, a "spouse" is defined as a partner in a marriage between a man and a woman.
 5. Present employees of the District who marry or who become related by marriage must immediately notify their supervisors. If employees who marry or who become related by marriage do work in a direct supervisory relationship with one another or do cause an actual conflict or difficulty concerning supervision, security, safety, or morale, the District will attempt to reassign one of the employees to another position for which he or she is qualified, if such a position is available, and no other accommodation is reasonable or practicable.
 6. Any decision not to employ, promote or transfer the spouse of an employee shall be made on a case-by-case basis by the Vice Chancellor of Human Resources taking into account all of the actual facts and circumstances regarding the particular position and the duties and the relationship of the position and duties performed by the employed spouse. This decision shall involve an assessment of the actual work setting to determine whether that setting would pose, because of the mutual concerns married couples are assumed to share, a potential conflict of interest or other hazards greater for married couples than for other employees. If the potential conflict or hazard is determined to be greater, the District will regulate the employment of spouses to avoid the conflict or other hazard by reasonably matching the severity of its actions toward one or the other spouse to the degree of risk and significance of the potential harm involved.

Sample from another District

Applicants for employment must declare on their District applications their relatives or immediate family members who are current District employees, or members of the Board of Trustees.

Present employees working in the same department or division who become relatives must notify the Human Resources Office. If that relationship causes or it is reasonably foreseeable that it will cause a conflict of interest or a problem with supervision, safety, security, or morale, the District will make every attempt to reassign one of the employees or will make arrangements which mitigate the problems until such a transfer is possible.

Sample from another District

In the event employees decide to live in the same household, the District shall make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security, or morale. The District may affect a transfer or take other appropriate action to avoid these problems.

No District employee or Board member shall serve on a committee for the purpose of selecting or

evaluating an employment candidate if he/she is in the immediate family, living in the same household, or romantically involved with any candidate being considered.

Sample from another District

The District will allow flexibility in the application of its nepotism policy when relatives (or domestic partners as defined by Family Code Sections 297 et seq.) would be in the same department.

If two persons in the same department should marry or enter into a domestic partner relationship while both are employed by the District, they may continue their employment in the same department provided they not work in any position that would require one to be in a decision-making role relative to the other.

In those instances where developments would result in a relative/partner having recommending or decision-making responsibilities over another relative/partner, the appropriate vice president in consultation with superintendent/president will intercede to ensure that there is no conflict of interest. Actions may include reassignment to another department.

References:

Government Code Sections 1090 et seq. and 12940 et seq.

Attachments:

[AP 7310 Nepotism - Comments](#)
[AP 7310 Nepotism - Legal Citations](#)
[AP7310-OLD.pdf](#)



Origination: 06/2004
Last Approved: N/A
Last Revised: 08/2018
Next Review: 6 years after approval
Owner: Human Resources Human Resources
Policy Area: Chapter 7 Human Resources
References: Legally Advised

BP 7310 Nepotism

(Replaces current SBCCD BP 7310)

The District does not prohibit the employment of relatives or domestic partners as defined by Family Code Sections 297 et seq. in the same department or division, with the exception that they shall not be assigned to a regular position within the same department, division, or site that has an immediate family member who is in a position to recommend or influence personnel decisions.

Personnel decisions include appointment, retention, evaluation, tenure, work assignment, promotion, discipline, demotion, or salary of the relative or domestic partner as defined by Family Code Sections 297 et seq.

Immediate family means spouse, parents, grandparents, siblings, children, [stepchildren](#), grandchildren, and in-laws or any other relative living in the employee's home.

The District will make reasonable efforts to assign job duties to minimize the potential for creating an adverse impact on supervision, safety, security, or morale, or creating other potential conflicts of interest.

Notwithstanding the above, the District retains the right, where such placement has the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest, to refuse to place spouses in the same department, division, or facility. The District retains the right to reassign or transfer any person to eliminate the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest.

References:

Government Code Sections 1090 et seq. and 12940 et seq.;
~~Family Code Sections 297 et seq.~~

Attachments:

- [BP 7310 Nepotism- Comments](#)
- [BP 7310 Nepotism- Legal Citations](#)
- [BP7310 -OLD.pdf](#)
- [SBCCD - Overview for Legal Update 31 Final Version.docx](#)



Origination: 11/2016
Last Approved: N/A
Last Revised: 11/2016
Next Review: 10/2019
Owner: Human Resources Human Resources
Policy Area: Chapter 7 Human Resources
References: Brand New - required

AP 7336 Certification of Freedom from Tuberculosis

Except as provided herein, no person shall be initially employed by the District in an academic or classified position unless the person has within the last 60 days submitted to a tuberculosis risk assessment developed by the State Department of Public Health and the California Tuberculosis Controllers Association and, if risk factors are present, an examination to determine that he/she is free of active tuberculosis, by a physician and surgeon licensed under the California Business and Professions Code. This examination shall consist of an X-ray of the lungs, or an approved intra-dermal tuberculin test, that, if positive, shall be followed by an X-ray of the lungs. This examination is a condition of initial employment and the expense shall be borne by the applicant.

The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a physician and surgeon licensed under the Business and Professions Code.

The **[designate position]** may exempt, for a period not to exceed 60 days following termination of the pregnancy, a pregnant employee from the requirement that a positive intra-dermal tuberculin test be followed by an X-ray of the lungs.

Thereafter, employees who are skin test negative, or were not tested because of a lack of risk factors, are required to undergo the foregoing tuberculosis risk assessment and, if risk factors exist, examination at least once each **[time period per board policy that is at least every four years]** upon recommendation of the local health officer for so long as the employee remains skin test negative. Once an employee has a documented positive skin test that has been followed by an X-ray, the foregoing tuberculosis risk assessments and examinations shall no longer be required and referral shall be made within 30 days of completion of the examination to the local health officer to determine the need for follow up care.

If risk factors were present at the tuberculosis risk assessment and an examination occurs, after the examination, an employee shall cause to be on file with the District a certificate from the examining physician and surgeon showing the employee was examined and found free from active tuberculosis.

This procedure shall not apply to any employee of the District who files an affidavit stating that he/she adheres to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion and that to the best of his/her knowledge and belief he/she is free from active tuberculosis. If at any time there should be probable cause to believe that the applicant is afflicted with active tuberculosis, he/she may be excluded from service until the **[designate position]** is satisfied that he/she is not so afflicted.

A person who transfers his/her employment from another school or community college District shall be

deemed to meet the requirements of this procedure if the person can produce a certificate that shows that he/she within the past four years had a tuberculosis risk assessment that showed no risk factors were present or was examined and was found to be free of communicable tuberculosis, or if it is verified by the college previously employing him/her that it has a certificate on file that contains that showing.

A person who transfers his/her employment from a private or parochial elementary school, secondary school, or nursery school to the District shall be deemed to meet the requirements of this procedure if the person can produce a certificate as provided for in Health and Safety Code Section 121525 that shows that he/she within the last four years had a tuberculosis risk assessment that showed no risk factors were present or was examined and was found to be free of communicable tuberculosis, or if it is verified by the school previously employing him/her that it has the certificate on file.

Reference:

Education Code Section 87408.6

Attachments:

[AP 7336 Update #30.pdf](#)



Origination: 11/2016
 Last Approved: N/A
 Last Revised: 09/2018
 Next Review: 6 years after approval
 Owner: Academic Senates Academic Senates
 Policy Area: Chapter 5 Student Services
 References:

AP 5110 Counseling

NOTE: This procedure is legally advised, since all counseling programs must meet the following legal minimums. Local practice may be inserted, but must meet the following requirements.

The counseling services available in the District's counseling program include at least the following:

- Academic counseling, in which the student is assisted in assessing, planning, and implementing his/her immediate and long-range academic goals;
- Career counseling, in which the student is assisted in assessing his/her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;
- Personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education;
- Coordination with the counseling aspects of other services to students which exist on campus, including but not limited to those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

Confidentiality of Counseling Information: Information of a personal nature disclosed by a student 12 years of age or older in the process of receiving counseling from a counselor is confidential, and shall not become part of the student record without the written consent of the person who disclosed the confidential information. However, the information shall be disclosed when permitted by applicable law, including but not limited to disclosure as necessary to report child abuse or neglect; reporting to the Chancellor or other persons when the counselor has reason to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student or other persons living in the college community; reporting information to the Chancellor or other persons as necessary when the student indicates that a crime involving the likelihood of personal injury or significant or substantial property losses will or has been committed; reporting information to one or more persons specified in a written waiver by the student.

NOTE: Insert other local procedures here related to counseling, such as who is required to seek assistance from a counselor.

References:

Education Code Sections 72620 and 72621;
 Title 5 Section 51018
 ACCJC Accreditation Standard II.C.5

Attachments:

No Attachments



Origination: 06/2004
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 Owner: Academic Senates Academic Senates
 Policy Area: Chapter 5 Student Services
 References:

BP 5110 Counseling

(Replaces current SBCCD BP 5110)

~~**NOTE:** The language in current SBCCD Policy 5110 parallels the recommended language from the Policy and Procedure Service.~~

- ~~From current SBCCD BP 5110 titled Counseling~~

Counseling services are an essential part of the educational mission of the District. The Chancellor shall assure the provision of counseling services including academic, career, and personal counseling that is related to the student's education.

Counseling shall be required for all first time students enrolled for more than six units, ~~and~~ and students ~~enrolled provisionally, and students~~ enrolled on academic or progress probation.

References:

Education Code Section 72620;
 Title 5, Section 51018
 ACCJC Accreditation Standard II.C.5

Attachments:

[BP 5110 Counseling - Comments](#)
[BP 5110 Counseling - Legal Citations](#)
[BP5110 -OLD.pdf](#)

Approval Signatures

Step Description	Approver	Date
	Policy Stat	10/2018
	Policy Stat	10/2018
	Policy Stat	10/2018
	Policy Stat	10/2018



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Next Review:	N/A
Owner:	Academic Senates Academic Senates
Policy Area:	Chapter 5 Student Services
References:	Brand New - required

AP 5120 Transfer Center

~~The District~~ Each college of the SBCCD has a Transfer Center Plan that complies with the requirements of Title 5. The plan identifies appropriate target student populations and is designed to increase the transfer applications of underrepresented students among transfer students.

The components of the Plan include, but are not limited to:

- ~~• Services to be provided to students~~
- ~~• Facilities~~
- ~~• Staffing~~
- ~~• An advisory committee~~
- ~~• Evaluation and reporting~~
- ~~• Transfer path requirements for each articulated baccalaureate major~~

~~NOTE: Insert local practice about how the plan is maintained and updated and by whom.~~

- Required Services to be provided to students
 - A. Identify, contact, and provide transfer support services to targeted student populations as identified in the transfer center plan, with a priority emphasis placed on African-American, Chicano/Latino, American Indian, disabled, low-income, and other underrepresented students. These activities shall be developed and implemented in cooperation with student services departments and with faculty.
 - B. Ensure the provision of academic planning for transfer, the development and use of transfer admission agreements with baccalaureate institutions where available and as appropriate, and the development and use of course-to-course and major articulation agreements. Academic planning and articulation activities shall be provided in cooperation with student services, with faculty, and with baccalaureate institution personnel as available.
 - C. Ensure that students receive accurate and up-to-date academic and transfer information through coordinated transfer counseling services.
 - D. Monitor the progress of transfer students to the point of transfer, in accordance with monitoring activities established in the Transfer Center Plan.
 - E. Support the progress of transfer students through referral as necessary, to such services as ability and diagnostic testing, tutoring, financial assistance, counseling, and to other instructional and student services on campus as appropriate.
 - F. Assist students in the transition process, including timely completion and submittal of necessary forms and applications. In cooperation with baccalaureate institution personnel as available, develop

and implement a schedule of services for transfer students to be provided by baccalaureate institution staff.

- G. Provide a resource library of college catalogs, transfer guides, articulation information and agreements, applications to baccalaureate institutions, and related transfer information
- Facilities. Each district governing board shall provide space and facilities adequate to support the transfer center and its activities. Each district shall designate a particular location on campus as the focal point of transfer functions. This location should be readily identifiable and accessible to students, faculty, and staff.
 - Staffing. Each district governing board shall provide clerical support for the transfer center and assign college staff to coordinate the activities of the transfer center; to coordinate underrepresented student transfer efforts; to serve as liaison to articulation, to student services, and to instructional programs on campus; and to work with baccalaureate institution personnel.
 - An advisory committee. Each district shall designate an advisory committee to plan the development, implementation, and ongoing operations of the transfer center. Membership shall be representative of campus departments and services. Baccalaureate institution personnel shall be included as available.
 - Evaluation and reporting. Each district governing board shall include in its transfer center plan a plan of institutional research for ongoing internal evaluation of the effectiveness of the college's transfer efforts, and the achievement of its transfer center plan.
 - Transfer path requirements for each articulated baccalaureate major

Each college submits an annual report to the Chancellor describing the status of the college's efforts to implement its transfer center(s), achievement of transfer center plan targets and goals, and expenditures supporting transfer center operations.

The college plans are reviewed and revised annually by the transfer center coordinator.

References:

Education Code Sections 66720-66744;

Title 5 Section 51027

Attachments:

No Attachments



Origination: N/A
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 Next Review: N/A
 Owner: *Academic Senates Academic Senates*
 Policy Area: *Chapter 5 Student Services*
 References:

BP 5120 Transfer Center

(Replaces current SBCCD BP 5120)

- ~~From current SBCCD BP 5120 titled Transfer Center~~

The District ~~recognizes incorporates~~incorporates, as part of its mission, the transfer of its students to baccalaureate level institutions. The District further recognizes that students who have historically been underrepresented in transfer to baccalaureate level institutions are a special responsibility.

The Chancellor shall assure that a ~~Ttransfer Ccenter Pplan~~Transfer Center Plan is implemented that identifies appropriate target student populations, is designed to increase the transfer applications of underrepresented students, and complies with law and regulations.

Reference:

Title 5, Section 51027

Attachments:

- [BP 5120 Transfer Center - Comments](#)
- [BP 5120 Transfer Center - Legal Citations](#)
- [BP5120 -OLD.pdf](#)



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Last Approved:	N/A
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Next Review:	N/A
Owner:	Academic Senates Academic Senates
Policy Area:	Chapter 5 Student Services
References:	

AP 5300 Student Equity

(Replaces current SBCCD AP 5300)

~~**NOTE:** This procedure is legally required. Local practice may be inserted. The following legal minimums must be included.~~

The colleges of the San Bernardino Community College District are firmly committed to a policy of student equity that promotes equal access to the District's educational opportunities, and remedies achievement gaps for historically disadvantaged groups.

~~The District has a Student Equity Plan. Following approval by the Board of Trustees, the Plan is filed as required with the State Chancellor's Office.~~ Each College of the District shall develop, update, and maintain an effective Student Equity Plan. Following approval by the Board of Trustees, the plan shall be filed as required with the State Chancellor's Office.

~~**NOTE:** Insert local administrative procedures or reference the District's Student Equity Plan. At a minimum the plan must address:~~

- ~~• the active involvement of the groups on campus [local procedure].~~
- ~~• involvement by appropriate people from the community who can articulate the perspective and concerns of historically underrepresented groups.~~
- ~~• campus-based research as to the extent of student equity.~~
- ~~• institutional barriers to equity.~~
- ~~• goals for access, retention, degree and certificate completion, English as a Second Language (ESL) and basic skills completion, and transfer for each historically underrepresented group.~~
- ~~• activities most likely to be effective to attain the goals, including coordination of existing student equity related programs.~~
- ~~• sources of funds for the activities in the plan.~~
- ~~• a schedule and process for evaluation of progress towards the goals.~~
- ~~• an executive summary that describes the groups for whom goals have been set, the goals, the initiatives that the District will undertake to achieve the goals, the resources budgeted for that purpose, and the District officer or employee who can be contacted for further information.~~

~~**NOTE:** The District may reference the Student Equity Plan template available through the State Chancellor's Office.~~

~~**The Student Equity Plan shall be developed, maintained, and updated under the supervision of the [designate position].**~~

• ~~From current SBCCD AP 5300 titled Student Equity~~

~~The colleges of the San Bernardino Community College District are firmly committed to a policy of student equity that excludes any form of discrimination based on race, color, sex, religion, age, handicap or national origin. Further, the colleges are committed to a program of recruitment designed to achieve continued growth in the number of students whose race, sex, age and handicap have been factors, historically, in their under-representation.~~

~~A. The Chief Student Services Officer or designee will be responsible for the program plan and annual reports. The plan shall consider the following actions in fulfilling this objective:~~

- ~~1. Affirmative efforts to search out and contact potential qualified students.~~
- ~~2. Continuous efforts to eliminate hazards (physically and educationally) for physically impaired persons to facilitate their mobility on campus.~~
- ~~3. Experimentation to discover alternate means of evaluating potential student populations.~~
- ~~4. Augmented student financial assistance programs.~~
- ~~5. Improved counseling for all classifications of disadvantaged students.~~

~~B. The plan and subsequent progress reports will include appropriate statistical data.~~

~~1. Student Services~~

- ~~a. **Objective:** It shall be the objective of the colleges that an annual review be made by each program area in Student Services to determine whether any conditions exist contrary to ACR 151. Wherever such conditions are found to exist, affirmative corrective steps will be taken to correct such conditions.~~
- ~~b. **Implementation:** It shall be the responsibility of the Chief Students Services Officer to provide for an annual report by all student services program heads to be submitted to the Student Equity Committee or the Chief Student Services Officer for review and updating. The reports shall include the following information:~~
 - ~~1. Objectives of the program, including methods of implementation.~~
 - ~~2. Program eligibility requirements.~~
 - ~~3. Number and percentage of minority and female program participants.~~
 - ~~4. Significant changes made during the year.~~

~~2. Admissions~~

- ~~a. **Objective:** The objective of the colleges shall be that there shall be no de facto discrimination towards male/female, minority and physically impaired applicants in any aspects of the colleges and their programs.~~
- ~~b. **Implementation:** A periodic review of admissions criteria, policies and procedures shall be conducted, and modification shall be made where appropriate. In carrying out these reviews, each segment shall consider the following:~~
 - ~~1. Placement test scores (including their validity for particular groups).~~
 - ~~2. Appropriateness of application filing periods.~~
 - ~~3. Patterns of high school course preparation required and/or recommended for admission and college program prerequisites.~~

4. ~~Community interests that affect college application trends.~~

3. Financial Aid

- a. ~~Objective: To provide financial aid to all eligible students in order that they might matriculate through the educational system with more time to concentrate on their educational demands.~~
- b. ~~Implementation: All possible means should be considered to search out those prospective students with financial need and notify them of what type of financial aid is available and how one becomes qualified for such aid.~~

C. Staff Awareness

Programs to Sensitize Faculty and Staff

- 1. ~~Objective: To sensitize faculty and staff to the special needs and problems of groups which have been historically under-represented in the student body, such as ethnic minorities, women, the elderly and physically impaired.~~
- 2. ~~Implementation: Following assessment of faculty and staff awareness, special programs will be developed, as the need indicates, to acquaint employees of the colleges with problems of under-represented groups.~~

D. Periodic Review and Evaluation

- 1. ~~Objective: To assure that student equity efforts by the colleges will receive sustained support.~~
- 2. ~~Implementation: A Student Equity Program Committee at each college will monitor efforts of the colleges to carry out the objectives of this plan. The Committee will be appointed by the President in consultation with the Academic Senate President and will be comprised of two counselors, one student personnel administrator serving as chairperson, the EOPS Director, two faculty members and three students. The Committee will meet periodically to assess the progress of the colleges under its student equity plan and report findings and recommendation to the college community.~~

The plan shall include:

A. Goals, objectives, and key performance indicators for each outcome. Outcomes shall include, at a minimum:

- 1. Access: Successful Enrollment
- 2. Retention: Fall to Spring
- 3. Transfer to a Four-year Institution
- 4. Completion of transfer level math and English
- 5. Earned High School equivalency, noncredit certificate, Chancellor's Office approved credit certificate, associate degree, or, if applicable to the college, a California Community College Bachelor's Degree.

B. Campus-based research using the methodology established pursuant to subdivision (d) of Section 78221 to determine the extent of disproportionate impact in each outcome.

C. Research shall examine each outcome for the following student categories, disaggregated by gender:

- 1. Current or former foster youth
- 2. Students with disabilities
- 3. Low-income students

4. Veterans
5. Students in the following ethnic and racial categories, as they are defined by the United States Census Bureau for the 2010 Census for reporting purposes:
 - a. American Indian or Alaska Native
 - b. Asian
 - c. Black or African American
 - d. Hispanic or Latino
 - e. Native Hawaiian or other Pacific Islander
 - f. White
 - g. Some other race
 - h. More than one race
6. Homeless students
7. Lesbian, gay, bisexual, or transgender students
 - a. Additional categories of students determined by the governing board of the community college district. Research-based services, support, and programs to eliminate barriers to access and academic success of disproportionately impacted groups.

Each college will have a participatory governance committee charged with developing and maintaining the Student Equity Plan. The committee will monitor the planned efforts of the colleges to carry out the objectives of this plan.

The Chief Student Services Officer or designee will have administrative oversight of the Equity plan: Duties will include:

- A. Promoting the active involvement of faculty, staff, and students through each campus' shared governance process.
- B. Promoting the involvement by campus and community members who can articulate the perspective and concerns of historically underrepresented groups.
- C. Ensuring the availability of campus-based, equity-related research.
- D. Development of activities and interventions to attain the goals of the plan, including coordination of existing student equity related programs.
- E. Identification of resources to fund these activities.
- F. Development and distribution of a schedule and process for evaluation of progress towards the goals.
- G. Development of an annual executive summary that includes, at a minimum, the Student Equity goals for each required student group, the activities the college will undertake to achieve these goals, and the resources budgeted for these activities.
- H. Maintaining a record of Student Equity expenditures for a minimum of three years.
- I. Assessing the progress made in achieving the identified goals from prior year plans.
- J. Posting the executive summary to the college website.



Origination: N/A
 Last Approved: N/A
 Last Revised: N/A
 Next Review: N/A
 Owner: *Academic Senates Academic Senates*
 Policy Area: *Chapter 5 Student Services*
 References:

BP 5300 Student Equity

(Replaces current SBCCD BP 5300)

~~**NOTE:** The language in current SBCCD Policy 5300 parallels the recommended language from the Policy and Procedure Service.~~

- ~~**From current SBCCD BP 5300 titled Student Equity**~~

The District is committed to assuring student equity in educational programs and college services.

The Chancellor is responsible for establishing and implementing a student equity plan in accordance with Title 5.

References:

Education Code Sections 66030, 66250, et seq., ~~and~~ and 72010 et seq.; Title 5, Section 54220

Attachments:

- [BP 5300 Student Equity - Comments](#)
- [BP 5300 Student Equity - Legal Citations](#)
- [BP5300 -OLD.pdf](#)

District Assembly Membership**Two-Year Terms Ending Spring 2019 and Spring 2020 (as of 11/1/18)**

Elections are held annually in the Spring. Service in the Assembly commences with the first official faculty meeting following elections.

President: Denise Allen (2019)
Vice President: Mark McConnell (2019)

Recorder: Stacey Nikac

FACULTY**Crafton Hills College (2)**

T.L. Brink (2020)
Laurie Green (2019)

San Bernardino Valley College (3)

Amy Avelar (2019)
Bethany Tasaka (2020)
Ginny Evans-Perry (2020)

CLASSIFIED STAFF¹

¹To satisfy Education Code section 70901.2, one Classified representative from the General Membership is to be appointed by CSEA.

District (1)

Rhiannon Lares (2020)

Crafton Hills College (1)

Ruby Zuniga (2020)

San Bernardino Valley College (1)

Cassandra Thomas¹ (2019)

MANAGEMENT STAFF**District (1)**

Jose Torres (2020)

Crafton Hills College (1)

Keith Wurtz (2019)

San Bernardino Valley College (1)

Stephanie Lewis-Briggs (2020)

STUDENTS**Crafton Hills College (2)**

Valerie Johnson (2020)
(alternate) **TBD (2020)**

San Bernardino Valley College (2)

Adrian Rios (2020)
(Alternate) **TBD (2020)**

District Assembly Membership
Two-Year Terms Ending Spring 2019 and Spring 2020 (continued)

EX-OFFICIO

- | | | |
|----|--|----------------------|
| 1. | Chancellor of the District | Bruce Baron |
| 2. | President of Crafton Hills College | Audre Levy (Interim) |
| 3. | President of San Bernardino Valley College | Diana Rodriguez |
| 4. | President of the CHC Academic Senate | Mark McConnell |
| 5. | President of the SBVC Academic Senate | Celia Huston |
| 6. | President of the CHC Classified Senate | Brandi Mello |
| 7. | President of the SBVC Classified Senate | Judy Rodriguez |
| 8. | President of the CHC Student Body Association | Valerie Johnson |
| 9. | President of the SBVC Student Body Association | Adrian Rios |

VESTED

- | | |
|--------------------------------------|------------------|
| Black Faculty and Staff Association | Keynasia Buffong |
| Latino Faculty and Staff Association | Gabby Padilla |
| CTA President (or designee) | Meridyth McLaren |
| CSEA President (or designee) | Kevin Palkki |

DISTRICT ASSEMBLY CONSTITUTION

ARTICLE 1: NAME

This organization shall be known as the District Assembly of the San Bernardino Community College District and shall be referred to as the Assembly in these Articles.

ARTICLE 2: PURPOSE

District Assembly is the primary district-wide body ensuring that each appropriate constituent group participates in the decision-making process. Members of the Assembly advise and make recommendations to the Chancellor regarding district-wide governance, institutional planning, budgeting, and policies and procedures that promote the educational mission and goals of the San Bernardino Community College District.

ARTICLE 3: MEMBERSHIP

There will be 3 types of Members in the Assembly:

SECTION 1: GENERAL MEMBERSHIP

The General Membership shall be elected from the recognized constituent groups as defined below:

- a. The Faculty of Crafton Hills College will elect 2 members of the Assembly.
- b. The Faculty of San Bernardino Valley College will elect 3 members of the Assembly.
- c. The Classified Staff¹ of the District (as defined by the Board of Governors of the California Community Colleges Minimum Standards for Staff Participation in Governance, dated January 10, 1991) will elect 3 members of the Assembly. Representation of the Classified Staff from the 3 District areas will be as follows:
 - i. From the Central Services Staff: 1 member
 - ii. From Crafton Hills College Staff: 1 member
 - iii. From San Bernardino Valley College Staff: 1 member

¹ To satisfy Education Code section 70901.2, one Classified representative from the General Membership is to be appointed by CSEA.

- d. The Management Staff of the District (as defined by the Board of Governors of the California Community Colleges Minimum Standards for Staff Participation in Governance, dated January 10, 1991) will elect 3 members of the Assembly. Representation of the Management Staff from the 3 District areas will be as follows:
 - i. From District Staff: 1 member
 - ii. From Crafton Hills College Staff: 1 member
 - iii. From San Bernardino Valley College Staff: 1 member

- e. The ASB from San Bernardino Valley College and Crafton Hills College will each elect one primary member of the Assembly and one alternate member, who will serve when the primary member is unable to attend. The AS CHC Student Senate President will appoint an individual and an alternate to serve on the Assembly and it will be ratified by the Student Senate. Then both names will be forwarded to the Assembly designee.

SECTION 2: STANDING MEMBERSHIP

The Ex-Officio Membership is made up of those individuals whose position in the collegiate structure of the District makes their presence in the Assembly essential to the successful completion of its goals. The Standing Membership will consist of:

- a. The Chancellor of the District
- b. The President of Crafton Hills College
- c. The President of San Bernardino Valley College
- d. The President of the CHC Academic Senate
- e. The President of the SBVC Academic Senate
- f. The President of the CHC Classified Senate
- g. The President of the SBVC Classified Senate
- h. The President of the CHC Student Body Assoc.
- i. The President of the SBVC Student Body Assoc.

SECTION 3: VESTED MEMBERSHIP

- a. Collective Bargaining Agencies
The President/Designee of each recognized Collective Bargaining Agency will be a Vested Member of the Assembly and will represent its members in the Assembly.
- b. Advocacy Groups
Identified Advocacy Groups shall consist of recognized memberships that share common goals and ideals. Moreover, their membership must make up a part of the employee pool in the District. Each identified Advocacy Group shall be represented by one Vested Member elected from a slate of candidates nominated from the membership of that Advocacy Group.

Any Advocacy Group made up of employees of the District may apply to be recognized.

The responsibility of determining which Advocacy Groups, as defined above, are recognized and how the representatives are elected rests with the Assembly. At the end of each academic year, the Assembly President will notify the District Advocacy Groups of the opportunity to be recognized for the subsequent year.

As long as the Advocacy Group remains active in the District, it may retain its position on the Assembly by annually re-electing its representative.

SECTION 4: QUALIFICATIONS OF MEMBERSHIP

The Assembly shall be the sole judge of the qualifications of its members.

SECTION 5: FILLING VACANCIES

In the event of a vacancy in the General Membership (as defined in Article 3, Section 1), a replacement Member will be selected by a caucus of the remaining members of the recognized constituent group. The replacement members will serve until the next regular election.

In the event of a vacancy in one of the represented Advocacy Groups in the Vested Membership (defined in Article 3, Section 3 b) a replacement member will be selected by a special election conducted by that Advocacy Group. The replacement will serve until the next regular election.

ARTICLE 4: ELECTIONS

SECTION 1: ELECTIONS COMMITTEE

Elections for membership in the Assembly will be conducted by the Elections Committee chaired by the Vice President of the Assembly. Elections will be conducted according to the principles of the Brown Act.

SECTION 2: GENERAL MEMBERSHIP

The General Membership is made up of elected representatives from the constituent groups that are identified and defined under Article 3, Section 1: General Membership.

The Classified Staff and the Management Staff are further defined as being primarily employed at the Central Services site, Crafton Hills College, or San Bernardino Valley College. If a Staff member divides his/her time between 2 or more of the identified areas, the Staff member must select one area for the purpose of representation in the election for the General Membership of the Assembly.

SECTION 3: VESTED MEMBERSHIP

The Vested Membership filled by election is made up of representatives from the identified Advocacy Groups that have petitioned the Assembly for representation. Each recognized Advocacy Group will elect a single representative from a slate of candidates nominated from that Advocacy Group.

SECTION 4: NOMINATIONS

- a. Any full-time (50% or more) employee of the District can be nominated for General Membership by the written application of three peers.
- b. Each nominated candidate must agree to serve before being placed on the ballot for election.

SECTION 5: TERM OF OFFICE

The term of office for the elected members shall be two (2) years. For the sake of continuity in the membership of the Assembly, terms will be staggered, with half of the members elected each year.

SECTION 6: DATE OF ELECTION

Elections will be held in the Spring of each year. Service in the Assembly will commence with the first official faculty meeting following elections.

SECTION 7: ELECTIONS COMMITTEE – RULES AND PROCEDURES

The following rules and procedures will be in effect:

- a. Upon close of nominations, a ballot will be mailed via District mail to each member of the Constituent Advocacy Group.
- b. All contract members (50% or more) of the Constituent or Advocacy Group are eligible to vote.
- c. Ballots shall be returned to designated areas, on each campus and the District Office, as determined by the Elections Committee.
- d. Ballot envelopes must be signed by the voter. Ballots in unsigned envelopes will not be counted.
- e. Voters must place their ballot in the designated receptacle and sign a voter registration list at the voting area.
- f. Ballots will be opened, signatures validated, and counted by the Elections
- g. Committee.
- h. Results of the election will be posted at each voting area.

ARTICLE 5: OFFICERS (REVISED 11/4/97)

SECTION 1: DUTIES

Officers of the Assembly shall be President, Vice President, and Recorder. The President and Vice President shall be elected from the Membership. The Recorder’s position shall be filled by the Executive Administrative Assistant to the Chancellor. All members, with the exception of the Chancellor and the College Presidents, are eligible to hold office. Duties of the elected officers shall be:

- a. President of the Assembly
The President will preside at all meetings and will, in consultation with the Executive Council, set the agenda for the meetings. The President will represent the Assembly whenever it becomes necessary for the views of the Assembly to be presented orally to the Board of Trustees or any other body. The following responsibilities are representative of the Assembly needs and may be amended by the Assembly as needed:
 - i. Work with the Chancellor, respective senates, College Councils, and other District representative bodies to identify key issues to be dealt with by the Assembly.
 - ii. Participate as an active member of the District Budget Committee.
 - iii. Report important Assembly activities to the Academic Senate at the school the President represents.
 - iv. Work with the Assembly ad hoc committees to ensure assigned tasks are completed in a timely manner.
 - v. Report important Assembly activities to the District Board.

- vi. Participate in shared governance activities at each campus as invited.
- vii. Participate in governance activities at the District, including but not limited to participating on management evaluation committees.
- viii. Co-chair the Calendar Committee (or designate a co-chair from the Assembly).

b. Vice President of the Assembly

The Vice President will serve in the capacity of President in the absence of the President and will chair the Elections Committee. The following additional responsibilities are representative of the Assembly needs and may be amended by the Assembly as needed:

- i. Meet with the Assembly Executive Committee to assist in setting the agenda.
- ii. Report important Assembly activities to the Academic Senate at the school the Vice President represents.
- iii. Participate as an active member of the District Training Committee.
- iv. Work with the Assembly ad hoc committees to ensure assigned tasks are completed in a timely manner.
- v. Participate in shared governance activities at each campus as invited.
- vi. Participate on campus committees that require input from the Assembly.
- vii. Participate in governance activities at the district, including but not limited to participating on management evaluation committees.

c. Recorder

The recorder shall be responsible for records and minutes of the meetings and for the distribution of the minutes to the membership in a timely manner. The minutes shall record all formal action taken by the Assembly and shall reflect the essence of the discussion concerning issues brought before the Assembly.

SECTION 2: ELECTION OF OFFICERS

Officers will be elected from the Membership at the first meeting following the election of Members in the spring. Elected Officers will assume the duties of office at the beginning of the academic year. Voting membership will consist of those members who will serve as members of the Assembly for the upcoming academic year.

SECTION 3: TERM OF OFFICE

Officers will serve a term of one (1) year. Officers may succeed themselves in office.

SECTION 4: VACANCIES IN OFFICE

In the event that the Office of President becomes vacant, the Vice President shall assume the duties of President for the remainder of the term and a new Vice President will be elected. In the event of a vacancy in the Office of Vice President the vacant office will be filled by an election at the first regular meeting following the notice of vacancy. A vacancy in the Recorder's position will be filled by the Chancellor.

SECTION 5: REMOVAL FROM OFFICE

Any motion to suspend the term of any Officer of the Assembly shall become the first item of business at the next regularly scheduled meeting. A special quorum of two-thirds of the

membership is required before the motion may be brought to a vote. A two-thirds majority of those members present and voting and constituting at least 51% of the total membership is required for passage of the motion to suspend the term of office.

ARTICLE 6: EXECUTIVE COUNCIL

SECTION 1: MEMBERSHIP

The Executive Council of the Assembly shall consist of the Chancellor, the two College Presidents, the two Academic Senate Presidents, the two Classified Senate Presidents, one student representative and the Officers of the Assembly. Meetings of the Executive Council will be chaired by the President of the Assembly.

SECTION 2: MEETINGS

The Executive Council shall meet as often as necessary but at least once before each regular Assembly meeting and shall set the agenda for the regular meetings. More frequent meetings may be scheduled by the President of the Assembly if deemed necessary.

SECTION 3: AGENDA

Agenda items may be submitted to the Executive Council by any member of the Assembly or any employee of the SBCCD. Agenda items must be submitted in writing. Those items that require Assembly action must include a written summary and supporting documents.

ARTICLE 7: MEETINGS

SECTION 1: REGULAR AGENDA MEETINGS

Meetings will be held on the first Tuesday of each month during the regular academic year. Regular Assembly meetings will be held at the District Office. Unless otherwise specified, meetings will commence at 3:00 pm. If an issue to be addressed by the Assembly is of particular importance to either campus, the meeting will be held on that campus or on each campus in two consecutive months. Announcements of Assembly meetings on the campus will be made at least two weeks prior to the meeting, if possible.

SECTION 2: SPECIAL AGENDA MEETINGS

“Special meetings” may be called by the President of the Assembly. Members of the Assembly must be notified of “special meetings” in a timely manner. The meeting notice must identify the reasons for the “special meeting” and only the specific issue identified may be discussed and/or acted on at this meeting. No other business will be conducted.

SECTION 3: QUORUM

- a. At Regular Agenda Meetings a Quorum shall consist of the members present 10 minutes following the time the regular meeting is scheduled to start.
- b. At Special Agenda Meetings a Quorum shall consist of at least two (2) members from each recognized constituent group (as defined in Article 3, section 1).
- c. Once a Quorum has been established, the meeting shall be terminated only by a successful motion to adjourn the meeting.

SECTION 4: OPEN MEETINGS

All meetings of the Assembly are open. An opportunity for public comment will be a consistent item on the agenda.

SECTION 5: CONDUCT OF BUSINESS

All business shall be conducted in a manner consistent with the spirit of Shared Governance. Decisions will be reached by consensus whenever possible. When consensus cannot be reached, issues of a general concern will be decided by a simple majority vote. Voting shall be by voice or show of hands when appropriate. A secret ballot shall be available on demand. Each member shall have one vote.

SECTION 6: DISPOSITION OF ISSUES

In the spirit of Shared Governance, the Chancellor will normally accept the recommendations of the Assembly in matters of District policy and procedures; and, when appropriate, forward these recommendations to the Board of Trustees. If the Chancellor does not agree with the Assembly recommendations, both views will be forwarded to the Board of Trustees in writing, and copies of the written recommendations will be presented to the members of the Assembly.

SECTION 7: REGULAR ATTENDANCE

Regular attendance by the Membership of the Assembly is essential to the success of the aims and goals of the Assembly. The Assembly may establish rules and procedures to encourage prompt and regular attendance.

SECTION 8: PARLIAMENTARY PROCEDURE

Roberts Rules of Order (revised) shall govern the parliamentary proceedings at all meetings unless otherwise provided for herein.

ARTICLE 8: COMMITTEES

The Assembly shall have the right to establish committees in order to conduct the business of the Assembly. Committee membership will be appointed by the Executive Council of the Assembly and will be ratified by the Assembly as a whole.

ARTICLE 9: DISTRICT RESPONSIBILITIES

SECTION 1: FACULTY AND STAFF PARTICIPATION (Revised 11/7/00)

The success of the mission of the Assembly depends on the effective participation of all of the constituent groups. To provide the time necessary for the Assembly to do its work, the District allocates to the Assembly reassigned time equivalent to .9 FTE, to be used as follows:

- a. President of the Assembly 0.4 FTE
- b. Vice President of the Assembly 0.1 FTE*

*The remaining 0.4 reassigned time is to be used at the discretion of the Executive Committee and can be granted to members who take on special tasks.

- c. Classified staff who are elected to these offices and for whom reassigned time is impractical will be compensated with an appropriate stipend, to be determined by the Executive Committee and reviewed by that committee annually. Faculty who are elected to these offices can elect either the stipend described above or the reassigned time.

SECTION 2: SUPPORT PERSONNEL

The success of the mission of the Assembly depends on the effective communication of the Assembly with the various constituencies represented by Assembly membership. In order to accomplish this goal of effective communication, the District will provide clerical assistance for 20 hours per week and appropriate office space.

ARTICLE 10: AMENDMENTS

Any Assembly member may propose an amendment. Amendments to the Constitution must be submitted in writing to the Executive Council for review prior to its presentation to the whole Assembly. The first presentation to the full Assembly shall constitute the First Reading where the proposed amendment can be debated. No vote may be taken on a proposed amendment until the next regular meeting following the First Reading. The provision for First Reading may be waived by the unanimous approval of the whole Assembly. Amendments to the Constitution of the District Assembly will require a two-thirds majority vote of the members present and voting for approval. The approving vote must constitute at least 51% of the total membership of the Assembly.

Revised: Spring 2005, 4/4/17, 10/2/18



Origination:	N/A
Last Approved:	N/A
Last Revised:	N/A
Next Review:	N/A
Owner:	<i>Jose Torres: Document Owner - Chapter 6</i>
Policy Area:	<i>Chapter 3 General Institution</i>
References:	

BP 3600 Auxiliary Organizations

~~(Replaces current SBCCD BP 3600)~~ From current SBCCD BP 3600 titled Auxiliary Organizations

~~**NOTE:** The language in current SBCCD BP 3600 parallels the language recommended by the Policy and Procedure Service.~~

~~From current SBCCD BP 3600 titled Auxiliary Organizations~~

The Board of ~~Trustees~~ Trustees may recognize and approve auxiliary organizations established for the purpose of providing to the District any and all supportive services, specialized programs, and functions identified in Title 5.

The Chancellor shall establish the administrative procedures necessary to fully comply with California law relating to auxiliary organizations, and to submit this policy and those procedures to the ~~State~~ State Chancellor's ~~Office for the California Community Colleges~~'s Office for the California Community Colleges as required by law. At a minimum, the procedures shall address the subjects required by Title 5.

Recognition and establishment of auxiliary organizations shall include a public hearing on the recommendation to recognize or establish an auxiliary organization; Board approval of the auxiliary organization; and approval of a written agreement between the District and the auxiliary organization describing the services, programs, or functions to be performed. All such written agreements shall comply fully with the requirements of Title 5, Section 59257(j).

Any auxiliary organization recognized by the Board shall conduct its business in accordance with the administrative procedures adopted by the Chancellor pursuant to this policy. Notwithstanding anything contained in the administrative procedures, any auxiliary organization recognized by the Board shall comply with Education Code provisions regarding:

- the composition of a board of directors and the way in which it conducts its meetings;
- conducting an annual audit;
- employing its work force;
- expending and appropriating its funds, and keeping its records.

No funds or resources, other than funds or resources derived from gifts or bequests, shall be transferred by the District to any of its auxiliary organizations for the purpose of either avoiding laws or regulations that constrain community college districts or providing the District with an unfair advantage with respect to any state funding mechanism. Such state funding mechanisms include, but are not limited to, general apportionment funding, capital outlay funding, Extended Opportunity Programs and Services funding, and funding for programs and services for disabled students.



Origination:	N/A
Last Approved:	N/A
Last Revised:	N/A
Next Review:	N/A
Owner:	<i>Andy Chang</i>
Policy Area:	<i>Chapter 3 General Institution</i>
References:	

AP 3920 Electronic Mail

~~(Replaces current SBCCD AP 3730)~~ From current SBCCD AP 3730 titled Electronic Mail

• ~~From current SBCCD AP 3730 titled Electronic Mail~~

A. Right of Access/Disclosure

The District reserves the right of access to and disclosure of electronic mail messages sent or received by employees with the use of the District electronic mail system.

B. Personal/Private Messages

The District will attempt to honor the privacy or private messages unless it has reasonable grounds to access them. If an employee sends, receives, or stores personal or private messages of an incidental nature, the employee must take special steps to protect the privacy of such messages through such means as designation of the message as private or by storing them in a special area.

C. Snooping

Employees are prohibited from the use of the electronic mail and computer systems for the purpose of satisfying idle curiosity about the affairs of others, with no substantial business purpose for obtaining access to the files or communications of others. Violators are subject to appropriate disciplinary measures.

D. Miscellaneous Special Uses

Employees shall not use the District electronic mail system for any of the following uses:

1. Chain letters.
2. Copies of documents in violation of copyright laws.
3. Forwarding of electronic mail messages without a legitimate business purpose under circumstances likely to lead to embarrassment of the sender or to violate clearly expressed desire of the sender to restrict additional dissemination.
4. Use in violation of rules applicable to Electronic Data Interchange systems.
5. Use of electronic mail for "moonlighting" or job searches.
6. Use of electronic mail to send messages, access to which is restricted by government security laws or regulations.

E. Monitoring for Security Violations

The District will not monitor electronic mail messages as a routine matter. The District will respond to legal process and fulfill its obligations to third parties. The District will inspect the contents of electronic mail messages in the course of an investigation triggered by indications of impropriety or as necessary to locate substantive information that is not more readily available by some other less intrusive means. The District may review the electronic mail communications of an employee to determine whether there have been any breaches of security, violations of company policy, or defalcations of duty on the part of the employees.

F. Targeted Access

The District recognizes the employees have an interest of privacy with regard to the electronic mail messages they send or receive. The District reserves the right to access and disclose the contents of employee electronic mail messages, but will do so only when it has a legitimate business need to do so and the urgency of the need is sufficiently strong to offset the District's commitment to honor the employee's interest in privacy.

G. Disclosure

The contents of electronic mail, properly obtained for legitimate business purposes, may be disclosed without the permission of the employee. Any disclosure without the consent of the employee who sent the message shall be limited to those employees who have a legitimate need to know.

The District will attempt to refrain from disclosure of particular messages, based on objections on the ground that publication of the message will create personal embarrassment for the employee who sent the message, unless such disclosure is required to serve a legitimate business purpose or satisfy a legal obligation.

The District may use information regarding the number, sender, recipient and address of messages sent over the electronic mail system for any proper business purpose.

H. Disclosure to Law Enforcement Officials

Reasonable effort will be made to notify an employee when law enforcement officials seek access to messages addressed to the employee or under the employee's control unless law enforcement officials obtain orders prohibiting such notice. Such notification is not necessary if the law enforcement activity relates to the possibility that the District may be the victim of a crime.

I. Approval of Access and/or Disclosure

The Chancellor or College President must approve any request for access to the contents of electronic mail to be made without the consent of a sender or recipient. The Chancellor or College President must approve the use or disclosure of information obtained from inspection or monitoring of electronic mail.

Reference:

No references

Attachments:

[AP 3920 Electronic Mail - Comments](#)
[AP 3920 Electronic Mail - Legal Citations](#)



Origination: N/A
 Last Approved: N/A
 Last Revised: N/A
 Next Review: N/A
 Owner: *Andy Chang*
 Policy Area: *Chapter 3 General Institution*
 References:

BP 3920 Electronic Mail

~~(Replaces current SBCCD BP 3730)~~ [From current SBCCD BP 3730 titled Electronic Mail](#)

- ~~From current SBCCD BP 3730 titled Electronic Mail~~

The District provides ~~electing~~[electronic](#) mail services to its employees at District expense. Use of the electronic mail system is authorized in District business and incidental personal use. Third party use is not authorized.

~~See BP/AP 3720 titled Computer and Network Use~~ [See BP/AP 3720 titled Computer and Network Use](#)

Reference:

~~No references~~ [No references](#)

Attachments:

[BP 3920 Electronic Mail - Comments](#)
[BP 3920 Electronic Mail - Legal Citations](#)
[BP3920- OLD.pdf](#)



Origination: 11/2016
Last Approved: N/A
Last Revised: 11/2016
Next Review: 04/2018
Owner: *Human Resources Human Resources*
Policy Area: *Chapter 7 Human Resources*
References: *Brand New - advised*

AP 7212 Temporary Faculty

The District may employ any qualified individual as a temporary faculty member for a complete academic year, but not less than one semester during an academic year unless the date of rendering first paid service begins during the second semester and prior to March 15th. The employment of these persons shall be based upon the need for additional faculty during a particular semester or year because a faculty member has been granted leave for a semester or year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need.

The District may employ any qualified individual as a temporary faculty member for a complete academic year but not less than a complete semester during an academic year. The employment of those persons shall be based upon the need for additional faculty during a particular semester because of the higher enrollment of students during that semester as compared to the other semester in the academic year, or because a faculty member has been granted leave for a semester or year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need. Such employment may be pursuant to contract fixing a salary for the entire semester. No person, other than a person serving as clinical nursing faculty, shall be so employed for more than two semesters within any period of three consecutive years.

A person serving as temporary clinical nursing faculty may be employed for up to four semesters within any period of three consecutive years between July 1, 2007 and June 30, 2014, as long as the hiring of that person does not result in an increase in the ratio of part-time to full-time nursing faculty in the District.

Any person who is employed to teach classes for not more than 67 percent of the hours per week that are considered a full-time assignment for regular employees having comparable duties shall be classified as a temporary employee, and shall not become a contract employee. However, any agreement prior to January 1, 2009, to limit temporary faculty members to 60 percent of the hours per week that are considered a full-time assignment will govern until the expiration of the agreement. Service as a substitute on a day-to-day basis shall not be used for purposes of calculating eligibility for contract or regular status.

Screening for temporary faculty shall, insofar as possible, be conducted in accordance with District practices and procedures for employment of regular faculty. In particular, there shall be consideration given to principles of selection that assure the greatest opportunity for participation by underrepresented groups as required by board policies and administrative procedures.

References:

Education Code Sections 87481, 87482, 87482.5, and 87482.8

Attachments:

No Attachments



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Last Revised: 11/2016
Next Review: 07/2018
Owner: *Human Resources Human Resources*
Policy Area: *Chapter 7 Human Resources*
References: *Brand New - required*

AP 7216 Academic Employees: Grievance Procedure for Contract Decisions

Unless noted otherwise in the collective bargaining agreement, probationary faculty members who wish to challenge a decision not to grant a second or third contract must follow the established grievance process outlined in the collective bargaining agreement. The employee after completing this process may proceed to a hearing in accordance with Education Code Section 87740, which is before an Administrative Law Judge appointed by the Office of Administrative Hearings.

Reference:

Education Code Section 87610.1

Attachments:

No Attachments



Origination: 11/2016
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Last Revised: 11/2016
Next Review: 10/2018
Owner: *Human Resources Human Resources*
Policy Area: *Chapter 7 Human Resources*
References: *Brand New - required*

AP 7233 Claims for Work Out of Classification

Employees shall not be required to perform duties that are not fixed and prescribed for the position by the Board of Trustees unless the duties reasonably relate to those fixed for the position, for any period of time that exceeds five working days within a 15-calendar-day period except as authorized in these procedures.

An employee may be required to perform duties inconsistent with those assigned to the position for a period of more than five working days if his/her salary is adjusted upward for the entire period he/she is required to work out of classification and in amounts that will reasonably reflect the duties required to be performed outside his/her normal assigned duties.

References:

Education Code Section 88010

Attachments:

No Attachments



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Owner:	Academic Senates Academic Senates
Policy Area:	Chapter 4 Academic Affairs
References:	

AP 4250 Probation, Dismissal, and Readmission

(Replaces current SBCCD AP 4250)

~~**NOTE:** This procedure is . Local practice may be inserted, but should address the minimum requirements in the following examples.~~

A student who is on academic probation and earns a semester grade point average of 2.0 or better shall not be dismissed as long as this minimum semester grade point average is maintained.

Academic Probation

After earning twelve or more units at a District college, a student shall be placed on academic probation when his/her grade point average falls below 2.0 for all work attempted.

Progress Probation

After earning twelve or more units at a District college, a student shall be placed on progress probation when the percentage of a student's recorded entries of "W," "I," "NC" and "NP" reaches or exceeds 50% of all units in which a student has enrolled, the student shall be placed on progress probation.

~~**Notification of Probation**— Each student is entitled to be notified of his/her academic difficulty and the availability of college support services to respond to the academic difficulty before the student is dismissed. Notification will consist, at a minimum, of the following: At the end of the semester in which the student's grade point average falls below 2.0 in all units attempted, a notice that the student is on probation shall be sent to the student informing him/her that he/she is on academic probation. "All units attempted" is defined as all units of credit for which the student is enrolled in at the community college that they attend.~~

Notification of Probation and Dismissal
Each student is entitled to be notified of his/her academic difficulty and the availability of college support services to respond to the academic difficulty before the student is dismissed. Notification will consist, at a minimum, of the following: At the end of the semester in which the student's grade point average falls below 2.0 in all units attempted, a notice that the student is on probation shall be sent to the student informing him/her that he/she is on academic probation. "All units attempted" is defined as all units of credit for which the student is enrolled in at the community college that they attend.

~~**If the percentage of a student's recorded entries of "W," "I," "NC" and "NP" reaches or exceeds 50% of all units in which a student has enrolled, the student shall be placed on progress probation.**~~

Probationary Letter – The letter notifying the student of probation will cover, at a minimum, the significance of being on probation and description of the services available.

~~**At the end of the third semester on which the student is on academic or progress probation, a notice**~~

~~that the student is subject to dismissal will be sent to the student informing him/her that he/she is subject to dismissal.~~ At the end of the third semester on which the student is on academic or progress probation, a notice that the student is subject to dismissal will be sent to the student informing him/her that he/she is subject to dismissal.

~~Probationary Letter—The letter notifying the student of probation will cover, at a minimum, the significance of being on probation and description of the services available.~~

~~A student who is on academic probation and earns a semester grade point average of 1.75 or better shall not be dismissed as long as this minimum semester grade point average is maintained.~~ A student who is on academic probation and earns a semester grade point average of 2.0 or better shall not be dismissed as long as this minimum semester grade point average is maintained.

• **From current SBCCD AP 4250 titled Probation, Dismissal, and Readmission**

A. Academic Probation

~~After earning twelve or more units at a District college, a student shall be placed on academic probation when his/her grade point average falls below 2.0 for all work attempted.~~

B. Progress Probation

~~After earning twelve or more units at a District college, a student shall be placed on progress probation when the percentage of all units in which the student has enrolled for which entries of W, I, NC and NP were recorded reaches or exceed fifty percent.~~

C. Appeal/Removal from Probationary Status

- ~~1. A student may appeal probationary status by filing a request for special consideration with the designated academic standards committee at each college.~~
- ~~2. A student who has been placed on academic probation shall revert to good standing upon attaining a cumulative grade point average of 2.0 or higher for all units attempted. All units attempted are defined as all units of credit for which the student is enrolled in at the community college that he/she attends.~~
- ~~3. A student who has been placed on progress probation shall revert to good standing when the percentage of all units in which the student has enrolled for which entries of W, I, NC and NP were recorded falls below fifty percent.~~

D. Intervention

~~A student who continues to maintain a grade point average below 2.0 while on academic or progress probation will not be allowed to register for succeeding terms until that student has completed the requirements established by the Counseling department at the college he/she attends.~~

~~**NOTE:** The following language related to Dismissal and Readmission is addressed in depth in new AP 4255 titled Dismissal and Readmission. Consider striking the following language or moving it to reflect local practice in AP 4255.~~

E. Dismissal/Readmission Standards

~~For the purposes of this section, semesters shall be considered consecutive on the basis of the student's~~

~~enrollment, i.e., Fall enrollment to Fall enrollment shall be considered consecutive if the student did not enroll in the intervening Spring semester.~~

F. Dismissal

~~A student on academic and/or progress probation shall be dismissed for one semester when one or more of the following conditions exist:~~

- ~~1. The student has earned a cumulative grade point average of less than 2.0 in all units attempted in each of three consecutive semesters.~~
- ~~2. The student has received a W, I, NC, or NP in fifty percent or more of the units for which he/she was enrolled in each of three consecutive semesters.~~

G. Readmission

- ~~1. A student may appeal dismissal by filing a request as a part of the procedures established at the college he/she attends.~~
- ~~2. A student may be reinstated after one semester from the date of dismissal.~~
- ~~3. A student enrolled following dismissal shall be on probationary status and subject to dismissal.~~
- ~~4. If the scholastic achievement of a student readmitted after dismissal continues at a probationary level, the student may be dismissed for one year.~~

Appeal/Removal from Probationary Status

- A. A student may appeal probationary status by filing a request for special consideration with the designated academic standards committee at each college.
- B. A student who has been placed on academic probation shall revert to good standing upon attaining a cumulative grade point average of 2.0 or higher for all units attempted. All units attempted are defined as all units of credit for which the student is enrolled in at the community college that he/she attends.
- C. A student who has been placed on progress probation shall revert to good standing when the percentage of all units in which the student has enrolled for which entries of W, I, NC and NP were recorded falls below fifty percent.

Intervention

A student who continues to maintain a grade point average below 2.0 while on academic or progress probation will not be allowed to register for succeeding terms until that student has completed the requirements established by the Counseling department at the college he/she attends.

(NOTE: The following language related to Dismissal and Readmission will be addressed in depth in a new AP 4255 titled Dismissal and Readmission. Consider striking the following language or moving it to reflect local practice in AP 4255 if/when the new AP is approved.)

Dismissal/Readmission Standards

For the purposes of this section, semesters shall be considered consecutive on the basis of the student's enrollment, i.e., Fall enrollment to Fall enrollment shall be considered consecutive if the student did not enroll in the intervening Spring semester.

Dismissal

A student on academic and/or progress probation shall be dismissed for one semester when one or more of the following conditions exist:

- A. The student has earned a cumulative grade point average of less than 2.0 in all units attempted in each of three consecutive semesters.
- B. The student has received a W, I, NC, or NP in fifty percent or more of the units for which he/she was enrolled in each of three consecutive semesters.

Readmission

- A. A student may appeal dismissal by filing a request as a part of the procedures established at the college he/she attends.
- B. A student may be reinstated after one semester from the date of dismissal.
- C. A student enrolled following dismissal shall be on probationary status and subject to dismissal.
- D. If the scholastic achievement of a student readmitted after dismissal continues at a probationary level, the student may be dismissed for one year.

References:

Title 5, Sections 55030-55034

Attachments:

[AP 4250 Probation - Comments](#)
[AP 4250 Probation - Legal Citations](#)
[AP4250 -OLD.pdf](#)
[Legal Update 32 Overview Rev. 4-21-18.docx](#)



Origination:	N/A
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Owner:	Academic Senates Academic Senates
Policy Area:	Chapter 4 Academic Affairs
References:	

BP 4250 Probation, Dismissal, and Readmission

(Replaces current SBCCD BP 4250)

- ~~From current SBCCD BP 4250 titled 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 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 fifty percent.

A student who is placed on probation may submit an appeal in accordance with regulations to be established by the Chancellor.

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 fifty 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 2.00 (~~NOTE: This is a more stringent standard than the 1.75 GPA pursuant to Title 5 Section 55033~~) in all units attempted in each of three (3) 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 and NP are recorded in at least three (3) consecutive semesters reaches or exceeds fifty percent.

A student who is subject to dismissal may submit a written appeal in compliance with administrative ~~regulations~~ procedures. ~~Dismissal may be postponed and the student continued on probation if the student [state the District's established criteria, such as evidence of extenuating circumstances or shows significant improvement in academic achievement.]~~ Dismissal may be postponed and the student continued on probation if the student has provided evidence of extenuating circumstances or shows significant improvement in academic achievement.

Readmission

A student who has been dismissed may request reinstatement ~~[conditions of reinstatement are up to the District; suggest passage of time (e.g., one semester) or appeal that indicates extenuating circumstances have changed]~~. Readmission may be granted, denied, or postponed according to criteria contained in administrative ~~regulations procedures~~ procedures.

The Chancellor 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

Attachments:

[BP 4250 Probation, Dismissal and Readmission - Comments](#)
[BP 4250 Probation, Dismissal and Readmission - Legal Citations](#)
[BP4250 -OLD.pdf](#)
[Legal Update 32 Overview Rev. 4-21-18.docx](#)



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Next Review:	N/A
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Policy Area:	Chapter 5 Student Services
References:	

AP 5045 Student Records - Challenging Content & Access Log

Challenging Content

Any student may file a written request with the ~~{designate position}~~Custodian of Records to correct or remove information recorded in his/her student records that the student alleges to be:

1. inaccurate;
2. an unsubstantiated personal conclusion or inference;
3. a conclusion or inference outside of the observer's area of competence; or
4. not based on the personal observation of a named person with the time and place of the observation noted.

Within 30 days of receipt of the request, the ~~{designate position}~~Custodian of Records shall meet with the student and the employee who recorded the information in question, if any, if the employee is presently employed by the District. The ~~{designate position}~~Custodian of Records shall then sustain or deny the allegations.

If the ~~{designate position}~~Custodian of Records sustains any or all of the allegations, he/she shall order the correction or removal and destruction of the information. If the ~~{designate position}~~Custodian of Records denies any or all of the allegations and refuses to order the correction or removal of the information, the student, within 30 days of the refusal, may appeal the decision in writing ~~{insert District option for appeals process}~~to the Board of Trustee.

Within 30 days of receipt of an appeal, the Board of Trustees shall, in closed session with the student and the employee who recorded the information in question, determine whether to sustain or deny the allegations. If the Board of Trustees sustains any or all of the allegations, it shall order the Chancellor or his/her designee, to immediately correct or remove and destroy the information. The decision of the governing board shall be final.

If the final decision is unfavorable to the student, the student shall have the right to submit a written statement of his/her objections to the information. This statement shall become a part of the student's record until the information objected to is corrected or removed.

Whenever there is included in any student record information concerning any disciplinary action, the student shall be allowed to include in such record a written statement or response concerning the disciplinary action.

Whenever there is included in any student record information concerning any disciplinary action in connection

with any alleged sexual assault or physical abuse, or threat of sexual assault, or any conduct that threatens the health and safety of the alleged victim, the alleged victim of that sexual assault or physical abuse shall be informed within three days of the results of the disciplinary action and the results of any appeal. The alleged victim shall keep the results of that disciplinary action and appeal confidential.

Access Log

A log or record shall be maintained for each student's record that lists all persons, agencies, or organizations requesting or receiving information from the record and their legitimate interests. The listing need not include any of the following:

- Students seeking access to their own records;
- Parties to whom directory information is released;
- Parties for whom written consent has been executed by the student;
- Officials or employees having a legitimate educational interest.

~~The log or record shall be open to inspection only by the student and the [designate position], and to the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, and state educational authorities as a means of auditing the operation of the system.~~

~~NOTE: If the District decides to include provisions related to the security of student records that information can appropriately be included here.~~

The log or record shall be open to inspection only by the student and the Custodian of Records, and to the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, and state educational authorities as a means of auditing the operation of the system.

References:

Education Code Sections 76222 and 76232;

Title 5 Section 54630

Attachments:

[AP 5045 Student Records- Challenging Content & Access Log - Comments](#)

[AP 5045 Student Records- Challenging Content & Access Log - Legal Citations](#)



Origination: N/A
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Policy Area: *Chapter 5 Student Services*
References:

AP 5055 Enrollment Priorities

(Replaces current SBCCD AP 5055)

Enrollment in courses and programs may be limited to students meeting properly established prerequisites and co-requisites. (See BP and AP 4260 titled Prerequisites and Co-requisites.)

Enrollment may be limited due to the following:

- health and safety considerations;
- facility limitations;
- faculty workload;
- availability of qualified instructors;
- funding limitations;
- regional planning;
- legal requirements; and
- contractual requirements.

The District will provide priority registration for students who enroll in a community college for the purpose of degree or certificate attainment, transfer to a four-year college or university, or career advancement.

The following students will have the highest and equal priority for enrollment:

- A member of the armed forces or a veteran pursuant to Education Code section 66025.8
- A foster youth, former foster youth, or homeless youth pursuant to Education Code section 66025.9;
- A student who has been determined to be eligible for Disabled Student Programs and Services or Extended Opportunity Programs and Services; and
- A student who is receiving services through CalWORKS;

The following students will have priority for enrollment:

First time students who have completed orientation, assessment, and developed student education plans.
 Continuing students, who has not lost registration priority, as defined in these policies and procedures.

Registration priority specified above shall be lost at the first registration opportunity after a student:
 Is placed on academic or progress probation or any combination thereof as defined in these Board Policy and Administrative Procedure 4250 for two consecutive terms; or
 Has earned one hundred (100) or more degree-applicable semester or quarter equivalent units at the district.

For purposes of this section a unit is earned when a student receives a grade of A, B, C, D or P as defined in Board Policy and Administrative Procedure 4230. This 100-unit limit does not include units for non-degree

applicable English as a Second Language or basic skills courses as defined by the Vice President of Instruction, or students enrolled in high unit majors or programs as designated by the Vice President of Instruction.

The District shall notify students who are placed on academic or progress probation, of the potential for loss of enrollment priority. The District shall notify the student that a second consecutive term on academic or progress probation will result in the loss of priority registration as long as the student remains on probation. The District shall notify students or who have earned 75 percent or more of the unit limit, that enrollment priority will be lost when the student reaches the unit limit.

Appeal of Loss of Enrollment Priority

Students may appeal the loss of enrollment priority when the loss is due to extenuating circumstances. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student, or when a student with a disability applied for, but did not receive a reasonable accommodation in a timely manner. The ~~Vice President of Student Services~~ Director of Admission and Records or his/her designee will determine the appeal in his/her sole discretion.

[Note: Districts may allow students who have demonstrated significant academic improvement to appeal the loss of priority enrollment status. Significant academic improvement is defined as achieving no less than the minimum grade point average and progress standard established in Administrative Procedure 4250].

These mandated enrollment priorities will be effective in the Fall, 2014 term. The District will ensure that these procedures are reflected in course catalogs and that all students have appropriate and timely notice of the requirements of this procedure.

- limiting enrollment to first come, first served, or other non-evaluative selection techniques;
- in the case of intercollegiate completion, honors courses, or public performance courses, allocating available seats to those students judged most qualified;
- limiting enrollment to any selection procedure expressly authorized by statute;
- limiting enrollment in one or more sections to students enrolled in one or more other courses, provided that a reasonable percentage of all sections of the course do not have such restrictions.

A. General Access

Every course for state apportionment, wherever offered and maintained by the District, shall be fully open to enrollment and participation by any person who has been admitted to the colleges and who meets such prerequisites as may be established in compliance with Title V 5 of the California Administrative Code.

B. Priorities for Enrollment

Each college shall establish procedures that set priorities for enrollment and publish them in their Class Schedules. Such procedures shall be made available to students during the registration process.

Priority for enrollment must be granted to any member or former member of the Armed Forces of the United States for any academic term within two years of leaving active duty.

C. Matriculation

All students shall be subject to the requirements of the matriculation process at each college. Recommendations for class enrollment based upon testing and evaluation shall be strongly recommended to students but shall be advisory only.

Nursing

~~Special admissions requirements for the Nursing Program shall be approved by the Board of Trustees.~~



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 References:

BP 5055 Enrollment Priorities

(Replaces current SBCCD BP 5055)

- ~~From current SBCCD BP 5055 titled Enrollment Priorities~~

All courses of the District shall be open to enrollment, subject to a priority system that may be established. Enrollment also may be limited to students meeting properly validated prerequisites and co-requisites, or due to other, practical considerations.

The Chancellor is responsible for establishing procedures defining enrollment priorities, limitations, and processes for student challenge, which shall comply with Title 5 regulations.

References:

Title 5, Sections ~~51006~~, 51006, 58106; ~~and~~ and 58108

Attachments:

[BP 5055 Enrollment Priorities - Comments](#)
[BP 5055 Enrollment Priorities - Legal Citations](#)
[BP5055 -OLD.pdf](#)



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References:	Brand New - required

AP 7211 Faculty Service Areas, Minimum Qualifications, and Equivalencies

~~AP 7211 Faculty Service Areas, Minimum Qualifications, and Equivalencies~~

~~Faculty Service Areas~~

Faculty Service Areas

Faculty service areas shall be established after negotiation and consultation as required by law with the appropriate faculty representatives.

~~Minimum Qualifications~~

Minimum Qualifications

The goal of the San Bernardino Community College District is to provide a faculty of highly qualified professional educators who are experts in their fields, skilled in teaching, and serve the needs of a varied student population. The District also seeks those who can promote overall college effectiveness and who are sensitive to the diversity of the District community. The San Bernardino College District shall employ faculty who possess the minimum qualifications, as established by the California State Chancellor's Office (see the most recent edition of the publication, "Minimum Qualifications for Faculty and Administrators in California Community Colleges").

Faculty shall meet minimum qualifications established by the Board of Governors, or shall possess qualifications that are at least equivalent to the minimum qualifications set out in the regulations of the Board of Governors.

~~Equivalencies~~

Faculty are responsible for including a minimum qualification on all new curriculum or as part of a curriculum review process. All curriculum should be placed within a discipline that is identified as having a minimum qualification. It is best practice to place curriculum in the discipline that best matches the course content and for which the minimum qualifications of faculty best match the course content.

For departments that include courses with dual designators, deans and chairs from all relevant programs will collaborate to ensure the most qualified faculty teach these courses and minimum qualifications are met.

The Role of Human Resources

The role of the Human Resources office is to collect, date-stamp, and forward applications and other pertinent information to the appropriate discipline selection committee (full-time) or department chair and dean (part-

time).

In addition, Human Resources ensures that the established minimum qualifications for the position will be listed in the job description/announcement. The District criteria for equivalency will be available at the Human Resources Department. A statement will be included in the application materials requiring all candidates who do not possess minimum qualifications to indicate in the application material how they meet the equivalent qualifications for the position and to provide supporting documentation. The burden of proof for minimum qualifications and equivalency is on the applicant.

Human Resources staff will verify that applicants have the appropriate credential, or that applicants claiming the required minimum qualifications show the appropriate degrees on their transcript. If there is an experience requirement, College District Human Resource staff will verify that the applicant has the required number years of experience, but will not judge if the experience is appropriate.

If the applicant claims to possess the minimum qualifications, but the degree titles are significantly different from those listed in the most recent edition of the "Minimum Qualifications for Faculty and Administrators in California Community Colleges," that application shall be considered under the equivalency process even if the applicant did not claim equivalency. Human Resources will rely primarily on the Academic Senate, in consultation with administration, to determine equivalency of degree titles based on an examination of an applicant's transcripts

Human Resources forwards all applications which satisfy the credentials requirement, satisfy the minimum qualifications requirement, or are deemed to be equivalent to the college selection committee (full-time) or to the dean and chair in that department (part-time).

Supplemental Equivalency Application

Human Resources is responsible for maintaining a "Supplemental Equivalency Application." If a potential employee applies for a position and wishes to complete a "Supplemental Equivalency Application for Academic Employment", the following information should be provided:

- : Degree for which the applicant claims equivalency.
- : The educational preparation on which the applicant bases this claim for the major of the minimum degree.
- : The relevant courses the applicant has taken or other evidence that the applicant has the equivalent of the General Education portion of the minimum degree.
- : An official transcript and copies of the appropriate pages from the catalog of the institution that granted the degree upon which the applicant bases a claim of equivalency.
- : Publications or other work products that support a claim of equivalency.
- : A detailed description of work experience which the applicant believes establishes equivalency to the minimum qualifications. If the applicant is using work products or other items which cannot be submitted, provide detailed information from an objective source about the nature of this work product or experience.

Equivalency

All community college faculty should exemplify the qualities of a college educated person.

~~Equivalency Committee~~—~~An Academic Senate Equivalency Committee shall be established to fulfill the requirement of~~ Pursuant to Education Code Section 87359, ~~which states~~ the equivalency process "shall include reasonable procedures to ensure that the ~~equivalency process~~" shall include reasonable procedures to ensure Governing Board relies primarily upon the advice and judgment of the Academic Senate to determine that ~~the Board of Trustees relies primarily upon the advice and judgment of the Academic Senate to determine~~ each individual employed under the authority granted by the regulations possesses qualifications

that each individual employed under the authority granted by the regulations possesses qualifications that are at least equivalent to the applicable minimum qualifications." Equivalency may be recognized in three major ways: course work, work experience, and eminence in the field or a combination of the three." In order to ensure that the Board of Trustees relies primarily on the advice and judgment of the Academic Senate, the Academic Senate equivalency committee shall:

- Be available to screening and selection committees as a resource regarding equivalency determinations.
- Review the decisions of the screening committees as described below.
- Recommend all equivalency determinations to the Board of Trustees.
- Further clarify the criteria to be used for determining equivalency.
- Ensure that careful records are kept of all equivalency determinations.
- Periodically review this procedure and recommend necessary changes to the Academic Senate and Board of Trustees.
- In general, ensure that the equivalency process works well and meets the requirements of the law.

Determination of Equivalencies

The following procedure is to be used to determine when an applicant for a faculty position, although lacking the exact degree or experience specified in the Disciplines List of the Board of Governors that establishes the minimum qualifications for hire, nonetheless does possess qualifications that are at least equivalent to those required by the Disciplines List. The procedure is intended to ensure a fair and objective process for determining when an applicant has the equivalent qualifications. It is not intended to grant waivers for lack of the required qualifications.

All faculty position announcements will state the required qualifications as specified by the Disciplines List, including the possibility of meeting the equivalent of the required degree or experience.

District application forms for faculty positions will ask applicants to state whether they meet the minimum qualifications of the Disciplines List or whether they believe they meet the equivalent. Those claiming equivalency will then be asked to state their reasons and to present evidence. It will be the responsibility of the applicant to supply all evidence and documentation for the claim of equivalency at the time of application.

The **[designate authority]** will first screen all qualified applicants, assuming that those claiming equivalency are in fact equivalent. Once applicants have been selected for interview, those claiming equivalency will have their claims examined by the **[designate authority]** prior to being interviewed. Only applicants who are found to meet the test of equivalency shall be selected for interview.

The **[designate authority]** shall send its decisions concerning equivalency and non-equivalency to the **[designate authority]** to the Academic Senate Equivalency Committee before candidates are notified of interviews. The Equivalency Committee will review the decisions of the screening, asking the following questions:

- Was the decision made in accord with this procedure?
- Specifically, did the screening committee follow the criteria for evidence of equivalency stated in this procedure?
- Are the Committee's decisions consistent with similar decisions made by earlier committees in this discipline or similar disciplines?

The Academic Senate Equivalency Committee shall employ the following procedures in emergencies or special circumstances:

- ~~In case a candidate to be offered an adjunct or temporary position is also an equivalency claimant, the screening committee shall determine the equivalency status immediately following the interview and make a recommendation to the department chair or appropriate area administrator if there is no chair. This recommendation shall be forwarded to **[designate authority]**.~~
- ~~**[Designate authority]** will review the recommendation and either accept or reject it. If the candidate is acceptable, the department is free to extend the job offer; if unacceptable, the selection committee may request a review by **[designate authority]**.~~
- ~~For the purposes of this procedure, an emergency or special circumstance is defined as a situation in which the full hiring process cannot be carried out in a timely manner. Such situations may include, but are not limited to the following:~~
- ~~Vacancies that occur shortly before the beginning of a session in which there is not sufficient time for the full equivalency process to take place.~~
- ~~Additional sections of a class added shortly before the beginning of a session or after the session begins.~~
- ~~An unforeseen opportunity, occurring shortly before the beginning of a session, to staff sections in locations, venues, or subject matter specialties for courses which previously have been difficult to schedule (certain off-campus sites, contract education, short courses, etc.).~~

~~The District may elect to award equivalency for faculty teaching in vocational disciplines that do not require the master's degree.~~

- ~~**Semester units/occupational experience:** 120 semester units AND two years of occupational experience in the discipline; or, 60 semester units AND six years of occupational experience in the discipline; or, 30 semester units or industrial certification AND eight years of occupational experience in the discipline. **NOTE:** All semester or equivalent units must all be earned from a regionally accredited postsecondary educational institution.~~
- ~~**Related occupational experience:** May be substituted by teaching experience in the discipline or related discipline on a year-for-year basis.~~
- ~~**Recency:** An individual employed to teach a career/technical discipline shall demonstrate a competency in the current technology of that discipline.~~
- ~~**Rare exceptions:** In the rare case that an individual does not specifically meet the equivalency provisions as stated in the above sections, and the department chair, the full-time faculty in that discipline (if applicable), supervising instructional administrator and **[insert position, such as Vice President for Academic Affairs]** agree that the person is otherwise qualified to teach in that discipline, that individual's qualifications may be recommended to the Academic Senate Equivalency Committee Chair as deemed "equivalent" for that discipline.~~

Joint Equivalency Committee

The Dual College (Joint) Equivalency Committee shall be comprised of the Academic Senate Presidents from each college, four faculty members, two from CHC and two from SBVC as appointed by their respective Academic Senate president's and two administrator's one from CHC and one from SBVC as designated by the respective college VPI who are advisory to the process.

Process for Determination of Equivalency

In order to determine when an applicant for a faculty position who lacks the specific degree or experience specified in the “Minimum Qualifications for Faculty and Administrators in California Community Colleges” Handbook possesses qualifications that are equivalent, the following process has been established:

- A. When Human Resources stipulates that a determination of equivalency is needed, the Equivalency Committee will be called to meet as soon as possible. Human Resources will provide the Equivalency Committee with the necessary information to determine equivalency no less than three working days prior to the meeting.
- B. The dean, discipline faculty, and applicant may address the committee and provide additional information prior to the committee making a decision.
- C. Determination of equivalency to the minimum qualifications for hire shall be decided, by majority vote in the Equivalency Committee and is final. The Equivalency Committee will document their determination in writing and send it to Human Resources within 5 working days.
- D. If new information becomes available, a new request for equivalency may be submitted.
- E. Human Resources will forward the written rationale from the Equivalency Committee explaining the equivalency decision to the applicant and dean.
- F. The results of the Equivalency Committee decision shall be documented by Human Resources and records kept of all decisions. Individual voting by Committee members will not be recorded.
- G. Education Code §87359(a) requires that the governing board take action on the equivalency before hiring occurs. Equivalencies shall be forwarded to the Office of the Chancellor to be placed on a Governing Board agenda.

Standards and Criteria Applicable for Determining Equivalency

The following standards and criteria apply when determining equivalency:

- A. Minimum qualifications in a discipline—and, by extension, equivalency—are the same whether the position is for a full-time or part-time faculty member.
- B. Equivalency is determined for an entire discipline, not on a course-by-course basis, per legal opinion I 03-28. The granting of equivalency is on a case-by-case basis and does not set precedence for future hires.
- C. Past equivalency decisions in the discipline will be made available as needed to the Equivalency Committee or to the dean and chair in that department to aid in their deliberations and can be considered when determining equivalency, though they do not establish precedence.
- D. Should an equivalency be granted, that decision shall not give the applicant any more or any less consideration than other applicants. In addition, granting an equivalency neither guarantees an interview nor a job.
- E. It is the applicant’s responsibility to provide all documentation in support of equivalency and to be available for questions. Applicants wishing to establish equivalency through work experience should provide objective, detailed information about those work experiences. Any applicant who fails to provide evidence to support his/her claim of a credential, or of minimum qualifications, or of equivalency may be eliminated from the applicant pool.
- F. Various occupational experiences may be combined to total the required number of years established by the minimum qualifications; all experience must have taken place within the ten years preceding the date

of application with at least one year of qualified experience occurring within the three years immediately preceding the date of application.

G. No candidate for a full-time position shall be invited to interview without meeting the minimum qualifications or having been verified as meeting the equivalency.

H. No candidate for part-time employment shall be hired without either meeting the minimum qualifications or having been verified as meeting equivalency per these procedures.

Provisional Equivalency

The Equivalency Committee shall not grant “provisional” or “temporary” equivalency. All faculty hires must possess the minimum qualifications or be determined to possess equivalency to the minimum qualifications to be employed by the college district.

Additional Criteria for the Equivalency Committee

In all cases in which equivalency is granted or denied, an officially signed form shall be filed with the Office of Human Resources and the Office of Academic Affairs. This form shall include a complete description of the Equivalency Committee’s reasons for determining that a candidate does or does not have the equivalent of the minimum qualifications for the position. The Human Resources Office is responsible for creating and maintaining this documentation.

Minimum Standards for Consideration of Equivalency to Minimum Qualifications in Disciplines Requiring a Master’s Degree

In order to be considered for equivalency, in the case of disciplines normally requiring a Master’s degree, the minimum standard shall be any one of the following:

- A. A Master’s degree in a discipline which is not specifically named in the most recent edition of the “Minimum Qualifications for Faculty and Administrators in California Community Colleges” for the particular discipline in question, but which, when courses (and course descriptions) are carefully reviewed, clearly constitutes parallel and/or closely related coursework to the discipline which is specifically listed in the most recent edition of the “Minimum Qualifications for Faculty and Administrators in California Community Colleges”.
- B. In specific disciplines as named by the most recent edition of the “Minimum Qualifications for Faculty and Administrators in California Community Colleges”, a bachelor’s degree in the discipline, plus licensure by an appropriate state agency, plus at least two years of professional experience, verified in writing.

Minimum Standards for Consideration of Equivalency to Minimum Qualifications in Disciplines That Do Not Require a Master’s Degree

In order to be considered for equivalency in the case of disciplines not normally requiring a Master’s degree, the minimum standards shall be one of the following:

- A. An Associate degree plus six years of related experience
- B. Bachelor’s degree plus two years of related experience.
- C. Associate degree plus graduation from an institution specific to that field, plus two years of professional experience in the discipline, verified in writing, plus appropriate certification to practice or licensure, if applicable.
- D. The MQs for Credit ESL will be used when evaluating Equivalency for Noncredit ESL.
- E. The MQs for Credit English will be used when evaluating Equivalency for Noncredit Basic Skills Writing.

- F. The MQs for Credit Reading will be used when evaluating Equivalency for Noncredit Basic Skills Reading.
- G. Pursuant to Title 5 § 53406, all degrees and coursework must be from colleges/universities accredited by one of the intersegmental accrediting agencies: Western Association of Schools and Colleges, Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Associations of Colleges and Schools, Southern Association of Colleges and Schools, and Northwest Association of Schools and Colleges.

Qualifications Established by Degrees and Coursework from Educational Institutions Outside of the United States

Applicants wishing to be granted equivalency based on coursework completed at an educational institution outside of the United States must provide the following:

- A. A transcript assessment by a third party degree assessment service.
- B. Proof that the institution is accredited in its country of operation or in the United States.

Local Minimum Qualifications and Equivalencies

Disciplines wishing to add “local” qualifications for hiring to their discipline beyond the minimum qualifications established by the latest edition of the “Minimum Qualifications for Faculty and Administrators in California Community Colleges”) may do so with approval of the Academic Senate with a recommendation from the Equivalency Committee. Local requirements may not be added on a course-by-course basis. Equivalency for the local requirement will be determined through the equivalency process.

Eminence

Although no legal definition of eminence exists, eminence shall mean that qualifications which, as evidenced by prominence and celebrity, is established by the specific industry and/or community at large and may be deemed equivalent to minimum qualifications. This may include appropriate local, state, national and/or international associations, trade unions, guilds or communities comprised of experts, who are themselves renowned in the specific field, and who can attest, in writing, to the prominence and celebrity of the applicant.

Eminence alone is not sufficient to grant equivalency. An application of equivalency based on eminence must be accompanied by conclusive evidence that the applicant exemplifies qualities of a college educated person and brings to the college district the knowledge and ability to expected at the college level. The applicant must provide documentation supporting the status of eminence

References:

Education Code Sections 86360, 87001, 87003, 87355-87359.5, and 87743.2;

Assembly Bill 1725, Section 4

Title 5 Sections 53400 et seq., 53410-53417

ACCJC Accreditation Standard III.A.2-4

Attachments:

No Attachments