



District Assembly

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

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

1. CALL TO ORDER

Denise Allen, Chair

2. APPROVAL OF MINUTES

A. February 5, 2019 (p4)

3. CHANCELLOR'S REPORT

Bruce Baron, Chancellor

4. NEW BUSINESS

A. Discussion Items

- i. SBCCD Promise Kick-Off
- ii. Draft Staffing Plan Timeline
- iii. Calendar Committee Update (p8)

B. Legal Update #33 - Information

- i. BP 2315 (no AP) Closed Sessions (p15)
- ii. BP & AP 2330 Quorum and Voting (p17,18)
- iii. BP 2720 (no AP) Communications Among Board Members (p19)
- iv. BP & AP 3810 Claims Against the District (p20,22)

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

- i. BP & AP 2410 Board Policies & Administrative Procedures (p23,27)
- ii. BP & AP 7150 Manager Evaluations (p28,32)

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

- i. BP & AP 3570 Smoking on Campus (p33,35)
- ii. BP & AP 5150 Extended Opportunity Programs and Services (p36,43)
- iii. AP 5520 (no BP) Student Discipline Procedures (p45)
- iv. BP & AP 5500 Standards of Student Conduct (p74,85)

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

- i. None

5. OLD BUSINESS (Action)

- A. Non-Academic & Professional Policies & Procedures (2nd reading)
 - i. BP & AP 6320 Investments (p83,85)
 - ii. AP 6350 (no BP) Contracts – Construction (p88)
 - iii. AP 6365 (no BP) Contracts – Accessibility of IT (NEW ADVISED) (p92)
 - iv. AP 6370 (no BP) Contracts – Personal Services (NEW REQUIRED) (p93)
 - v. AP 7212 (no BP) Temporary Faculty (NEW ADVISED) (p96)
 - vi. AP 7232 (no BP) Classification Review (NEW ADVISED) (HR to complete from 12/6/18) (p97)
 - vii. AP 7234 (no BP) Overtime (NEW REQUIRED) (p98)
 - viii. BP & AP 7240 Confidential Employees (p100,106)
 - ix. AP 7336 (no BP) Certification of Freedom from TB (NEW REQUIRED) (p108)

- B. Academic & Professional Policies & Procedures (for Information)
 - i. BP & AP 5110 Counseling (p110,111)
 - ii. BP & AP 5120 Transfer Center (p112,114)
 - iii. BP & AP 5300 Student Equity (p115,119)

6. UPDATES

- A. Policies & Procedures (continued/hold from previous months)
 - i. AP 3435 (no BP) Discrimination and Harassment Complaints and Investigations (legal update #33)
 - ii. BP & AP 3540 Sexual Assaults on Campus (legal update #33)
 - iii. BP & AP 3550 Drug Free Environment and Drug Prevention Program (legal update #33)
 - iv. BP & AP 3710 Securing Copyright
 - v. BP & AP 3800 Personal Data Protection (NEW ADVISED) (legal update #33)
 - vi. BP & AP 3810 Claims Against the District (legal update #33)
 - vii. BP & AP 3900 Speech: Time, Place, and Manner (legal update #33)
 - viii. AP 4222 (no BP) Remedial Coursework (legal update #33)
 - ix. BP & AP 4230 Grading and Academic Record Symbols (legal update #33)
 - x. AP 6345 (no BP) Bids and Contracts – UPCCAA (NEW REQUIRED)
 - xi. BP & AP 6540 Insurance (NEW REQUIRED)
 - xii. BP & AP 6700 Civic Center and Other Facilities Use (NEW REQUIRED)
 - xiii. BP & AP 6750 Parking (legal update #33 to be reviewed with 6751)
 - xiv. BP & AP 6751 Parking Citation Payment Plan (review with 6750)
 - xv. AP 7126 (no BP) Applicant Background Investigations and Reference Checks (HR to complete)
 - xvi. AP 7145 (no BP) Personnel Files (HR to complete)
 - xvii. AP 7215 (no BP) Academic Employees: Probationary Contract Faculty (NEW ADVISED) (HR to complete)

- xviii. 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.
- xix. 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.
- xx. BP & AP 7310 Nepotism (LEGALLY ADVISED)
- xxi. AP 7337 (no BP) Fingerprinting (NEW REQUIRED)
- xxii. AP 7343 (no BP) Industrial Accident and Illness Leave (NEW REQUIRED)
- xxiii. AP 7344 (no BP) Notifying District of Illness (NEW ADVISED)
- xxiv. AP 7346 (no BP) Employees Called to Military Duty (NEW ADVISED)
- xxv. AP 7347 (no BP) Paid Family Leave (NEW ADVISED)
- xxvi. AP 7348 (no BP) Accommodations (NEW ADVISED)

B. Reports

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

9. ADJOURN

Next meeting: April 2, 2019



District Assembly

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

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

1. CALL TO ORDER

D. Allen called the meeting to order at 3:05pm.

2. APPROVAL OF MINUTES

A. December 4, 2018

J. Torres moved approval of the December 4, 2018 minutes. S. Briggs seconded the motion. Abstentions: B. Tasaka, G. Evans-Perry, and A. Avelar. All others in attendance approved.

3. CHANCELLOR'S REPORT

Chancellor Baron congratulated President Kevin Horan and reported on the success of the Investiture Ceremony.

4. NEW BUSINESS

A. Discussion Items

i. AB19 and Input

Chancellor Baron reported on his recent conversation with California Community College Chancellor, Eloy Oakley on the topic of AB 19 and AB 2 – Promise Program legislation and why we have chosen thus far to not accept the state Promise funding because of the requirement to offer student loans. Oakley agreed to ask the Governor's Office to add special funding of \$5 million to next year's budget for Inland Empire student financial literacy. Chancellor Oakley also agreed to attend our SBCCD Promise roll-out in March.

ii. Bond Update and Input

Executive Vice Chancellor Torres reported on the Measure CC Implementation, including an overview on the project delivery methods, timeline, and project list.

iii. Alignment of Vision for Success with Campus and District Plans

Jeremiah Gilbert provided an update on the new Student Success Metrics along with how they are related to the Vision for Success Goals and the Student Centered Funding Formula. He outlined the process for local district goal setting that is to take place by May 31, 2019 and the local goal-setting process that requires alignment with our comprehensive plan.

iv. IEPI PRT Spring Visit

Luke Bixler reported in October 2018, the district submitted a letter of interest to the California Community Colleges Institutional Effectiveness Partnership Initiative (IEPI) for assistance through full Partnership Resource Teams (PRTs) to improve our IT operations (organizational structure, hardware replacement, response time to large-scale projects, inventory/analysis of existing hardware and software, and districtwide long-term IT strategic planning). In November 2018, our letter of interest was approved for a spring 2019 PRT visit.

- B. Non-Academic & Professional Policies & Procedures (1st reading)
 - i. BP & AP 3710 Securing Copyright - **complete and bring back to DA for first reading when ready**
 - ii. BP & AP 6320 Investments
 - iii. AP 6345 (no BP) Bids and Contracts – UPCCAA (NEW REQUIRED)(Fiscal to complete)
 - iv. AP 6350 (no BP) Contracts – Construction
 - v. AP 6365 (no BP) Contracts – Accessibility of IT (NEW ADVISED)
 - vi. AP 6370 (no BP) Contracts – Personal Services (NEW REQUIRED)
 - vii. AP 7232 (no BP) Classification Review (NEW ADVISED) (HR to complete from 12/6/18)
 - viii. AP 7234 (no BP) Overtime (NEW REQUIRED)
 - ix. BP & AP 7240 Confidential Employees - **strike the reference to handbook and keep on agenda as first read**
 - x. BP & AP 7310 Nepotism (LEGALLY ADVISED) - **complete and bring back to DA for first reading when ready**
 - xi. AP 7336 (no BP) Certification of Freedom from TB (NEW REQUIRED) – **HR to fill in the position and keep on agenda as first read**

- C. Academic & Professional Policies & Procedures (1st reading)
 - i. BP & AP 5110 Counseling
 - ii. BP & AP 5120 Transfer Center
 - iii. BP & AP 5300 Student Equity

- D. Chapter 2 Policies & Procedures (review & feedback only, prior to placing on board agenda)
 - i. None

- E. Membership Election Process – The election process will begin in March with new members and election of officers.

5. OLD BUSINESS (Action)

- A. Non-Academic & Professional Policies & Procedures (2nd reading)
- i. BP 3600 (no AP) Auxiliary Organizations
 - ii. BP & AP 3920 Electronic Mail – pulled for discussion
 - iii. AP 7212 (no BP) Temporary Faculty (NEW ADVISED) – pulled for discussion
 - iv. AP 7216 (no BP) Academic Employees: Grievance Procedure for Contract Decisions (NEW REQUIRED)
 - v. AP 7233 (no BP) Claims for Out of Class (NEW ADVISED)
 - vi. AP 7150 Evaluation – per addendum, item is amended to approve AP as 2nd reading. –item pulled for discussion.

C. Huston moved approval of items 5.A.i, 5.A.iv, and 5.A.v. M. McConnell seconded the motion. Unanimous approval.

BP & AP 3920 Electronic Mail – TL Brink moved approval of item 5.A.ii. D. Rodriguez seconded the motion. L. Bixler was asked to review current policies to determine if one exists that addresses faculty/administrators reviewing student emails. Unanimous approval.

AP 7212 (no BP) Temporary Faculty – K. Horan will send recommended language to Kristina Hannon and bring AP back for 2nd reading.

AP 7150 Evaluation – HR to finalize and update. BP and AP to return as 1st reading in March.

- B. Academic & Professional Policies & Procedures (for Information)
- 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
 - iv. AP 7211 (no BP) Faculty Service Areas, Minimum Qualifications, and Equivalencies (NEW REQUIRED) – pulled for discussion

C. Thomas moved approval of items 5.B.i, ii, iii. TL Brink seconded the motion. Unanimous approval.

AP 7211 (no BP) Faculty Service Areas – M. McConnell moved approval of 5.B.iv as edited in red below. S. Briggs seconded the motion. Unanimous approval.

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.

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. – per addendum, item is amended to approve AP as 2nd reading. See section 5 above.
 - 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 – J. Torres gave an update on the state budget. DSS is reviewing department budgets. The colleges are expected to complete their 19-20 budgets by March. Jose will give another budget update in May.
 - C. AB 104: Adult Education Block Grant Update – the State removed “grant” from the title and is now “California Adult Education Program.” Hired counseling and support staff. Partnerships are working.
 - D. Webadvisor Update - L. Bixler gave a brief history/update on Webadvisor. It is currently part of the RFP process.

7. PUBLIC COMMENTS

None

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. Budget Update (May 2019)
- I. Brand Identity Update (May 2019)
- J. Annual approval of 6-year AP/BP review schedule (September 2019)
- K. District Program Review & District Strategic Plan Update (October 2019)
- L. Police Department Written Report (October 2019)
- M. Human Resources Written Report (November 2019)
- N. TESS Written Report (November 2019)
- 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

D. Allen adjourned the meeting at 4:30pm.

TENTATIVE AGREEMENT
By and Between
San Bernardino Community College District
And
San Bernardino Community College District Teachers Association

**Article 13 Workload
December 14, 2018**

This Tentative Agreement is made and entered into this 14th day of December between the SAN BERNARDINO COMMUNITY COLLEGE DISTRICT (herein after the District) and the SAN BERNARDINO COMMUNITY COLLEGE DISTRICT TEACHERS ASSOCIATION/CTA/NEA (hereinafter the Association).

IT IS THEREFORE AGREED THAT:

The following language shall replace the existing Article 13 language regarding the Work Year and the number of work days beginning with the 2020-21 Academic Year. The days shall be changed throughout the Collective Bargaining Agreement.

ARTICLE 13: WORKLOAD

A. Work Year

1. Instructional Faculty

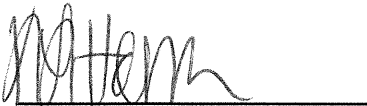
The work year for all full-time instructional faculty shall be 175 workdays, which shall include 166 days of scheduled classes, seven (7) in-service days, including commencement day, and two (2) flex activity days in each academic year. In-service days shall be planned in collaboration between the district, faculty, and campus professional development.

2. Non-Instructional Faculty

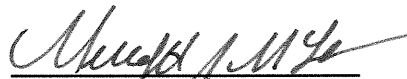
The work year for all full-time non-instructional faculty shall be 198 or 219 workdays depending on assignment, which shall include, seven (7) in-service days, including commencement day, and two (2) flex activity days in each academic year. In-service days shall be planned in collaboration between the district, faculty, and campus professional development.

SAN BERNARDINO COMMUNITY COLLEGE
DISTRICT

SAN BERNARDINO COMMUNITY COLLEGE
DISTRICT TEACHERS ASSOCIATION



Kristina Hannon
Executive Director, Human Resources



Meridyth McLaren
President, SBCCDTA

12-18-18
Date

18 Dec 18
Date

| Jul 2020 | | | | | | |
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| Apr 2021 | | | | | | |
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LEGEND

| | | | |
|------------------|---|-------------------------------|-----------------------|
| Flex Days | Aug 13, Sep 25, Jan 14, Apr 7 | | |
| In-Service Days | Aug 14, Jan 15, May 28 (Commencement) | | |
| Term Start Days | Aug 17 (Fall) and Jan 19 (Spring) | | |
| Final Exam Weeks | Dec 12 – 18 (Fall) and May 21 – 27 (Spring) | | |
| Spring Recess | March 22 – 27 | | |
| Holidays | Jul 3 (Ind. Day Observed) | Sep 7 (Labor Day) | Nov 11 (Veterans Day) |
| | Nov 26 – 28 (Thanksgiving) | Dec 25 – Jan 1 (Winter Break) | Jan 18 (MLK Day) |
| | Feb 12 (Lincoln’s Bday) | Feb 15 (Washington’s Bday) | May 31 (Memorial Day) |

This side is for quick reference only (see reverse for the Official SBCCD Academic Calendar)

San Bernardino Community College District

2020-2021 Academic Year

Fall Semester 2020:

| | |
|--|-------------------------|
| Flex Day | August 13 |
| Faculty In-Service Day | August 14 |
| Instruction Begins | August 17 |
| Labor Day | September 7 |
| Fall Census Day | September 8 |
| Flex Day (no classes in session) | September 25 |
| Veterans Day | November 11 |
| Thanksgiving Recess | November 26 – 28 |
| Final Exams/Saturday Classes | December 12 |
| Final Exams | December 14 – 18 |
| Fall Semester Ends | December 18 |
| Fall Semester Grades Due | December 23 |
| Campus Closed | December 25 – January 1 |

Spring Semester 2021:

| | |
|--|---------------|
| Flex Day | January 14 |
| Faculty In-Service Day | January 15 |
| Martin Luther King Day | January 18 |
| Instruction Begins | January 19 |
| Spring Census Day | February 8 |
| Lincoln’s Birthday | February 12 |
| Washington’s Birthday | February 15 |
| Spring Recess | March 22 – 27 |
| Flex Day (no classes in session) | April 7 |
| Final Exams | May 21 – 27 |
| Final Exams/Saturday Classes | May 22 |
| Spring Semester Ends | May 28 |
| CHC & SBVC Campus Graduation | May 28 |
| Faculty In-Service Day | May 28 |
| Memorial Day | May 31 |
| Spring Grades Due | June 1 |

Short Term Courses Grades due 5 calendar days after last day of class

Flex Days 4 days of Required Flex to be completed by contract faculty

2020-21 Calendar Numbers v1

Instructional Days - Fall 2020

| | MON | TUES | WED | THURS | FRI | TOTAL |
|-------|-----|------|-----|-------|-----|-------|
| AUG | 3 | 2 | 2 | 2 | 2 | 11 |
| SEPT | 3 | 5 | 5 | 4 | 3 | 20 |
| OCT | 4 | 4 | 4 | 5 | 5 | 22 |
| NOV | 5 | 4 | 3 | 3 | 3 | 18 |
| DEC | 2 | 3 | 3 | 3 | 3 | 14 |
| Total | 17 | 18 | 17 | 17 | 16 | 85 |

Fall In-Service Day 8/14

1

Fall Flex Days 8/13, Sep 25

2

Fall 2020 Total Days

88

Instructional Days - Spring 2021

| | MON | TUES | WED | THURS | FRI | TOTAL |
|-------|-----|------|-----|-------|-----|-------|
| JAN | 1 | 2 | 2 | 2 | 2 | 9 |
| FEB | 3 | 4 | 4 | 4 | 3 | 18 |
| MAR | 4 | 4 | 4 | 3 | 3 | 18 |
| APR | 4 | 4 | 3 | 5 | 5 | 21 |
| MAY | 4 | 4 | 4 | 4 | 3 | 19 |
| Total | 16 | 18 | 17 | 18 | 16 | 85 |

Spring In-Service Days 1/15, 5/28

2

Spring Flex Days 1/14, Apr 7

2

Spring 2021 Total Days

89

OVERALL TOTAL DAYS

177

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| Aug 2020 | | | | | | |
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| Sep 2020 | | | | | | |
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| Oct 2020 | | | | | | |
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| Nov 2020 | | | | | | |
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| Dec 2020 | | | | | | |
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| 27 | 28 | 29 | 30 | 31 | | |

| Jan 2021 | | | | | | |
|----------|----|----|----|----|----|----|
| S | M | T | W | T | F | S |
| | | | | | 1 | 2 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 31 | | | | | | |

| Feb 2021 | | | | | | |
|----------|----|----|----|----|----|----|
| S | M | T | W | T | F | S |
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | | | | | | |

| Mar 2021 | | | | | | |
|----------|----|----|----|----|----|----|
| S | M | T | W | T | F | S |
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | 31 | | | |

| Apr 2021 | | | | | | |
|----------|----|----|----|----|----|----|
| S | M | T | W | T | F | S |
| | | | | 1 | 2 | 3 |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | |

| May 2021 | | | | | | |
|----------|----|----|----|----|----|----|
| S | M | T | W | T | F | S |
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 | | | | | |

| Jun 2021 | | | | | | |
|----------|----|----|----|----|----|----|
| S | M | T | W | T | F | S |
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | | | |

LEGEND

| | |
|------------------|---|
| Flex Days | Aug 11, Jan 13 |
| In-Service Days | Aug 12 – 14, Jan 14 – 15, Apr 13, May 26 (Commencement) |
| Term Start Days | Aug 17 (Fall) and Jan 19 (Spring) |
| Final Exam Weeks | Dec 12 – 18 (Fall) and May 19 – 25 (Spring) |
| Recesses | Nov 23 – 25 (Thanksgiving) and March 22 – 27 (Spring Break) |
| Holidays | Jul 3 (Ind. Day Observed) Sep 7 (Labor Day) Nov 11 (Veterans Day) |
| | Nov 26 – 28 (Thanksgiving) Dec 25 – Jan 1 (Winter Break) Jan 18 (MLK Day) |
| | Feb 12 (Lincoln’s Bday) Feb 15 (Washington’s Bday) May 31 (Memorial Day) |

This side is for quick reference only (see reverse for the Official SBCCD Academic Calendar)

San Bernardino Community College District

2020-2021 Academic Year

Fall Semester 2020:

| | |
|------------------------------------|-------------------------|
| Flex Day | August 11 |
| Faculty In-Service Days | August 12 – 14 |
| Instruction Begins | August 17 |
| Labor Day | September 7 |
| Fall Census Day | September 8 |
| Veterans Day | November 11 |
| Thanksgiving Recess | November 23 – 28 |
| Final Exams/Saturday Classes | December 12 |
| Final Exams | December 14 – 18 |
| Fall Semester Ends | December 18 |
| Fall Semester Grades Due | December 23 |
| Campus Closed | December 25 – January 1 |

Spring Semester 2021:

| | |
|--|-----------------|
| Flex Day | January 13 |
| Faculty In-Service Days | January 14 – 15 |
| Martin Luther King Day | January 18 |
| Instruction Begins | January 19 |
| Spring Census Day | February 8 |
| Lincoln’s Birthday | February 12 |
| Washington’s Birthday | February 15 |
| Spring Recess | March 22 – 27 |
| Faculty In-Service Day (no classes in session) | April 13 |
| Final Exams | May 19 – 25 |
| Final Exams/Saturday Classes | May 22 |
| Spring Semester Ends | May 26 |
| CHC & SBVC Campus Graduation | May 26 |
| Faculty In-Service Day | May 26 |
| Memorial Day | May 31 |
| Spring Grades Due | June 1 |

Short Term Courses Grades due 5 calendar days after last day of class
Flex Days 2 days of Required Flex to be completed by contract faculty

2020-21 Calendar Numbers v2

Instructional Days - Fall 2020

| | MON | TUES | WED | THURS | FRI | TOTAL |
|--------------|-----------|-----------|-----------|-----------|-----------|-----------|
| AUG | 3 | 2 | 2 | 2 | 2 | 11 |
| SEPT | 3 | 5 | 5 | 4 | 4 | 21 |
| OCT | 4 | 4 | 4 | 5 | 5 | 22 |
| NOV | 4 | 3 | 2 | 3 | 3 | 15 |
| DEC | 2 | 3 | 3 | 3 | 3 | 14 |
| Total | 16 | 17 | 16 | 17 | 17 | 83 |

Fall In-Service Days 8/12, 8/13, 8/14

Fall Flex Days 8/11

Fall 2020 Total

3

1

87

Instructional Days - Spring 2021

| | MON | TUES | WED | THURS | FRI | TOTAL |
|--------------|-----------|-----------|-----------|-----------|-----------|-----------|
| JAN | 1 | 2 | 2 | 2 | 2 | 9 |
| FEB | 3 | 4 | 4 | 4 | 3 | 18 |
| MAR | 4 | 4 | 4 | 3 | 3 | 18 |
| APR | 4 | 3 | 4 | 5 | 5 | 21 |
| MAY | 4 | 4 | 3 | 3 | 3 | 17 |
| Total | 16 | 17 | 17 | 17 | 16 | 83 |

Spring Inservice Days 1/14, 1/15, 4/13, 5/26

Spring Flex Day 1/13

Spring 2021 Total

4

1

88

OVERALL TOTAL DAYS

175



Origination: N/A
Last Approved: N/A
Last Revised: N/A
Next Review: N/A
Owner: BOT Board of Trustees:
Policy Area: Chapter 2 Board of Trustees
References: Legally Required

BP 2315 Closed Sessions

(Replaces current SBCCD BP 2120)

Closed sessions of the Board of Trustees shall only be held as permitted by applicable legal provisions including but not limited to the Brown Act, California Government Code, and California Education Code. Matters discussed in closed session may include:

- The appointment, employment, evaluation of performance, discipline or dismissal of a public employee;
- Charges or complaints brought against a public employee by another person or employee, unless the accused public employee requests that the complaints or charges be heard in an open session. The employee shall be given at least 24 hours written notice of the closed session;
- Advice of counsel on pending litigation, as defined by law;
- Consideration of tort liability claims as part of the District's membership in any joint powers agency formed for purposes of insurance pooling;
- Real property transactions;
- Threats to public security;
- Review of the District's position regarding labor negotiations and giving instructions to the District's designated negotiator;
- Discussion of student disciplinary action, with final action taken in public;
- Conferring of honorary degrees;
- Consideration of gifts from a donor who wishes to remain anonymous.
- To consider its response to a confidential final draft audit report from the Bureau of State Audits.

The agenda for each regular or special meeting shall contain information regarding whether a closed session will be held and shall identify the topics to be discussed in any closed session in the manner required by law.

After any closed session, the Board shall reconvene in open session before adjourning and shall announce any actions taken in closed session and the vote or abstention of every member present.

All matters discussed or disclosed during a lawfully held closed session and all notes, minutes, records or recordings made of such a closed session are confidential and shall remain confidential unless and until required to be disclosed by action of the Board or by law.

Pursuant to Government Code Section 54957, if any person requests an opportunity to present complaints to the Board about a specific employee, such complaints shall first be presented to the Chancellor. Notice shall be given to the employee against whom the charges or complaints are directed. If the complaint is not first resolved at the administrative level, the matter shall be scheduled for a closed session of the Board. The employee against whom the charges or complaints are directed shall be given at least 24 hours written notice

of the closed session, and shall be given the opportunity to request that the complaints be heard in an open meeting of the Board of Trustees.

References:

Education Code Section 72122;

Government Code Sections 11125.4, 54956.8, 54956.9, 54957, [54957.1](#), and 54957.6

Attachments:

[BP 2315 Closed Sessions - Comments](#)

[BP 2315 Closed Sessions - Legal Citations](#)



Origination: 05/2015
Last Approved: 05/2015
Last Revised: 05/2015
Next Review: 08/2020
Owner: *BOT Board of Trustees:*
Policy Area: *Chapter 2 Board of Trustees*
References:

AP 2330 Quorum and Voting

From current SBCCD BP 2130 titled Quorum/Majority

Meeting Dismissed for Lack of a Quorum

Parliamentary procedures for conducting a meeting adjourned for lack of a quorum shall include:

1. Call to order by the Chairperson for the meeting;
2. Recitation of Pledge of Allegiance to the American Flag;
3. Roll call by the Chairperson;
4. Declaration of adjournment by the Chairperson for lack of a quorum.

A record of the permanent minutes of this meeting shall be recorded in the permanent files of the District and will include:

1. The time the meeting was convened;
2. Names of members of the Board of Trustees, administrators, and guests in attendance;
3. The time the meeting was adjourned for lack of a quorum.

References:

Education Code Sections 72000(d)(3), 81310 et seq., 81365, 81432, and 81511;
 Government Code Sections 53094 and 54950 et seq.;
 Code of Civil Procedure Section 1245.240

Attachments:

- [AP 2330 Quorum and Voting - Comments](#)
- [AP 2330 Quorum and Voting - Legal Citations](#)



| | |
|----------------|------------------------------------|
| Origination: | N/A |
| Last Approved: | N/A |
| Last Revised: | N/A |
| Next Review: | N/A |
| Owner: | <i>BOT Board of Trustees:</i> |
| Policy Area: | <i>Chapter 2 Board of Trustees</i> |
| References: | <i>Legally Required</i> |

BP 2330 Quorum and Voting

(Replaces current SBCCD BP 2130)

Four Board members, other than the Student Trustees, shall constitute a quorum for the transaction of business. The Board of Trustees shall act by majority vote of all voting members of the Board. In the event of a minimum quorum, all four Board members must vote in favor of motions ~~to pass motions~~ to pass motions.

No action shall be taken by secret ballot. The Board will publicly report any action taken in open session and the vote or abstention of each individual member present.

The following actions require a ~~two-third majority~~ two-third majority of all members of the Board:

- A. Resolution of intention to sell or lease real property (except where a unanimous vote is required);
- B. Resolution of intention to dedicate or convey an easement;
- C. Resolution authorizing and directing the execution and delivery of a deed;
- D. Action to declare the District exempt from the approval requirements of a planning commission or other local land use body;
- E. Resolution providing for the transfer from the reserve for contingencies to any expenditure classification.;
- F. Resolution to condemn real property.;
- G. Resolution to pursue the authorization and issuance of bonds pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIIA of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution.

The following actions require a ~~unanimous vote~~ unanimous vote of all members of the Board:

- A. Resolution authorizing a sale or lease of District real property to the state, any county, city, or to any other school or community college district;
- B. Resolution authorizing lease of District property under a lease for the production of gas.
- C. Any authorization to change an existing construction contract.

References:

Education Code Sections 15266, 72000 subdivision (d)(3), 81310 et seq., 81365, 81511, and 81432, ~~and 4881511~~;

Government Code Sections 53094 and 54950 et seq.;

Code of Civil Procedure Section 1245.240



Origination: N/A
Last Approved: N/A
Last Revised: N/A
Next Review: N/A
Owner: BOT Board of Trustees:
Policy Area: Chapter 2 Board of Trustees
References:

BP 2720 Communications Among Board Members

(Replaces current SBCCD BP 2030)

Members of the Board shall not communicate among themselves by the use of any form of communication (e.g., personal intermediaries, e-mail, or other technological device) in order to ~~reach a collective concurrence regarding~~ hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. ~~In addition, no Board member shall make serial communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the Board of Trustees.~~

A majority of the members of the Governing Board shall not, outside a regularly scheduled meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the Board. This policy shall not be construed as preventing an employee or official of the District from engaging in separate conversations or communications with members of the Board outside of a meeting in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of Board, if that person does not communicate to members of the Board the comments or position of any other member or members of the Board.

Reference:

Government Code Section 54952.2

Attachments:

- BP 2720 Communications Among Board Members - Comments
- BP 2720 Communications Among Board Members - Legal Citations
- Legal Update 33 Overview Rev. 10-25-18.docx



| | |
|----------------|---|
| Origination: | N/A |
| Last Approved: | N/A |
| Last Revised: | N/A |
| Next Review: | N/A |
| Owner: | <i>Chancellor's Cabinet</i> <i>Chancellor's Cabinet:</i> |
| Policy Area: | <i>Chapter 3 General Institution</i> |
| References: | <i>Good Practice/Optional</i> |

AP 3810 Claims Against the District

CLAIM FORMS

All claims against the District are to be submitted on the District's approved claim form. Claims not submitted on the District's form will be returned to the claimant and may be resubmitted using the proper form.

Claim forms can be obtained through District Police or the Business Services Department.

Claims forms may be presented in person or deposited in the United States mail, in a sealed envelope, properly addressed, postage prepaid as follows:

For mailing or to serve/present in person:

San Bernardino Community College District
114 S. Del Rosa Dr.
San Bernardino, CA 92408

TIME LIMITATIONS

Claims for money or damages relating to a cause of action for death, injury to a person, or personal property, must be presented to the District not later than six months after the accrual of the cause of action.

Claims for money or damages relating to a cause of action other than that stated above, must be presented to the District not later than one year from the accrual of the cause of action.

RESPONSE TO CLAIM

The District has 45 days within which to respond to any claim received. The claim may be allowed in whole or in part, or may be rejected altogether. Pursuant to Government Code, the District will notify those claimants, whose claims are rejected, of their rights under the law to pursue their claim further.

If the District decides to allow the claim or offer a compromise in an attempt to settle the claim, the District shall require the claimant to sign a release or waiver agreeing to payment as full and complete settlement of the claim.

1. Claims shall be presented and acted upon by the District as a prerequisite to a suit thereon.

References:

Education Code Section 72502;

Government Code Sections 900 et seq. ~~and~~, 910 et seq., and 935

Attachments:

[AP 3810 Claims Against the District -
Comments](#)

[AP 3810 Claims Against the District - Legal
Citations](#)

[Legal Update 33 Overview Rev. 10-25-18.docx](#)



Current Status: Active

PolicyStat ID: 2878512



Origination: 05/2016
Last Approved: 05/2016
Last Revised: 05/2016
Next Review: 05/2022
Owner: *Chancellor's Cabinet*
Chancellor's Cabinet:
Policy Area: *Chapter 3 General Institution*
References:

BP 3810 Claims Against the District

Any claims against the District for money or damages, which are not governed by any other statutes or regulations expressly relating thereto, shall be presented and acted upon in accordance with Title I, Division 3.6, Part 3, Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of the California Government Code.

Claims must be presented according to this policy and related procedures as a prerequisite to filing suit against the District.

Claims that are subject to the requirements of this policy include, but are not limited to, the following:

- Claims by public entities: claims by the state or by a state department or agency or by another public entity.
- Claims for fees, wages, and allowances: claims for fees, salaries or wages, mileage, or other expenses and allowances.

The designated place for service of claims, lawsuits or other types of legal process upon the District is:

San Bernardino Community College District
114 S. Del Rosa Dr.
San Bernardino, CA 92408

References:

Education Code Section 72502;
 Government Code Sections 900 et seq. and 910

Attachments:

[BP 3810 Claims Against the District - Comments](#)
[BP 3810 Claims Against the District - Legal Citations](#)



Origination: N/A
 Last Approved: N/A
 Last Revised: N/A
 Next Review: N/A
 Owner: *BOT Board of Trustees:*
 Policy Area: *Chapter 2 Board of Trustees*
 References:

AP 2410 Board Policies and Administrative Procedures

(Replaces SBCCD AP 2045)

Pursuant to Education Code Section 70902(a)(1), the Board of Trustees shall establish, maintain, operate, and govern one or more community colleges in accordance with law. In so doing, the Board of Trustees may initiate and carry on any program or activity, or may otherwise act, in any manner that is not in conflict with, inconsistent with, or preempted by any law, and that is not in conflict with the purposes for which community college districts are established.

The Chancellor, through the collegial consultation process, has the authority to propose new board policies and administrative procedures. ~~Review of the~~The annual review of the board policies and administrative procedures, designated in the 6- shall begin in the fall of each academic year-cycle. Each year, shall begin in Octoberat least ten percent (10%) of the SBCCD policies and procedures will be identified for review.

At the beginning of each academic year, the ~~Chancellor~~Executive Director of Institutional Research and Planning will notify the appropriate parties of the ~~chapters or~~-specific BPs or APs identified for review.

Responsibility for the review process is as follows:

Chapter 1: Board of Trustees and the Chancellor (lead)

Chapter 2: Board of Trustees and the Chancellor (lead)

In matters relating to board policies in Chapter 2 (not including BP/AP 2410 & BP/AP 2510, which will go through the process below), the Board will submit board policies and policy changes to the District Assembly for review and feedback only, prior to placing on board agenda. This will occur at the next meeting of District Assembly.

Chapter 3: Chancellor (lead) and Chancellor's Cabinet

Chapter 4: ~~Vice-~~Executive Director of Institutional Research and Planning (lead) and Academic Senate Presidents~~of Instruction, Student Services, and Academic Senate Presidents~~

Chapter 5: ~~Vice-~~Executive Director of Institutional Research and Planning (lead) and Academic Senate Presidents~~of Instruction, Student Services, and Academic Senate Presidents~~

Chapter 6: Executive Vice-Chancellor of Fiscal Services (lead) and Vice-Presidents of Administrative Services

Chapter 7: ~~Vice-Chancellor~~Executive Director of Human Resources

The process for developing or changing board policies and/or administrative procedures is outlined below:

~~1. A proposal for a new board policy or a change in a current policy or administrative procedure may be submitted by any interested party. A proposal must be submitted in writing to the Chancellor and/or the District Assembly and shared with the Board of Trustees.~~

~~2. Updates to APs and BPs are reviewed when forwarded from the Community College League of California (CCLC).~~

Annual Review Process

- A. All polices and procedures will be tracked and revised using the district adopted policy review software.
- B. BPs and APs will be reviewed in pairs whenever possible to ensure the procedure supports the direction delineated in the policy.
- C. Prior to the start of each academic year, the SBCCD Executive Director of Research and Planning will sort the BPs and APs by age and will compile the annual review list, consisting of approximately 10% of the district's BPs & APs with a proportional amount from each chapter.
- D. The SBCCD Executive Director of Research and Planning will meet with the policy leads responsible for facilitating the review of BPs and APs to establish the review timeline.
- E. The annual review timeline, listing the policies and procedures and the leads for each will be presented to the District Assembly at the first meeting of the Academic Year. The timeline as well as all revisions to the review timeline will be posted on the DA webpage.
- F. DA constituent group reps will share the annual list with their members and shall provide an opportunity for their members to review and/or provide input as desired.
- G. The SBCCD Executive Director of Research and Planning will email the policies and procedures under review along with the timeline for the year to each of the policy leads.
- H. The BP/AP leads will review, gather input from the campus community as applicable and will input all recommended revisions in policy stat by the agreed upon due date.
- I. Reviewed and/or Revised Policies and Procedures will be submitted to the District Assembly for review and recommendation as a first read with no action as per the established timeline and then as a 2nd read for approval at the next regularly scheduled meeting of the District Assembly. (Note: this affords all interested parties 1 additional month to review and request input from their constituents.)
- J. Policies and Procedures included on the DA consent agenda for 2nd read may be pulled for discussion, debate and/or revision recommendations prior to approval.
- K. As per BP 2410, the Chancellor will review the recommendations from the District Assembly and will forward BPs to the Board of Trustees for action and APs as information items.

Review of Policies and Procedures Deemed Academic and Professional

Prior to finalizing the annual review list, the SBCCD Executive Director of Research and Planning will meet with the Academic Senate Presidents to determine which BPs & APs are academic and Professional. These BPs & APs will be noted as such on the annual review timeline.

~~3. Policies and procedures that fall under the 10+1 (an **academic and professional** Academic and Professional matter within the meaning of Section 53200(c) of Title 5 of the California Code of Regulations) will be submitted for consideration to the Academic Senates on both campuses **with** as per the agreed upon timeline. BP/AP revision recommendations will be completed by up to four consecutive Academic Senate meetings,~~

beginning with the date the ~~policy~~BP/procedure~~AP~~ is presented at District Assembly.

- A. ~~The Academic Senates will then submit the proposal to the District Assembly as information.~~

The Academic Senates will then submit the proposal BPs/APs to the District Assembly as information.

- B. ~~The Chancellor will review the recommendation from the Academic Senate and will forward to the Board of Trustees for action.~~

The Chancellor will review the recommendations from the Academic Senate and will forward to the Board of Trustees for action.

~~4. Proposals that are not 10+1, under the definition in 3 above, will be submitted to the District Assembly for review and recommendation. The proposal will simultaneously be submitted to the Academic and Classified Senates as an information item.~~

- A. ~~The Chancellor will review the recommendation from the District Assembly and will forward to the Board of Trustees for action.~~

References:

Review of Policies and Procedures Not on the Annual Review List

A proposal for a new board policy or a change in a current policy or administrative procedure not included on the annual review list may be submitted by any interested party. A proposal must be submitted in writing to the Chancellor and/or the District Assembly. The DA will in consultation with the chancellor determine if the BP/AP or a change in current BP/AP is warranted. If so, the BP/AP will be forwarded to the Executive Director of Research and Planning. The SBCCD Executive Director of Research and Planning will meet with the Academic Senate Presidents to determine if the BP and/or AP is Academic and Professional. The Executive Director of Research and Planning will add the BP/AP to the annual review timeline and will forward to the appropriate policy lead. The revised timeline be posted on the District Assembly webpage.

Review of Bi-Annual Policy & Procedure Updates from the Community College League of California (CCLC)

Updates to APs and BPs are reviewed by the SBCCD Executive Director of Research and Planning when forwarded from the Community College League of California (CCLC) in Fall and Spring.

All updates from the CCLC will be reviewed by the chapter leads and the SBCCD Director of Research and Planning. The chapter leads will make a recommendation as to whether each update is either simple or requires review and revisions. (Note if the last Reviewed and Last Approved dates get reset then these all may require a through review)

- A. Simple updates (revisions to legal references) will be revised, by the policy lead to include and when ready will be added to the District Assembly agenda as an information item. (Note: If the review date on these policies is automatically reset in policy state then they may require a full review).

- B. New BPs & APs and/or those requiring review and revision:

1. The revised timeline including the CCLC BPs & APs (notated with the legal update #) will be posted on the District Assembly webpage.
2. New BPS & APs that are legally advised or optional will be reviewed by the chapter lead to determine if the BP/AP is needed.
 - a. If yes, then the BP/AP will be forwarded to the District Assembly with a recommendation to

adopt and, if approved by the District Assembly, will be added to the review timeline as per the recommendation of the chapter lead:

b. If no, then the BP/AP will be forwarded to the District Assembly with a recommendation to not adopt.

3. New “Required” BPs & APs as well as those requiring content review and revisions will be added to the annual review timeline as per the recommendation of the chapter leads.

References:

Education Code Section 70902;

ACCJC Accreditation Standards I.B.7; I.C.5; IV.C.7; and IV.D.4 (formerly IV.B.1.b & e)

Attachments:

AP 2410 Board Policies & Admin Procedures -
Comments

AP 2410 Board Policies & Admin Procedures -
Legal Citations

AP 2410 Board Policies & Admin Procedures -
revised.docx

AP 2410 Board Policies & Admin Procedures-
with Rejected Changes - Comments

AP 2410 BOT Committee, AS, and BOT Chair
comments 2/6/18



Origination: N/A
Last Approved: N/A
Last Revised: N/A
Next Review: N/A
Owner: BOT Board of Trustees:
Policy Area: Chapter 2 Board of Trustees
References:

BP 2410 Board Policies and Administrative Procedures

(Replaces SBCCD BP 2045)

The Board may adopt such policies as are authorized by law or determined by the Board to be necessary for the efficient operation of the District. Board policies are intended to be statements of intent by the Board on a specific issue within its subject matter jurisdiction.

The policies have been written to be consistent with provisions of law, but do not encompass all laws relating to District activities. All District employees are expected to know of and observe all provisions of law pertinent to their job responsibilities.

Policies of the Board may be adopted, revised, added to or amended at any regular Board meeting by a majority vote. Proposed changes or additions shall be introduced not less than one regular meeting prior to the meeting at which action is recommended. The Board shall regularly assess its policies for effectiveness in fulfilling the District's mission.

Administrative procedures are to be issued by the Chancellor as statements of method to be used in implementing Board Policy. Such administrative procedures shall be consistent with the intent of Board Policy. Administrative procedures may be revised as deemed necessary by the Chancellor through regular consultation processes and/or as required by revisions to laws and regulations. Administrative procedures are forwarded to the Board of Trustees. The Board reserves the right to direct revisions of the administrative procedures should they, in the Board's judgment, be inconsistent with the Board's own policies.

Board policies and administrative procedures are to be reviewed ~~on a six-year cycle~~ as per the schedule specified in AP 2410.

Board policies and administrative procedures shall be readily available on the District's website.

Reference:

Education Code Section 70902; ACCJC Accreditation Standards IV.C.7, IV.D.4, I.B.7, and I.C.5 (formerly IV.B.1.b & e)

Attachments:

- [BP 2410 Board Policies & Admin Procedures - Comments](#)
- [BP 2410 Board Policies & Admin Procedures - Legal Citations](#)



Origination: 05/2013
Last Approved: 05/2015
Last Revised: 05/2015
Next Review: 04/2021
Owner: *Human Resources Human Resources*
Policy Area: *Chapter 7 Human Resources*
References:

AP 7150 Evaluation

(Replaces current SBCCD AP 7251)

Employees represented by CSEA and CTA should refer to their respective bargaining unit agreements for information specific to their unit.

Frequency of Evaluation

Each manager will be evaluated once per year for the first two years of employment and every three years thereafter. Evaluations may be held on a more frequent basis as appropriate.

For managers within the first year of evaluation, the supervisor and employee will establish goals and objectives to be accomplished. The manager will be solely responsible for providing an evaluation within the first six months of hire. In the subsequent year and each year thereafter, the evaluation committee process will be instituted.

Interim Manager assignments will be evaluated during the sixth month of interim appointment and annually thereafter if the assignment is greater than one semester in length. The manager will be solely responsible for providing the evaluation. Evaluations may be held on a more frequent basis as appropriate.

EVALUATION TIMELINE:

No later than October 1 of each calendar year the supervisor and employee will meet to initiate the evaluation process. This meeting will entail the review of prior goals, if applicable, and the establishment of new goals for the current year.

By November 1 of each year, the committee shall be formed. The committee will meet and convene and provide a written summary report to the immediate supervisor no later than December 30 of each calendar year.

The final evaluation report shall be provided to the evaluatee no later than January 30 of each calendar year.

Goals/Objectives

Each manager will meet with his/her supervisor at the beginning of each academic year to review the goals and objectives set for the prior year and to discuss the extent to which the goals and objectives were met. They will review the job description and, by mutual agreement, revise, update, or set new short- and long-range goals and objectives.

In an effort to ensure that employee evaluations are completed in a timely manner, the following process will be followed by Human Resources:

1. The immediate supervisor of the employee who is to be evaluated will receive an email directly from HR notifying the supervisor that an evaluation is due.
2. The evaluating supervisor's manager will also receive the email and will be responsible for ensuring the evaluation is completed and forwarded to HR within the required timeframe.
3. The President of the College and the appropriate Vice President will be copied on the email.

Committee

In the case of campus-Directors, Deans and Vice Presidents, the committee shall include the immediate supervisor as chairperson, one manager appointed by the President, one faculty member appointed by the Academic Senate, and one classified employee appointed in collaboration with CSEA and hiring manager. All supervisors and managers will be evaluated by the hiring manager. Surveys will be sent district wide for input.

In the case of the College Presidents, the committee shall include the immediate supervisor as chairperson, one manager appointed by the Chancellor, two faculty members appointed by the Academic Senate, and one classified employee appointed in collaboration with CSEA and hiring manager.

In the case of the district-level Directors, Executive Directors, Associate Vice Chancellor(s), Vice Chancellor(s) and Executive Vice Chancellor(s), the committee shall include the immediate supervisor as chairperson, one manager appointed by the Chancellor, one faculty member appointed by the Academic Senate at San Bernardino Valley College, one faculty member appointed by the Academic Senate at Crafton Hills College, and one classified employee appointed in collaboration with CSEA and hiring manager. All supervisors and managers will be evaluated by the hiring manager. Surveys will be sent district wide for input.

In the event a committee member is unable to participate, an alternate can be appointed if selected prior to the committee meeting.

Campus/District Survey

As appropriate to the assignment, the hiring manager shall seek written feedback from the campus and/or district community. In obtaining this feedback, the hiring manager shall use an approved evaluation form. Using the approved form, the hiring manager shall seek input from applicable managers, faculty, classified staff and any others who are in a position to know how effectively the evaluatee is performing assigned responsibilities. Responses on the approved form shall be signed, and the hiring manager shall prepare a consolidated summary of the ratings and comments. Original survey documents will be destroyed once the consolidated summary is prepared. A copy of the consolidated summary will be made available to the committee.

Evaluatee

Prior to the evaluation conference, the manager being evaluated will submit to their supervisor a written self-evaluation of his/her performance, which shall be based on the approved job description and previously established, mutually agreed upon goals and objectives. The manager may submit a portfolio of representative work, or any other items he/she considers appropriate.

Evaluation Report

The hiring manager will produce a written evaluation report by January 30. The report shall include:

1. A summary of duties from the job description, which shall serve as a basis for the evaluation.
2. A summary list of the goals and objectives from the prior year that have been mutually agreed upon by the manager and his/her supervisor.
3. An assessment of the extent to which the evaluatee meets his/her stated goals and objectives.
4. An assessment of the management and leadership strengths of the evaluatee.
5. The identification of any areas in which the manager can improve his/her performance or management skills.
6. A copy of the consolidated summary of the ratings and comments

The written report shall specify one of the following:

1. Commendation for superior performance;
2. Confirmation of satisfactory performance;
3. Recommendation for improvement and/or further evaluation as indicated by unsatisfactory performance.

The evaluation record shall be read and signed by the hiring manager before being placed in his/her file. The evaluatee shall receive a copy of the evaluation report, and will have an opportunity to attach a written response within fifteen working days. The response may offer clarification, additional information, or a rebuttal, as the person being evaluated may wish.

An official file of evaluation reports shall be maintained in the District Office Human Resources Department. Evaluation reports shall not be retained in the file beyond a four-year period if the manager requests that they be expunged.

There will be only two copies of a completed evaluation. One copy will remain in the possession of the manager being evaluated and the original will become a part of the official file in the Human Resources Department.

Procedures in the Case of Unsatisfactory Performance of Responsibilities

When a manager's performance is judged unsatisfactory, corrective measures will be initiated. The manager shall develop a work plan with measurable goals, objectives and a timetable to correct the areas judged unsatisfactory. This work plan shall be reviewed and approved by the hiring manager (or Board of Trustees, in the case of the Chancellor) who shall be responsible for monitoring and assisting the manager with the corrective measures. If desired, the immediate supervisor will work with the manager to identify a mentor to provide guidance and advice.

In order to ascertain the extent to which corrective measures have succeeded, the re-evaluation of the manager shall be undertaken as soon as deemed appropriate by the supervisor, but in no case later than six months after the initial findings of the evaluation committee. The re-evaluation process shall include the submission of new goals and objectives to the immediate supervisor, the formation of a new evaluation committee, the collection of new survey data, and the preparation of an updated evaluation report that assesses the progress (or lack of progress) made since the last evaluation.

Nonrenewal of Contract, Dismissal, or Penalty of Limited Duration

In the case of unsatisfactory progress following re-evaluation, managers shall be notified of contract non-renewal, dismissal, or penalty of limited duration by action of the Board of Trustees in accordance with the Education Code.

Classified employee evaluations will be conducted in accordance with the Agreement between the District and the Chapter of the California School Employees' Association.

Confidential employee evaluations will be conducted every three months for the first twelve months of service, then every two years thereafter.

Faculty evaluations (both full and part-time) will be conducted in accordance with the Agreement between the District and Chapter of CCA/CTA/NEA.

Additional documents related to evaluation can be reviewed on the Human Resources web-page.

Also see BP/AP 2435 titled Evaluation of the Chancellor

Reference:

Accreditation Standard III.A.5 (formerly III.A.1.b)

Attachments:

No Attachments

Approval Signatures

| Step Description | Approver | Date |
|------------------|-------------|---------|
| | Policy Stat | 01/2019 |
| | Policy Stat | 01/2019 |
| | Policy Stat | 01/2019 |
| | Policy Stat | 01/2019 |
| | Policy Stat | 01/2019 |
| | Policy Stat | 01/2019 |



Current Status: Active

PolicyStat ID: 5534826



Origination: 05/2013
Last Approved: 03/2018
Last Revised: 03/2018
Next Review: 03/2024
Owner: *Human Resources Human Resources*
Policy Area: *Chapter 7 Human Resources*
References:

BP 7150 Evaluation

(Replaces current SBCCD BP 7251)

All employees will periodically undergo a performance evaluation, at prescribed intervals. The Chancellor shall assure periodic and systematic evaluations of faculty, managers, confidential employees, and classified members.

The criteria for management and confidential employee evaluations shall be based on board policy, the job descriptions, and performance goals and objectives developed mutually by the manager and the supervisor.

Refer to the collective bargaining agreements regarding evaluation processes for applicable collective bargaining groups.

Reference:

WASC/ACCJC Accreditation Standard III.A.1.b

Attachments:

- [BP 7150 Evaluation- Comments](#)
- [BP 7150 Evaluation- 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: N/A
 Last Approved: N/A
 Last Revised: N/A
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 Owner: Chancellor's Cabinet
 Chancellor's Cabinet:
 Policy Area: Chapter 3 General Institution
 References:

AP 3570 Smoking on Campus

(Replaces current SBCCD AP 3570)

~~Smoking shall be permitted only in designated areas. Look for "Tobacco Use Area" signs at each campus.~~

~~Smoking is prohibited within 20 feet of a main exit, entrance, or operable window of any campus building.~~

~~Smoking is prohibited inside any indoor area of any campus building, except for covered parking lots and residential space.~~

~~"Covered parking lot" means an area designated for the parking of vehicles that is enclosed or contains a roof or ceiling, but does not include lobbies, lounges, waiting areas, stairwells, and restrooms that are a structural part of the parking lot or a building to which it is attached.~~

~~"Residential space" means a private living area, but does not include common areas such as lobbies, lounges, waiting areas, elevators, stairwells, and restrooms that are a structural part of a multi-complex building such as a dormitory.~~

~~Smoking is prohibited in any enclosed place of employment on campus, including lobbies, lounges, waiting areas, stairwells, and restrooms that are a structural part of any building that is a place of employment.~~

The San Bernardino Community College District (SBCCD) is a smoke-free and tobacco-free environment. Smoking, vaping, and the use of tobacco products is prohibited on all District property. This policy and the related administrative procedures apply to students, faculty, staff, administrators, visitors, and general members of the public.

~~Tobacco~~This prohibition includes the use of all tobacco products, including but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, hookahs, and an electronic device that delivers nicotine or other vaporized liquids to a person inhaling from the device (e.g., e-cigarettes and vaporizers) ~~may not be used within 250 feet of a youth sports event. A youth sports event is any practice, game, or related activity organized by any entity at which athletes up to 18 years of age are present.~~

~~Smokers must:~~

- ~~• Respect the rights of non-smokers.~~
- ~~• Smoke only in designated smoking areas.~~
- ~~• Make sure their smoke does not enter buildings.~~
- ~~• Extinguish cigarettes in appropriate containers.~~

~~Non-Smokers must:~~

- ~~Respect the rights of smokers.~~

District property includes both indoor and outdoor areas of property that is owned, leased, or otherwise controlled by the District, including but not limited to: classrooms, offices, lobbies, lounges, waiting areas, stairwells, restrooms, walkways, sidewalks, lawns, athletic fields and viewing stands, parking lots, warehouses, storage yards, and District-owned or leased vehicles.

The District offers the following resources for students, faculty, and staff who are interested in quitting smoking or the use of tobacco. The EX Program is a digital program that provides multi-modal tools to tailor the quitting experience to individual needs, including tools for pregnant women and e-cigarette users. The EX program can be accessed at www.becomeanex.com

Notice of the Policy

- Notice of the Smoking Policy of the campus will be published in appropriate District publications and in notices distributed to students, staff, and those renting District facilities.
- Appropriate signage will also be placed throughout the campus.

Enforcement

- Violations of this section may be punished by a fine of \$50.00.
- Enforcement shall be the responsibility of the District Police Department.
- Any person who desires to register a complaint hereunder may initiate enforcement consideration with the District Police Department.

References:

Government Code Sections 7596, 7597, 7597.1, and 7598;
Labor Code Section 6404.5; Health and Safety Code Section 104495;
Title 8 Section 5148

Attachments:

[AP 3570 Smoking on Campus- Comments](#)
[AP 3570 Smoking on Campus- Legal Citations](#)
[AP 3570 Update #30.pdf](#)
[Legal Update 33 Overview Rev. 10-25-18.docx](#)



Current Status: *Draft*

PolicyStat ID: 6064829



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| Owner: | <i>Chancellor's Cabinet</i> |
| | <i>Chancellor's Cabinet:</i> |
| Policy Area: | <i>Chapter 3 General Institution</i> |
| References: | |

BP 3570 Smoking on Campus

(Replaces current SBCCD BP 3570)

Smoking of any form of tobacco or non-tobacco products, including electronic cigarettes, is prohibited on District grounds, in all District buildings, District vehicles, at any activity or athletic event and on all property owned, leased or rented by or from the District, ~~unless a tobacco use area has been designated.~~

This policy allows for the establishment of procedures to comply with Government Code Section 7597.

This policy and the related administrative procedures apply to employees, students, visitors, and other persons who use the facilities on the campuses or centers that are part of the District.

To enforce smoking and tobacco control regulations and procedures, the Chancellor is authorized to:

- Set enforcement standards for all District sites and campuses.
- Impose a fine of \$50.00 for violations of this section.
- Direct that the District post signs stating its tobacco use policy on campus.
- Inform employees and students of the tobacco use policy and enforcement measures.

References:

Government Code Sections 7596, 7597, 7597.1, and 7598;
Labor Code Section 6404.5;
Title 8 Section 5148

Attachments:

[BP 3570 Smoking on Campus- Comments](#)
[BP 3570 Smoking on Campus- Legal Citations](#)



| | |
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| Origination: | N/A |
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| Last Revised: | N/A |
| Next Review: | N/A |
| Owner: | <i>Academic Senates Academic Senates</i> |
| Policy Area: | <i>Chapter 5 Student Services</i> |
| References: | <i>Legally Required</i> |

AP 5150 Extended Opportunity Programs and Services

(Replaces current SBCCD AP 5150)

~~**NOTE:** This procedure is **legally required**. Local practice may be inserted. Insert local administrative procedures here and/or reference the EOPS Plan. At a minimum, the procedures, plan, or description of the program and services must address:~~

- ~~• Staffing and program management~~
- ~~• Documentation and data collection system~~
- ~~• An EOPS advisory committee~~
- ~~• A full time director~~
- ~~• Eligibility criteria~~
- ~~• Student responsibility requirements~~
- ~~• Recruitment and outreach services~~
- ~~• Cognitive and non-cognitive assessment, advising, orientation services and registration assistance~~
- ~~• Basic skills instruction, seminars, and tutorial assistance~~
- ~~• Counseling and retention services~~
- ~~• Career employment services~~
- ~~• Transfer services~~
- ~~• Direct aid.~~
- ~~• Establishment of objectives to achieve the goals in implementing extended opportunity programs and services.~~
- ~~• Review and evaluation of the programs and services and submission of related reports.~~
- ~~• From current SBCCD AP 5150 titled Extended Opportunity Programs and Services (EOPS)/CARE~~

~~Title 5 Regulations for EOPS/CARE are the District's adopted regulations.~~

References:

Extended Opportunity Programs and Services (EOPS) was established as a result of Assembly Bill 164 passed by the California Legislature in 1969 to fight poverty. It is the intent of the Legislature that the California Community Colleges recognize the need and accept the responsibility for extending the opportunities for community college education to all who may profit regardless of economic, social and educational status.

EOPS provides academic and financial support to community college students whose educational and

socioeconomic backgrounds might prevent them from successfully attending college. Services are specifically designed for at risk students and their specific needs. Students are required to meet with their counselor three times during each term and have a Student Educational Plan (SEP) developed/revised to assist the student in achieving his/her individual goal. The purpose of both EOPS and CARE is to offer “over, above, and in addition to” support services to students with social, economic, and educational challenges with the goal of increasing access, retention, and transfer.

San Bernardino Valley College (SBVC) EOPS Program

Staffing and program management

Full time director

Documentation and data collection system

EOPS advisory committee

Eligibility criteria

Student responsibility requirements

Recruitment and outreach services

Cognitive and non-cognitive assessment, advising, orientation services and registration assistance

Basic skills instruction, seminars, and tutorial assistance

Counseling and retention services

Career employment services

Transfer services

Direct aid.

Establishment of objectives to achieve the goals in implementing extended opportunity programs and services.

Review and evaluation of the programs and services and submission of related reports.

Crafton Hills College (CHC) EOPS Program

The EOPS at Crafton Hills College was established in 1973. The program provides services that are specifically designed to supplement the college’s existing support programs and to help the EOPS student complete their educational goal. The services that are offered include, but are not limited to: orientation, early registration, specialized counseling (for help with educational planning, career assessment, and personal counseling), academic progress monitoring, basic skills instruction (EOPS Summer Readiness Program), tutoring, and book services.

CHC EOPS Staffing and Program Management

- : Vice President, Student Services**
- : Dean, Student Services**
- : Director, EOPS/CARE/CalWORKs/Guardian Scholars**

- Sr. Student Services Tech
- Sr. Student Services Tech
- 2 Counselors
- Adjunct EOPS counselor
- Student Services Tech 1

The EOPS Program accomplishes the mission and vision of CHC by promoting student success with enrollment assistance, academic/career/educational planning, textbook assistance, transfer assistance, and assistance with handling personal, family or social problems which may interfere with the students' educational goal attainment. These combined components reflect the underlying philosophy that by providing information, clarification and support to students, it will enable them to make realistic decisions which are in their own self-interests and assist the student in planning and implementing strategies to achieve their own personal success. Our goal is to keep students engaged and actively involved in their education

Each interaction with the student is meaningful whether in a counseling appointment or when a student comes in to the office for assistance, each staff members takes the time to understand the student's needs. The staff takes the time to get to know the student and conversations often show a personal interest in the student. The program recognizes each student's personal accomplishments by providing a shout out for students who share an accomplishment no matter how small or big. The program also recognizes students who successfully achieved a cumulative gpa of 3.0 and completed 24 cumulative units and students who completed their educational goal at the program's yearly Scholars and Graduation Ceremony. The program encourages students to participate in workshops and activities that are offered through the Transfer Center, Career Center, Counseling, Student Life and other instructional departments. Encouraging participation in these workshops and activities allows the students to be engaged in the campus community and also allows them to be well rounded as students. In addition, the program offers the informal, personal contributions of each EOPS/CARE/CalWORKs/Guardian Scholars staff and students, a system of support that often exerts the greatest impact on the lives of participating students.

Full time director

The EOPS Program at CHC has requested a waiver from the State Chancellor's office for a Full Time Director (Title 5, section 56230.) The program has a full time classified coordinator that is assigned full time to EOPS/CARE that reports directly to the EOPS director, and the job duties and responsibilities are clearly designated as the position that administers the program in conjunction with, or in the absence of a full time director.

Documentation and data collection system

Eligibility Criteria

The EOPS Program at Crafton Hills College follows state mandated EOPS Guidelines to determine student eligibility (key users).

All key users must be eligible for a Board of Governor's Waiver (BOGW) A or B from Financial Aid, a resident of California, must be enrolled in 12 units (unless a participant in the DSPS – Disabled Student Services Program), have completed less than 70-degree applicable units from all colleges attended and meet one of the educationally disadvantaged criteria below:

- Assessed in remedial education courses (English 976, Reading 980, Math 942, Math 952, Math 943, Math 953, Math 962)
- Did not graduate from high school or obtained the General Education Diploma
- Graduated from high school with a grade point average below 2.5 on a 4.0 scale
- Previously enrolled in remedial education courses in high school or college

- Parents have not earned a United States Baccalaureate Degree or parents' primary language is not English
- Emancipated foster youth

EOPS/CARE/CalWORKs/Guardian Scholars Program Objectives:

- Continue to improve availability of staff and counseling support.
- Increase the number of disproportionately impacted students in the program and other support services.
- Continue to assist students with the transfer process.
- Increase student persistence in the EOPS/CARE/CalWORKs/Guardian Scholars Program and overall educational goal.
- Increase student course completion rate.

Important goals of the program and the key functions:

GOAL: Academic Support- The EOPS Program provides a solid foundation and roadmap toward an educational goal through (Functions):

- An in depth EOPS New Student Orientation
- Completion of comprehensive Student Educational Plan(s) (SEPs)
- Student contacts – a minimum of three per semester
- Email to students informing them of important deadline dates, progress reports, campus workshops and events
- Follow up with instructors regarding student issues and on-going progress
- Mandated progress reports regarding student issues and early alert monitoring
- Completion of EOPS Academic Support Contract to probationary students to provide additional counseling to ensure student progress and success
- An Academic Recognition Ceremony honoring EOPS Scholars and Graduate academic achievers
- Consistent contact and support to students who are graduating/or transferring to ensure that all qualifications are met
- Monitoring requirements for certificates and/or degrees
- Assistance in completing their IGETC/CSU Certification and Petition to Graduate forms to assist with the graduation and transfer process

GOAL: Financial Support – The EOPS Program helps make college more affordable through (Functions):

- Assistance with the cost of textbooks during fall, spring, and summer semesters
- Assistance with book loan program during fall, spring, and summer semesters
- Assistance with academic supplies during fall, spring, and summer semesters (back packs, scantrons, scientific calculators, binders, pens, pencils, notebooks, index cards, lab goggles, art supplies)
- Assistance with assistive technology (Smart Pens)
- Purchasing of cap, gown, and diploma cover for eligible graduating EOPS/CARE students
- Four-year college application fee waivers for the CSU and UC campuses

GOAL: Personal/Motivational Support – The EOPS Program improve student image and increase course completion and persistence rates over time through (Functions):

- Assistance in completing college application to four-year universities
- Assistance with contacting four-year universities regarding admissions requirements
- Assistance with completing follow up materials received from four-year universities
- Letters of recommendations
- Honoring graduates at the annual EOPS Program Scholars/Graduation Ceremony

- Providing academic/personal/career workshops each Fall and Spring semester
- Providing an Academic Planner for each EOPS student
- Providing an EOPS newsletter each Fall and Spring semester
- Student recognition board recognizing EOPS students for personal and academic successes
- Provide in-depth one on one personal counseling for students who are facing personal difficulties
- Provide community resources/referrals as needed basis
- Provide Open House to welcome incoming new EOPS students during Fall semester

Student Responsibility Requirements

The requirements that EOPS students must fulfill each semester are delineated in the EOPS mutual student responsibility contract what includes the following:

As an EOP&S student:

- A. I agree to follow my EOPS counselor approved educational plan in order to make progress toward my academic goal.
- B. I agree to enroll in a minimum of 12 units each semester, (exception: DSPS students). I understand that prior to making any changes to my class schedule or educational plan, I must have approval from an EOPS Counselor, this includes dropping/ withdrawing from any classes.
- C. I agree to meet with an EOPS Counselor a minimum of three (3) times per semester. I understand that these counselor appointments must be thirty (30) days apart in order to follow my academic progress.
- D. I understand that I must maintain a minimum of a 2.0 GPA or above each semester. If I do not meet these standards, I agree to sign an EOPS Academic Support contract and meet with an EOPS Counselor five (5) times a semester. I understand that these counselor appointments for academic support must be at least three (3) weeks apart to follow my academic progress.
- E. I agree to submit an EOPS Mid Semester Academic Progress Report on all the courses I am registered in by the due date for each semester that I am in the EOPS Program.
- F. I agree to participate in any activities assigned by the EOPS Program (such as assessment, tutoring, counseling, classes, workshops, etc.)
- G. I agree to attend an EOPS Mandatory Academic Workshop each semester.
- H. I agree to respond in a timely manner to all notices and calls made to me by the EOPS Office Staff. I understand that if I am not able to attend my scheduled counseling appointment, I must notify the EOPS Office and give a 24-hour cancellation notice.
- I. I agree to notify the EOPS Office staff of any changes in my class schedule, major, address, phone number or personal status.
- J. I agree to use my EOPS book service to purchase books for my counselor approved and actively enrolled courses.
- K. I understand that the EOPS services I receive may vary each semester depending on funding.
- L. I understand that I am eligible to receive services upon reaching 70-degree applicable units.
- M. I understand that I am provisionally accepted until my eligibility has been verified and until I complete an EOPS Orientation and my EOPS Educational Plan.
- N. I understand that failure to fulfill the provisions listed above may result in a decrease in or elimination of the EOPS grant AND/ OR my being terminated from EO&S.

The EOPS Program provides access to higher education for historically underrepresented students who are low income, first generation, and educationally underprepared to pursue a college education. The programs serve each of the disproportionately impacted students identified in the CHC Student Equity Plan. The programs also reflect the diversity of the CHC campus, and the surrounding community. We admit students of all ages, races, language groups, sexual orientations, abilities and religious affiliations. Students mirror the support they receive by a diverse program staff-helping one another by sharing information, offering personal support, and academic assistance.

The director, EOPS counselor, and CARE/CalWORKs counselor attended training to be able to provide online counseling and workshops through Cranium Cafe. However, the best mode of delivery for the student population that the program serves is face to face. Students are required to meet with a counselor three times during the semester, not because students change their educational plans often, but because the students encounter nonacademic factors that could inhibit their success, i.e. work, family responsibility, issues related with poverty. The program uses these appointments to build rapport with the student and help them depend on a community of support so that the program can provide resources that address these situations. As a result, students find face to face interactions the most beneficial as noted in the satisfaction surveys. We have continued with in person orientations and workshops for students.

The staff has also attended training on Strengths Quest, MBTI, Strong, Inner Heroes, and On Course. The staff has utilized the training in providing workshops to our EOPS/CARE/CalWORKs/Guardian Scholars students. In addition, the staff can provide personal assessments, and study skills strategies utilizing the tools they learned in the training during the one to one counseling sessions. The staff is also utilizing Student Lingo and Go2Knowledge workshops to assist the students in becoming successful students.

The staff is dedicated and committed to supporting students with their educational goals and career objectives. The staff displays the "over, above, and in addition to" spirit that is common among EOPS Program staff in the 114 community colleges.

The EOPS Program offers an array of services to support, increase course completion, and completion of the student's educational goals. Students benefit from book grants, academic/career/ personal counseling, priority registration, application fee waivers to the CSU and UC four-year institutions, transfer assistance and learning community classes, along with EOPS new student orientations and academic/career/personal workshops.

EOPS staff has consistently received positive reports for its service delivery. The rating criteria include Quality of Service, Knowledge of Staff, Helpful Attitude of Staff, Wait Time for Service. It is very gratifying to staff that students have given us superior evaluations in these areas and these services appear to be generally well utilized. The student evaluations of the program were encouraging to staff since they are the consumers who regularly have contact with staff. Despite all their contractual obligations, most of the students seem satisfied with the tradeoff of our mutual responsibilities.

EOPS Advisory Committee

The Advisory Committee is appointed by the president of the college upon recommendation by the EOPS Director. The purpose of the advisory committee is to assist the college in developing and maintaining effective extended opportunity programs and services. The term of each committee member is for two years, July of the year of appointment to June 30 of the second succeeding year. Members may serve more than one term. The committee shall consist of no fewer members than the members of the local Board of Trustees. Members shall serve without compensation. Members of the committee include representation from college personnel, EOPS students, local or feeder high schools, community and business sector, and four-year colleges. The Advisory Committee meets at least once during each academic year

Outreach and Recruitment

Outreach and recruitment is conducted during SOAR presentations at the high schools. An EOPS staff attends the SOAR visits and presents on the EOPS Program to high school seniors who are planning to attend CHC. Interested students are given an EOPS application to complete. The application is processed after verifying that the student has applied for FAFSA and has been awarded a BOGW A or B. The student is invited to attend an EOPS Orientation in which an in-depth and through presentation is provided on the eligibility and services that the EOPS Program provides.

Direct Aid

Direct Aid is not provided to students. Eligible EOPS students are given an EOPS book voucher with they take to the CHC bookstore to purchase textbooks. Depending on funding, each semester the dollar amount varies on the EOPS book voucher.

Career Employment Services and Transfer Services

The EOPS Program coordinates its activities with the Career Center and the University Transfer Center. Workshops, presentations or special events including tours are coordinated to ensure that EOPS students are able to participate and engage in the various activities offered through the Career Center and the University Transfer Center

Review and evaluation of the programs and services and submission of related reports

References:

**Education Code Sections 69640-69656;
Title 5 Sections 56200 et seq.**

Attachments:

[AP 5150 Extended Opportunity Programs and Services - Comments](#)
[AP 5150 Extended Opportunity Programs and Services - Legal Citations](#)
[AP5150 -OLD.pdf](#)



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

BP 5150 Extended Opportunity Programs and Services

(Replaces current SBCCD BP 5150)

NOTE: The language in red ink is--

- ~~From current SBCCD BP 5150 titled Extended Opportunity Programs and Services~~

The Extended Opportunity Programs and Services (EOPS) is established to provide services that may include, but are not limited to, outreach, recruitment, orientation, assessment, tutorial services, counseling and advising, and financial aid.

~~Support services and programs that are in addition to the traditional student services programs shall be provided in order to assist students who have language, social, and economic disadvantages to succeed academically in the District.~~ Support services and programs that are in addition to the traditional student services programs shall be provided in order to assist students who have language, social, and economic disadvantages to succeed academically in the District.

~~The Extended Opportunity Programs and Services (EOPS) is established to provide services that may include, but are not limited to, outreach, recruitment, orientation, assessment, tutorial services, counseling and advising, and financial aid.~~

NOTE: The following paragraphs are shown as struck as they contain prescriptive details more appropriate for inclusion in administrative procedures.

~~The Extended Opportunity Programs and Services (EOPS) was established by the Legislature in 1969 through SB 164 (Alquist.) The intent of the program is to provide services to students affected by language, social and economic handicaps to achieve their educational objective and goals; including, but not limited to, obtaining job skills, occupational certificates, or associate degrees, and transferring to four year institutions.~~

~~EOPS provides financial and academic support to community college students whose educational and socioeconomic backgrounds might prevent them from successfully attending college. Services are specifically designed for at-risk students and their special needs. Counseling contacts are mandatory and a Student Educational Plan (SEP) is developed for each student to assist the student in achieving their educational goals.~~

~~To qualify for the EOPS Program, a student must meet the following criteria:~~

- ~~Be a resident of California~~
- ~~Be enrolled full time, 12 units; DSPS students must have a letter from the DSPS Program stating the~~

~~number of units the DSPS student can be enrolled in~~

- ~~• Have fewer than 70 degree applicable college units~~
- ~~• Be eligible for the Board of Governor's Fee Waiver A or B~~
- ~~• Be educationally disadvantaged as determined by one or more of the following Title 5 — EOPS~~

~~Implementing Guidelines:~~

- ~~• Not qualified for enrollment into either the minimum college level English or minimum college level mathematics courses~~
- ~~• Not have graduated from High School or obtained the GED~~
- ~~• Graduated from High School with a grade point average below 2.5 on a 4.0 scale~~
- ~~• Previously enrolled in remedial education coursework in high school or college~~
- ~~• Student is a first generation college student~~
- ~~• Parent's first language is not English~~
- ~~• Student is an emancipated foster youth~~

~~EOPS provides services that are specifically designed to supplement the college's offered programs in an over and above manner to help EOPS students complete their educational goals. The services available to eligible students may include but are not limited to: EOPS/CARE outreach and recruitment, EOPS/CARE orientation, priority registration, specialized counseling (for assistance with educational planning and career assessment), academic progress monitoring, basic skills instruction, tutoring, transfer assistance, career guidance, fee waivers to the UC/CSU system, child care referrals, book services, and academic excellence grants.~~

The Chancellor shall assure that the EOPS program conforms to all requirements established by the relevant laws and regulations.

References:

Education Code **Sections** 69640 – 69656;
Title 5 Sections 56200 et seq.

Attachments:

[BP 5150 Extended Opportunity Programs and Services - Comments](#)

[BP 5150 Extended Opportunity Programs and Services - Legal Citations](#)

[BP5150 -OLD.pdf](#)



| | |
|----------------|-----------------------------------|
| 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: | Brand New - required |

AP 5520 Student Discipline Procedures

~~**NOTE:** This procedure is legally required, except as specifically noted. Local practice may be inserted, but must comply with the standards of due process reflected in this example.~~

~~The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.~~

~~These Administrative Procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code Section 76120, and will not be used to punish expression that is protected.~~

Definitions:

~~**District**—The San Bernardino Community College District~~

~~**Student**—Any person currently enrolled as a student at any college or in any program offered by the District~~

~~**Instructor**—Any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.~~

~~**Short-term Suspension**—Exclusion of the student by the Chancellor/College President and/or designee for good cause from one or more classes for a period of up to ten consecutive days of instruction.~~

~~**Long-term Suspension**—Exclusion of the student by the Chancellor or designee for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.~~

~~*(Replaces current SBCCD AP 5500)*~~

Student Discipline Procedures

Section I

A. INTRODUCTION

This Administrative Procedure (AP 5520) is intended to effectively administer Board Policy 5500 and

Administrative Procedure 5500 title "Standards of Student Conduct," and as such, this Administrative Procedure shall constitute the Standards of Student Discipline for all District Students. This Standards of Student Discipline provides District Students with prior notice of behavior deemed unacceptable by the District's Board of Trustees. This Standards of Student Conduct includes a defined process for the fair and impartial review and determination of alleged improper Student behavior. This Standards of Student Conduct also specifies the various sanctions that may be imposed on District Students for violations of this Standards of Student Conduct. Students are expected to be familiar with the terms of the San Bernardino Community College District's published Board Policy 5500 and this Administrative Procedure 5500 Standards of Student Conduct.

This Standards of Student Discipline provides for the orderly administration of the Standards of Student Conduct consistent with the principles of due process of law. Reasonable deviations from the Standards of Student Conduct will not invalidate a decision or proceeding.

This process does not supersede standards for specific programs which may have a have different process for program eligibility and retention e.g., Fire Academy, Police Academy, Nursing Program, etc.

The District/campus will strive to follow the timelines outlined in this Administrative Procedure barring unexpected delays or campus closures

B. THE USE OF "WILL" AND "SHALL"

In this Standards of Student Discipline, and throughout the District's Board Policies and Administrative Procedures, the use of the terms "will" and "shall" are used in the mandatory sense.

C. NOTICE - PROCESS FOR NOTIFICATION

San Bernardino Community College District's primary correspondence and notification mechanism with Students shall be through the Student's District assigned e-mail account. At the District's discretion, Students may be notified via U.S. mail, delivery in person, via SMS text message, by an alternate email on record from the Student, or by other authorized communication platforms. San Bernardino Community College District reserves the right to notify parents/legal guardians/emergency contacts when it determines that any Student, regardless of age, is in a situation that is threatening to their own health and safety, or that Student has placed another person in a situation that is threatening to their health and safety.

D. JURISDICTION

Pursuant to Board Policy 5500, the District's jurisdiction concerning alleged Standards of Student Conduct violations extends to the District, its colleges, and for all activities occurring on District property. This jurisdiction includes, but is not limited to, its main and satellite campuses, and to any non-District property used by the District or its colleges where District Students are present. This also applies to online courses/services and District sponsored/College sponsored programs, activities, and travel. This jurisdiction shall also apply to Student-to-Student or Student-to-employee off-campus conduct and/or actions, and electronic activity (such as e-mail, texting, telephone contact, social media), when the College Conduct Officer, or designee, determines that the off-campus conduct affects, disrupts, or interferes with the educational mission of the college. This Standards of Student Conduct also applies to off-campus conduct when the effects of the off-campus conduct create a Hostile Environment or impact a substantial District/College interest. A substantial District/College interest may include:

1. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, a single or repeated violations of any local, state, or federal criminal statute or ordinance:

2. Any situation where it appears that a Student may present a danger or threat to the health or safety of themselves or others;
3. Any situation that significantly impinges upon the rights, property, or achievements of self or others, or that significantly breaches the peace or causes significant disruption; and
4. Any situation that is detrimental to the educational interest of the District/College. The Student Code of Conduct may apply to online activity and communication that occur outside of the District's/ College's control when those online behaviors can be shown to create a Hostile Environment on campus or cause a substantial disruptio

E. ANTI-DISCRIMINATION STATEMENT

The San Bernardino Community College District does not unlawfully discriminate based upon age, race, ethnicity, sexual orientation or preference, gender, national origin, veteran's status, gender identification, or genetic information in administering District educational policies and procedures. The District complies with the American Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973 and Title IX. See Board Policy 3410 Nondiscrimination.

F. PARALLEL STUDENT DISCIPLINE PROCEEDINGS

Student Discipline Code proceedings are administrative in nature and are independent from court or other administrative proceedings. Discipline may be instituted against a Student also charged in civil or criminal courts based on the same facts that constitute the alleged violation of the Standards of Student Conduct. The District may elect to proceed before, concurrently with, or after any judicial or other administrative proceedings.

G. PARALLEL TITLE IX INVESTIGATION PROCEEDINGS

The District's Title IX Policy and Procedure, BP/AP 3540 Sexual and Other Assaults on Campus, addressing the investigation of allegations of sexual misconduct incorporate the sanctions and general procedures set forth in this Standards of Student Conduct, but are not restricted by this Procedure. Title IX investigations and processes are independent from court or other administrative proceedings. Student discipline may be instituted against a Student also charged in civil or criminal courts based on the same facts that constitute the alleged violation of Title IX or other law applicable to sexual misconduct. The District may elect to proceed before, concurrently with, or after any judicial or other proceedings.

Section II - Student Rights & Responsibilities

A. DUE PROCESS

Students are entitled to a fundamentally fair process, including reasonable notice of allegations of violations of the Standards of Student Conduct, the opportunity for the Student to be heard and to afford the Student the opportunity to present evidence prior to the administrative determination of the alleged violations. The District reserves the right to make immediate interim suspensions or restrictions when such actions are deemed necessary by the College Conduct Officer or designee pending an investigation and determination of the matter. Any sanction(s) imposed under the Standards of Student Conduct shall be appropriate to the nature of the violation(s). See Section III below.

B. STUDENT RIGHTS

- To be treated with respect by District officials
- To take advantage of campus support resources, such as Counseling, Special Services, Health Services, and other available resources.
- To experience a safe educational environment.

- To not be subjected to retaliation for reporting violations.
- To have complaints heard in substantial accordance with established procedures.
- To fully participate in any process whether the injured individual is serving as the Complainant or the institution is serving as Complainant.
- A complainant may and Respondent shall be informed in writing of the outcome/resolution, any sanctions imposed, and the rationale for the outcome, to the extent permissible under applicable law and Board Policies.

C. SPECIAL REQUESTS/ACCOMMODATIONS - STUDENTS WITH DISABILITIES

Any special requests and/or accommodations by any Party (for example, sign language, the use of assistive technology, service animals, and other accommodations approved by the Office of Disabled Student Programs & Services) must be made at least five (5) calendar days prior to the Administrative Conference. Special requests and accommodations shall also be applicable to Appeal Hearings as set forth in Section 4.2 of this Standards of Student Discipline.

D. ROLE OF LEGAL COUNSEL

An attorney licensed to practice in California may accompany the Student to the hearing. The attorney's role is to provide counsel to the Student without disruption to the hearing process.

The attorney may not make any statements or presentations to the College Conduct Officer, Hearing Panel, or Appeal Committee, examine or cross-examine any witnesses, or present evidence or any written material to the College Conduct Officer or Hearing Panel or Appeal Committee set forth in Section 4.4. The attorney may not, in any way, disrupt or interfere with the hearing process. Any violation of this section shall result in the removal of the attorney. The attorney shall provide the College Conduct Office with a retention letter confirming that they have been retained by the Student at least seven (7) calendar days before the hearing so that the necessary arrangements can be made for a District attorney to be present at the hearing. The attorney's retention letter shall include the attorney's State Bar number and a telephone number. The requirements of this section shall also be applicable to Appeal Hearings as set forth in Section 4.2 of this Standards of Student Discipline.

E. STUDENT RIGHT TO REVIEW RECORDS

Students seeking to review records relating to their investigation or to the outcome should refer to San Bernardino Community College District Board Policy 5040 Student Records Directory Information and Privacy. The District is not obligated to provide copies of student records unless not doing so would prevent the student from their right to inspect the record in question.

F. RECORDING AND PRESENTING WITNESSES

Audio/Video Recordings – No audio, video or other recording of any investigation, interview, or meeting is permitted by the student. The student has the right to audio record hearings at their own expense.

Witness Rules and Limitations – only witnesses presenting relevant testimony or information directly related to the alleged violations are permitted. Witness statements relating to the alleged violations may be accepted by the College Conduct Officer at their sole discretion if such statements are deemed to be material and relevant to the proceeding.

The College Conduct Officer or designee shall be responsible for contacting witnesses for all meetings other than the appeal hearing, subject to the Student notifying the college no less than five (5) calendar days prior to the proceeding. The College Conduct Officer reserves the right to exclude redundant testimony from witnesses, or redundancy in witnesses.

G. CONFIDENTIALITY

Any information provided to District employees may be shared with other District employees, law enforcement, or other parties, consistent with law, and only on a “need to know” basis. District employees shall endeavor to honor any Complainant or victim’s request for confidentiality; however, confidentiality cannot always be assured. The District may weigh requests for confidentiality against its duty to provide a safe and nondiscriminatory environment for all members of the District Community.

Investigative or hearing proceedings are considered private and confidential so as to protect the Parties involved. Hearings or meetings shall not be conducted in public, and are not open to the public. The Parties involved are expected to maintain the privacy of the proceedings.

Section III - Student Discipline Process

A. FACULTY INITIATED REMOVAL

Prior to removal, the faculty member is responsible to identify the behavior and inform the student that failure to correct the issue may result in removal from the class. If the behavior persists, the faculty member may remove, for good cause, any student from their class for up to two (2) class sessions. The student shall not return to the class during the period of the removal without permission of the instructor. Nothing herein will prevent the college president or designee from recommending further discipline in accordance with these procedures based on facts that led to the removal. As used in this rule, “good cause” includes those offenses listed in the Student Code of Conduct. In instances of online courses, students access to course content will be removed for a period of time comparable to two class sessions.

B. COMPLAINT FILED/INCIDENT REPORTED

San Bernardino Community College District, through its College Conduct Officers, will investigate all reports of alleged violations of the Standards of Student Conduct. Anyone who believes a section of the Code of Conduct has been violated should contact any College Conduct Officers identified at each District campus. Reports of allegations are entered into a District-wide system where it is assigned to the appropriate College Conduct Officers.

C. NOTICE TO STUDENT

In all cases, the College Conduct Officer, or designee, will provide notice to the Parties, providing them with the following information, pursuant to Section 1.3:

- o A description of the alleged violation(s).
- o A description of the applicable policies.
- o A statement of the potential sanctions/responsive actions that could result.
- o A required date and time, for the Student, to contact the College Conduct Officer within seven (7) calendar days from the date of initial notification to schedule a hearing/meeting, superseding all other campus and work activities. The Student’s failure to contact the College Conduct Officer within this seven (7) calendar day period shall constitute the Student’s waiver of their ability to provide a response to the alleged violation(s), and the proceeding shall take place as if the Student has not responded.

D. INTERIM ACTIONS: Interim actions are those temporary sanctions deemed necessary by the College Conduct Officer to protect the safety and security of the District Community pending an investigation into the alleged violations of the Standards of Student Conduct.

1. The College Conduct Officer may take any interim actions deemed necessary to:

- Protect the District Community from potential threats to health and safety;
 - Protect any particular member of the community;
 - Protect against the risk of substantial disruption to the normal operations of the campus.
2. The College Conduct Officer or designee will inform the Respondent involved of any interim action/restrictions implemented against them pending investigation.
3. Interim Action/Restrictions are effective immediately. There shall be no request to delay the imposition of interim actions. These actions may include:
- a. Interim Suspension – A Student who is suspended on an interim basis is subject to all of the same restrictions as if they had been suspended as a final sanction. The College Conduct Officer, or designee, may impose an interim restriction of up to fourteen (14) calendar days following notice from the College Conduct Officer.
 - b. Interim Restriction – These restrictions may include, but are not limited to:
 - Any other restrictions deemed by the College Conduct Officer or designee necessary to achieve the goals stated above.
 - No-contact orders with specific individuals;
 - District events;
 - Restricted access to District facilities;
 - c. The College Conduct Officer, or designee, may impose an interim restriction of up to fourteen (14) calendar days following notice from the College Conduct Officer.
4. Interim Suspensions and Request to Stay. Upon notice of an Interim Suspension by the College Conduct Officer, Title IX Coordinator, or designee, the Student has five (5) calendar days (from the date of the notice) to submit reason(s) for a Request to Stay to the Vice President of Student Services or their designee. The Vice President of Student Services or their designee will render a decision on providing a stay, with or without modifications to the Student’s request. The Vice President of Student Services or their designee will provide the Student with a decision within three (3) calendar days of the received Request to Stay. The Interim Suspension remains in effect until a decision from the Vice President of Student Services or designee is rendered

E. INVESTIGATION PROCESS:

The College Conduct Officer will conduct interviews to determine the accuracy of statements or other evidence.

The College Conduct Officer’s primary communication to all Parties involved in the investigation shall be through District assigned email addresses, with supplemental forms of communication used as needed as referenced in section 1.3 above.

The College Conduct Officer will investigate each complaint submitted to determine whether it is appropriate to charge a Student with a violation of the Student Conduct Code.

Investigations should generally result in resolution within sixty (60) calendar days after a complaint has been made, barring unexpected delays or campus closures. If circumstances warrant, the College Conduct Officer will provide notice to the Student(s) of any delays or extensions necessary to complete any investigation.

Investigations may comprise of an interview with the reporting Party(s), person(s) alleged to have violated the policy(s), witnesses, and other persons having knowledge.

The College Conduct Officer shall make reasonable efforts to give the Student(s) an opportunity to rebut the accusation or otherwise provide relevant information to the College Conduct Officer or designee regarding the incident(s) which led to the belief by the College Conduct Officer or designee that the Student violated the Standards of Student Conduct in an Administrative Conference.

Should a Student fail to appear for any meeting, that Student may be considered as having waived their right to be present for the meeting and, the investigation may proceed without the Student's input.

E. FINDINGS AND DETERMINATION: Conferences/Hearings for possible violations that occur near or after the academic terms will be held as soon as is practicable, to try to meet the resolution timeline followed by the District. The College Conduct Officer has the discretion to elect any of the following methods for resolution:

- o Administrative Resolution – The Respondent admits to the allegations and accepts the recommended sanctions of the College Conduct Officer or designee.
- o Formal Finding by the College Conduct Officer – The College Conduct Officer, after completing an investigation, which includes an opportunity for the Respondent's due process, makes a finding and, if appropriate, issues sanctions.
- o Formal Finding with Hearing Panel – The College Conduct Officer may elect, at their sole discretion, to refer the findings from their investigation, which includes the Respondent's due process, to a Hearing Panel for recommendation. The Hearing Panel is a panel convened to weigh the evidence presented following an investigation into alleged violations of the Standards of Student Conduct. The Hearing Panel shall be formed pursuant to Section 4.4 herein.

G. TYPES OF FINDINGS AFTER INVESTIGATION:

1. Not Responsible – In these cases, College Conduct Officer or designee has determined that insufficient evidence exists, by the Preponderance of Evidence standard, for a finding of Responsible for the alleged violation(s). The case is closed, and a record is retained.
2. Responsible – The College Conduct Officer or designee determines that sufficient evidence exists, by the Preponderance of Evidence standard, for a finding that the Respondent is Responsible for the alleged violation(s). This determination may also be rendered through the Administrative Resolution, where the Respondent has admitted culpability for the alleged violation(s). The College Conduct Officer may close the case.

After the investigation, meetings, and/or hearing, and considering all information relevant to the issue, the College Conduct Officer, or Hearing Chair and their Panel shall then decide whether or not to impose sanctions.

The College Conduct Officer will notify the Student charged with violations of the decision of the College Conduct Officer or Hearing Panel, and of any sanctions imposed. Such Notice shall be in writing from the College Conduct Officer and communicated to the Student pursuant the notice requirements set forth in Section 1.3.

H. IMPOSING SANCTIONS:

If a Student is found Responsible, sanctions will be imposed by the College Conduct Officer, as they

deem reasonable and appropriate, pursuant to the available sanctions set forth in Appendix C. The Respondent may elect to appeal the findings and sanctions subject to the limitations for grounds for appeal set forth herein.

I. STANDARD OF PROOF FOR FINDINGS:

In all cases involving alleged violations of the Standards of Student Conduct, the standard of proof for determining whether a Respondent is Not Responsible or Responsible is the Preponderance of Evidence standard (e.g., more likely than not), as defined in Appendix A herein.

Section IV - Appeal Process and Grounds for Appeal

An appeal is not intended to be a full review of the allegation(s) and reweighing of the evidence. There is a presumption that the College Conduct Officer has weighed all information following the investigation, and has reached the appropriate determination regarding the finding of Responsibility or Non-Responsibility. Students may appeal determinations or appealable sanctions only once based solely upon any of the following grounds for appeal:

- Excessive sanctions in relation to the violation(s) the Respondent was found Responsible for committing.
- A substantive procedural error which materially and significantly affected the weighing of evidence by the College Conduct Officer.
- New evidence has become available which is sufficient to alter the decision, and which the student was not aware of or could not have been reasonably obtained at the time of the initial review.

The Student must request an appeal in writing by e-mail, U.S. Mail, or by personal delivery of correspondence to the College Conduct Officer's office within seven (7) calendar days of notification of the outcome of the finding and sanctions. The Student must specifically identify which of the above-bulleted grounds their appeal is based on. Student failure to specify the basis for appeal with detailed information shall constitute the dismissal of the appeal without further proceedings.

Any request for an appeal that is not received within seven (7) calendar days of notification of the outcome/ determination shall be deemed untimely and shall constitute a waiver of the Student's right to an appeal.

In all cases, the College Conduct Officer, or designee, will send a notice, pursuant to Section 1.3, to the Parties with the following information:

- A description of the violation(s), a description of the provisions of the Standards of Student Conduct determined to have been violated, and a statement of the sanctions/responsive actions.
- A required date, time, and location of the hearing superseding in priority all other campus and work activities. If a Party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the College Conduct Officer, or designee, may reschedule the hearing; proof may be asked by the College Conduct Officer. Appeal hearings that occur near or after the academic terms will be held as soon as practicable to meet the resolution timeline generally followed by the District. If deemed appropriate by the College Conduct Officer, or designee, interim actions/restrictions and other stipulations that ensure the safety and/or well-being of the campus community will be administered or maintained.
 - The College Conduct Officer, or designee, shall use reasonable efforts to schedule the appeal hearing promptly, generally no sooner than fourteen (14) calendar days after, and not later than thirty (30) calendar days after, the date of the submitted written request for appeal. However, the scheduling of an appeal hearing may be delayed due to events beyond the College Conduct Officer's control. In such circumstances, the College Conduct Officer shall schedule the appeal hearing as promptly as is reasonably possible.

- The notice of hearing may be amended by the College Conduct Officer at any time, and the College Conduct Officer, or designee, may (but is not required to) postpone the appeal hearing for a reasonable period of time.

A. ROLE OF ADVISORS AND LEGAL COUNSEL DURING APPEAL

Student discipline proceedings are not formal court proceedings, but instead, are administrative proceedings conducted by the District. Although District-related sanctions may be imposed, the process is intended to provide an opportunity for learning and to promote a safe educational environment.

If the Student wishes to have an advisor accompany them to the hearing, the Student must provide the College Conduct Office with the name of the individual they have chosen to act as their appeal advisor no less than seven (7) calendar days prior to the appeal hearing. Advisors must maintain confidentiality and will not be permitted to participate or respond on behalf of the Student during the hearing.

If the Student chooses to have their attorney accompany them to the hearing, the name, address and telephone number of the Student's attorney must be submitted to the College Conduct Office no later than seven (7) calendar days prior to the hearing. In addition, no later than seven (7) calendar days prior to the hearing, the Student's attorney must deliver a retention letter, including their State Bar number and telephone number, to the College Conduct Office.

B. THE APPEAL HEARING

Appeal hearings are closed to all persons except:

- College Conduct Officer, or designee;
- The Student Hearing Appeal Chair;
- The Student Hearing Appeal Panel;
- Student;
- Advisor;
- an attorney, retained by the District or a Student;
- a court-certified interpreter paid for at the Student's own expense;
- selected members of the Student Hearing Appeal Panel when their determination of findings is at issue ; and
- any person needed to assist the hearing officer.
- In some cases, a campus security/police officer may be present to ensure safety and security during the hearing.
- Witnesses, but not for the duration of the hearing.

C. STANDARD OF PROOF FOR AN APPEAL

In all cases involving appeal, the burden of proof is on the Student to establish, to the standard of Clear and Convincing Evidence (as defined herein), that the College Conduct Officer's determination following investigation was erroneous due to any of the following:

- Excessive sanctions in relation to the violation(s) the Respondent was found Responsible for committing.
- A substantive procedural error which materially and significantly affected the weighing of evidence by the College Conduct Officer.

- New evidence has become available which is sufficient to alter the decision, and which the student was not aware of or could not have been reasonably obtained at the time of the initial review.

D. APPEAL HEARING PROCEDURES

Evidence—The Appeal Hearing need not be conducted according to technical rules relating to evidence and witnesses. Only relevant and material evidence shall be presented to and considered by the Hearing Appeal Committee. Irrelevant, immaterial, and/or unduly repetitious evidence shall be excluded. No evidence other than that received and weighed at the initial determination of findings shall be considered by the Hearing Appeal Committee. This limitation on admissible evidence shall not exclude the Student from presenting relevant, material evidence excluded by the College Conduct Officer at the initial hearing. The determination of relevancy or the material nature of the Student's offered evidence shall be made by the Hearing Appeal Committee.

1. At the beginning of each school year, each college president or designee shall establish a standing panel from which one or more Hearing Appeal Committees may be appointed. The panel shall be made up of:
 - a. A minimum of five (5) faculty members whose names are obtained from the Academic Senate.
 - b. A minimum of five (5) students whose names are obtained from the Student Senate.
 - c. A minimum of five (5) administrators/supervisors appointed by the College President or designee.
2. The College President or designee will appoint from the panel listed above a Hearing Appeal Committee consisting of a maximum of:
 - Two faculty members
 - Two students
 - One administrator/manager
 - A committee chair
3. The Hearing
 - a. The Chair will call the hearing to order, explain the procedures of the hearing, and have all Parties introduce themselves. Should an advisor be present, they may not make a presentation or represent the Respondent or the Complainant during the hearing. The Parties to the hearing are expected to ask and respond to questions on their own behalf, without representation of their advisors. The advisor may not speak on behalf of the Student to the College Conduct Officer or to the Hearing Appeal Committee hearing the case.
 - b. The Chair will present the rules governing the hearing. The Chair shall guarantee control of the hearing, making certain that all participants respect the right of others to make statements, and ensure confidentiality of such statements.
 - c. The College Conduct Officer, and if applicable their witness(es), shall have up to thirty (30) minutes total, if necessary, to present relevant evidence to support the determination that violation(s) of the Standards of Student Conduct has occurred.
 - d. The Student charged may question any witnesses presented by the College Conduct Officer. Members of the Hearing Appeal Committee may also question any witness presented by the College Conduct Officer. Questioning by the Student or the Hearing Appeal Committee shall not be considered part of the time allotted for presentation of the College Conduct Officer's evidence. Total witness questioning by the College Conduct Officer and the Student shall not

exceed a total of thirty (30) minutes of witness testimony for each side. It is within the discretion of the Hearing Appeal Committee Chair to impose a timeline on questioning or to add additional time if warranted.

- e. The Student charged, and if applicable their witness(es), shall have up to thirty (30) minutes in total time, if necessary, to present relevant evidence demonstrating the basis for why College Conduct Officer's decision should be overturned. The College Conduct Officer may question any witnesses presented by the Student. Members of the Hearing Appeal Committee may also question witnesses. Questioning by the Hearing Appeal Committee shall not be considered part of the time allotted for presentation of the Student's evidence. Witness(es) shall provide testimony only on an individual basis, outside of the presence of other witness(es). It is within the discretion of the Hearing Appeal Committee Chair to impose a timeline on questioning or to add additional time if warranted.
- f. The College Conduct Officer, and then the Student appealing, may each make a closing statement to the Hearing Appeal Committee. These closing statements shall be limited to a maximum of three (3) minutes each. The Hearing Appeal Committee Chair shall have the authority to extend the time limits if deemed necessary.
- g. Once all information has been collected, the Chair, or designee, will reiterate the alleged policy violation(s):
 - i. Reiterate the alleged policy violation(s):
 - ii. Remind all Parties and participants involved of the Standard of Proof (Clear and Convincing), as further defined in Appendix A.
 - iii. Remind all parties and participants of confidentiality and of all imposed sanctions that are active and must be adhered to:
 - iv. Remind all Parties and participants to review the San Bernardino Community College District's Standards of Student Conduct Board Policy 5500, Administrative Procedures 5500 and 5520, and to understand their Student rights and responsibilities:
 - v. Inform all Parties and participants of the deliberation process and the projected timeline for notification; and
 - vi. Remind the Student charged and the Complainant, if applicable, that notification and all communication will be via District email accounts.
- o. Following the Hearing Appeal Committee Chair's closing statements, all persons will be dismissed from the hearing except for the Committee Chair and the members of the Hearing Appeal Committee for deliberation.

E. FAILURE TO APPEAR

A Student who fails to appear before the Hearing Appeal Committee after having been notified of an appeal hearing is deemed to have waived their rights to participate in the appeal. The appeal hearing shall be terminated, and the Hearing Appeal Committee shall be dismissed. Initial sanctions will take effect immediately.

F. DELIBERATION AND DECISION

1. The Hearing Appeal Committee shall make its findings for the appeal hearing based on the Clear and Convincing Evidence standard, as further defined in Appendix A, which demonstrates whether or not the College Conduct Officer:

- a. Issued disproportionate or excessive sanctions in relation to the violation(s) the Respondent was found Responsible for committing.
 - b. Demonstrated unlawful discrimination during the determination of Responsibility, and/or.
 - c. Made a substantive procedural error which materially and significantly affected the weighing of evidence.
2. Following the presentation of evidence, the Hearing Appeal Committee shall privately consider the evidence and shall prepare a written report of its findings and deliver it to the College Conduct Officer, which shall ordinarily be submitted within seven (7) calendar days of the date of the appeal hearing. This report shall include the following:
 - a. A brief summary of the facts as found by the Hearing Appeal Committee, and a determination of evidence indicating whether the College Conduct Officer's findings should or should not be overturned;
 - b. A finding indicating the appropriateness of the disciplinary sanction imposed on the Student by the College Conduct Officer. This finding may state:
 - A finding that the Student is Responsible and that the disciplinary action proposed is appropriate; or
 - A finding that the Student is Responsible, but that the disciplinary action imposed by the College Conduct Officer was excessive to the violation, and as such, a recommendation be made for a lessened sanction;
 - A finding that the College Conduct Officer committed a substantive procedural error during the investigation or finding which would unduly taint the legitimacy of the finding of Responsibility, resulting in the finding to be set aside.
3. The report of the Hearing Appeal Committee shall be sent by the Hearing Appeal Committee Chair to the Respondent. If the Committee has made a finding evidencing substantive procedural error, the Committee shall provide a copy of the report to the Vice President of Student Services. The College Conduct Office shall copy the Vice President of Student Services on written notification to the Student(s) involved.
4. No finding by the Hearing Appeal Committee recommending the setting aside of a finding of Responsibility due to procedural error by the College Conduct Officer shall act as a bar to a subsequent investigation by another College Conduct Officer from within the District of the underlying facts and evidence of the matter appealed and making a finding and determination of Responsibility.

G. RECOMMENDATION FOR EXPULSION

If, after hearing, the Hearing Appeal Committee recommends expulsion to the College President, the College President shall deliver a written recommendation for the Student's expulsion to the Chancellor. A copy of the President's recommendation shall be provided to the Student, or if the Student is a dependent minor to their parent or guardian, by the Office of the President.

The College President's recommendation for expulsion shall contain a statement of the charges against the Student that provides the basis for their request that the Student be expelled, including a factual description of the conduct upon which the charges are based, and the action(s) taken by the Hearing Appeal Committee.

H. REVIEW BY THE CHANCELLOR

1. The Student may appeal the College President's recommendation for expulsion, but not for other

- sanctions, by submitting a letter of appeal via personal delivery, delivery by a professional process server, or by certified mail to the Chancellor's office within ten (10) calendar days of their receipt of the College President's recommendation for expulsion. It is the student's responsibility to ensure the letter of appeal is delivered.
2. The letter of appeal to the Chancellor shall state the reasons why the Student should not be expelled and shall not exceed fifteen (15) pages in length. The Student or any representative of the student does not have the right to meet personally with the Chancellor under this procedure.
 - a. Chancellor's Recommendation to the Board. If the Chancellor has decided to recommend the Student's expulsion, they shall cause to be placed on a Board agenda for action at the next board meeting, their recommendation that the Student be expelled. Minor deviations in the timeline for placement of the Chancellor's recommendation on the Board agenda shall be permitted. The Chancellor shall notify the Student or the Student's parent or guardian if the Student is a dependent minor of their decision to seek expulsion. The Chancellor's notice shall be in writing, setting forth the Board meeting date, time, and location where the Board will consider the recommended expulsion.
 - b. Appeal to the Board of Trustees. The Student may submit a Letter of Opposition to Expulsion to the Board of Trustees, through the Chancellors Office, via personal delivery, delivery by a professional process server, or by certified mail setting forth the Student's basis for opposition to the recommended expulsion. The Student's letter must be received no less than seven (7) calendar days prior to the scheduled Board meeting date.
 3. The Student's Letter of Opposition shall not exceed ten (10) pages in length, explaining to the Board why they should not be expelled. The Student may attach to their letter any documents they wish the Board to consider.
 4. The Chancellor shall submit the following documents to the Board prior to the Board acting on their recommendation for expulsion:
 - a. A copy of the correspondence provided to the Student informing the Student of the alleged violations of the Standards of Student Conduct;
 - b. A copy of the investigative findings of the College Conduct Officer, including any relevant evidence collected and assessed.
 - c. A copy of the report, if any, of the Hearing Appeal Committee;
 - d. A copy of the President's recommendation for expulsion;
 - e. A copy of any letters or documents submitted by the Student; and
 - f. The Chancellor's recommendation regarding expulsion of the Student.
 5. The Board's Decision Regarding Expulsion
The Board's decision shall be final and shall end the Student's appeal process relating to expulsion.
 6. Notification to College Conduct Officer
The Executive Assistant to the Chancellor's Office shall notify the College Conduct Officer in writing of the Board's decision regarding the Student's expulsion and shall provide the College Conduct Officer with a copy of the meeting minutes evidencing the Board's action.
 7. Notification to Student
The Chancellor's Office shall notify the Student in writing of the Board's decision regarding their status as a Student in the District

I. READMISSION AFTER A SUSPENSION

- The following procedures shall apply to a Student's request for readmission.
- A Student who has been suspended is eligible to apply for readmission if:
 - The term of the Student's long term suspension will expire within thirty (30) calendar days.
 - The Student has complied with all the terms and conditions of their suspension; and
 - During the course of the Student's suspension, the Student has not engaged in any behavior or activity that would be cause for discipline under the Standards of Student Conduct if the individual were a District Student.

1. Procedure for Re-admission Following Long-Term Suspension

- The Student seeking readmission must make a written request for readmission to the College Conduct Office.
- The College Conduct Officer may request a meeting with the Student seeking readmission to ascertain their eligibility for readmission.
- Ordinarily, within thirty (30) calendar days of the date of their receipt of a written request for readmission, the College Conduct Officer shall decide whether the request should be granted or denied.
- The College Conduct Officer shall notify the Student of their decision in writing and shall, in case of denial, include the reasons for such denial.
- A Student, whose application for readmission has been denied, may not apply for readmission until the next registration cycle after denial of their application.

Appendix A - Adiministrative Procedure Definitions

In addition to and in some cases as a supplement to the terms defined elsewhere in this procedure, the following defined terms shall have the meanings set forth in this section for purposes of this procedure.

- A. "Advisor" means a person, not serving as legal counsel, who at the Student's request, accompanies the Student and provides them with emotional or other support at a hearing. The advisor will be expected to maintain confidentiality.
- B. "Attorney" means any person who is admitted to practice law in the State of California.
- C. "Board" means the Governing Board of the San Bernardino Community College District.
- D. "Chancellor" means the Chancellor of the San Bernardino Community College District, or their designee.
- E. "Clear and Convincing Evidence" means the burden of evidence that a Student must present establishing that it is highly probable that the College Conduct Officer's determination process was flawed due to significantly disproportionate sanctions when compared to the offense, procedural error, or new evidence that has become available which is sufficient to alter the decision, and which the student was not aware of or could not have been reasonably obtained at the time of the initial review.
- F. "College Activity" means any activity sponsored by the District including, but not limited to, courses, class, lectures, labs, field trips, club activities, Student Government activities, community education or similar activities, or any other Student sponsored activity.
- G. "College Conduct Office" is the department or division designated by the college campus to oversee the disciplinary process.

- H. "College Conduct Officer" means the College Official(s) designated by the College President, or designee, to administer this policy.
- I. "Community" means San Bernardino Community College District Students, trustees, employees, agents, instructional associate, visitors, representatives, guests of the District and their families, and any persons conducting business with the District.
- J. "Complainant" means the person(s) reporting alleged violations of the Standards of Student Conduct.
- K. "Day" means a calendar day.
- L. "Designee" means a District Official appointed to fulfill responsibilities relating to this procedure.
- M. "District" means the San Bernardino Community College District and each of its colleges.
- N. "District Community" means any employee, contractor, Student, member of the public, or invitee present on District property, or on the property being used by the District. For purposes of this definition, a Student is deemed a member of the District Community while enrolled in, or in the process of applying for, enrollment as a Student at any of the colleges within the District. A Student does not have to be physically located on District property for their behavior to be governed by the Standards of Student Conduct.
- O. "District Official" means any person employed by the District as a Manager, Supervisor, or Officer.
- P. "District Property" means all real, personal and intellectual property owned, controlled, used, or occupied by the District, including property physically removed from any college, the District office, or any place that is the site of a District-approved function.
- Q. "Finding" means an outcome determined by the College Conduct Officer or designee after completion of an investigation and a review of the facts collected during the investigation. Findings include "Responsible" or "Not Responsible".
- R. "Hearing Panel" means a panel formed by the College Conduct Officer to make a determination and finding of whether a Student is Responsible or not for alleged violations of the Standards of Student Conduct.
- S. "Instructor" means any faculty member employed by the District for instruction of curriculum or other programs.
- T. "Interpreter" means a sign language interpreter or translator present to assist the Student in understanding and communicating information at any hearing.
- U. "Investigation" means the process following a report of a violation of the Standards of Student Conduct. The investigation includes a review of facts presented by the person reporting the violation, the Student accused of the violation, and any other applicable evidence presented to help the College Conduct Officer make a determination of "Responsible" or "Not Responsible."
- V. "Mental Health Professional" means a California licensed clinical psychologist or California board-certified psychiatrist.
- W. "Not Responsible" means, based on the applicable evidence collected during the investigation, it is not more likely than not that the Student did not commit a violation of the Standards of Student Conduct.
- X. "Parties" means both the Complainant and the Respondent involved in the alleged violation of this Standards of Student Conduct.
- Y. "Party" means an individual, either the Complainant or the Respondent, involved in the alleged violation of the Standards of Student Conduct.
- Z. "Preponderance of the Evidence" for purposes of this Administrative Procedure, means the weight of the

evidence presented by the District at the administrative hearing that has established that it is more likely than not that the Student is Responsible for the alleged violation of a provision within the District's Standards of Student Conduct. This weight of evidence standard applies to any resolution hearing, other than for appeals.

AA. "Request to Stay" means a request, in writing, from a Student, seeking to have any interim action reconsidered or amended by the College Vice President of Student Services or designee.

AB. "Respondent" means the person(s) who are alleged to have violated the Standards of Student Conduct.

AC. "Responsible" means, based on the applicable evidence collected during the investigation, it is more likely than not that the Student committed one or more violation(s) of the Standards of Student Conduct.

AD. "Retention Letter" means a letter from an attorney stating they have been retained by a Student facing disciplinary proceedings pursuant to the Standards of Student Conduct.

AE. "Standards of Student Conduct" means the San Bernardino Community College District Board Policy/ Administrative Procedure (BP 5500 and AP 5500, respectively).

AF. "Student" means any person who has applied for admission, who is or has been enrolled, or who has expressed their intent to enroll for any college program within the District for the period in which the misconduct occurred.

AG. "Student Hearing Appeals Committee" means a committee formed by a college within the District for the purpose of hearing appeals filed by Students following findings of Responsibility or Non-Responsibility. The composition of this committee is set forth in Section 4.4.

AH. "Weapon" means any instrument or weapon as defined in Administrative Procedure 3530

Appendix B - Sanctions

A Student found Responsible for violating any of the Standards of Student Conduct standards (BP/AP 5500) is subject to sanctions set forth herein.

The following sanctions may be imposed for violation of the Standards of Student Conduct. These sanctions are not exclusive.

Administrative Withdrawal From Class prohibits a Student's continued presence in the class if their behavior is disruptive of the class and interferes with the ability of other students in the class to learn or in any way endangers himself/herself or others. When this sanction is applied, the Student will be administratively withdrawn by the College Conduct Officer.

Community Service may be imposed by the College Conduct Officer on any Student who violates the Standards of Student Conduct. Community Service shall consist of the Student performing some act or duty that is of benefit to the campus and/or surrounding community.

Disciplinary Action consists of the following:

- REPRIMAND A verbal or written reprimand regarding the misconduct.
- PROBATION Student conduct probation may include, but is not limited to, ineligibility to participate in extra-curricular activities and certain other student privileges.
- SUSPENSION Exclusion from the colleges and college-sponsored activities for a specified time.
- EXPULSION Exclusion by the District Board of Trustees from the college and all college-sponsored activities.

Disciplinary Probation consists of Written Notice to the Student by the College Conduct Officer that the Student

has violated the Standards of Student Conduct and that for a specified period of time, imposed by the College Conduct Officer, the Student must meet certain conditions as imposed by the College Conduct Officer. Any subsequent violations of this policy by the Student during the term of the probation or the Student's failure to comply with any condition of probation imposed by the College Conduct Officer will result in additional sanctions under this policy.

District Restriction. The College Conduct Officer may for a specified period of time restrict the Student's access to parts or areas of the District and/or District Property.

Exclusion from District Activities. Prohibits the Student from participating in any District co-curricular and/or extra-curricular activity(ies) for a period to be determined by the College Conduct Officer.

~~**Expulsion**—Exclusion~~Expulsion is the permanent removal of the student ~~by the Board of Trustees~~ from all colleges in the District ~~for one or more terms.~~

~~**Removal from class**—Exclusion of the student by an instructor or college administrator for the day of the removal and the next class meeting.~~

~~**Written or verbal reprimand**—An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.~~

~~**Withdrawal of Consent to Remain on Campus**—Withdrawal of consent by the College President's designee or the College Discipline Officer or District Police for any person to remain on campus in accordance with Penal Code Section 626.4 where the College President's designee or the College Discipline Officer or District Police has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.~~

~~**Day**—Days during which the District is in session and regular classes are held, excluding Saturdays and Sundays.~~

~~**Short-term Suspensions, Long-term Suspensions, and Expulsions:** Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:~~

- ~~• **Notice**—The College President's designee or the College Discipline Officer will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
 - ~~• the specific section of the Standards of Student Conduct that the student is accused of violating.~~
 - ~~• a short statement of the facts supporting the accusation.~~
 - ~~• the right of the student to meet with the College President's designee or the College Discipline Officer or designee to discuss the accusation, or to respond in writing.~~
 - ~~• the nature of the discipline that is being considered.~~~~
- ~~• **Time limits**—The notice must be provided to the student within X of 5 days of the date of notification to the College Discipline Officer on which the conduct took place; in the case of continuous, repeated or ongoing conduct, the notice must be provided within [number of days] 5 days of the date on which conduct occurred which led to the decision to take disciplinary action.~~
- ~~• **Meeting**—If the student chooses to meet with the College President's designee or the College Discipline Officer [designated position], the meeting must occur no sooner than [number of days] 5 days after the notice is provided. At the meeting, the student must again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation. (No mention of forms~~

~~used or staff being able to suspend for two days)~~

~~**Short-term Suspension**—Within *[number of days]* **5 days** after the meeting described above, the College President *[Chancellor]* shall, pursuant to a recommendation from the *[number of days]*, decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the ~~Chancellor~~ College President's decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The College President's ~~Chancellor's~~ decision on a short-term suspension shall be final.~~

~~**Long-term Suspension**—Within *[number of days]* after the meeting described above, the ~~Chancellor~~ College President shall, pursuant to a recommendation from the *[designated position]* decide whether to impose a long-term suspension. Written notice of the ~~Chancellor~~ decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of this policy describing the procedures for a hearing.~~

~~**Expulsion**—Within *[number of days]* **5 days** after the meeting described above, the ~~Chancellor~~ shall, pursuant to a recommendation from the *[designated position]*, decide whether to recommend expulsion to the Board of Trustees. Written notice of the ~~Chancellor's~~ decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of this policy describing the procedures for a hearing.~~

~~**Hearing Procedures**—Request for Hearing.~~

~~**NOTE:** Timelines may be locally determined. Five days is usually the minimum notice time accepted by courts.~~

~~Within *[number]* **5 days** after receipt of the ~~Chancellor's~~ decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the ~~Chancellor~~ or designee.~~

~~**Schedule of Hearing**—The formal hearing shall be held within *[number]* **15 days, or a mutually agreeable time,** days after a formal request for hearing is received.~~

~~**NOTE:** The Board of Trustees may hear these matters itself, or may use the services of a hearing officer or a panel. If the hearing panel format is adopted, the following is suggested.~~

~~**Hearing Panel**—The hearing panel for any disciplinary action shall be composed of *[insert composition, such as one administrator, one faculty member and one student]* **two faculty members, one student, one staff, and the VPSS (non-voting chair).**~~

~~The ~~Chancellor~~ College President and, the president of the Academic Senate, *and the AS president,* shall each, at the beginning of the academic year, establish a list of at least five persons who will serve on student disciplinary hearing panels. The ~~Chancellor~~ shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel. (Concerns about membership and size)~~

~~**Hearing Panel Chair**—The ~~Chancellor~~ College President shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.~~

~~**Conduct of the Hearing**~~

~~**NOTE:** The hearing must comply with principles of due process, including the right to confront and cross-examine witnesses. The following procedure is legally advised.~~

The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.

The facts supporting the accusation shall be presented by a college representative who shall be the ***[designate position]***.

The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the college representative to prove by the preponderance of the evidence that the facts alleged are true.

The student may represent himself/herself, and may also have the right to be represented by a person of his/her choice. ***[Suggested language: except that the student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than five days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.]***

Hearings shall be closed and confidential unless *the student requests that it be open to the public*. Any such request must be made no less than ***[number of days]*** prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.

The hearing shall be recorded by the District either by tape recording or stenographic recording, and the official recording shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.

All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape recorded is not unavailable.

Within ***[number]*** 5 days following the close of the hearing, the hearing panel shall prepare and send to the Chancellor a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

Chancellor's Decision:

~~Long-term suspension—Within **[number of days] 5 days** following receipt of the hearing panel's recommended decision, the Chancellor shall render a final written decision. The Chancellor may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the Chancellor modifies or rejects the hearing panel's decision, the Chancellor shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions.~~

~~The decision of the Chancellor shall be final. (Should appeal first to Vice President of Student Services, secondly the College President, lastly to the Chancellor)~~

~~Expulsion—Within **[number of days] 5 days** following receipt of the hearing panel's recommended decision, the Chancellor shall render a written recommended decision to the Board of Trustees. The Chancellor may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the Chancellor modifies or rejects the hearing panel's decision, he or she shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The Chancellor decision shall be forwarded to the Board of Trustees.~~

~~**Board of Trustees Decision:** The Board of Trustees shall consider any recommendation from the Chancellor for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.~~

~~The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures (Education Code Section 72122).~~

~~The student shall be notified in writing, by registered or certified mail or by personal service, to the address last on file with the District, at least three days prior to the meeting, of the date, time, and place of the Board's meeting.~~

~~The student may, within forty-eight hours after receipt of the notice, request that the hearing be held as a public meeting.~~

~~Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.~~

~~The Board may accept, modify or reject the findings, decisions and recommendations of the Chancellor and/or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board shall be final.~~

~~The final action of the Board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District.~~

~~**Immediate Interim Suspension** (Education Code Section 66017): The Chancellor may order immediate suspension of a student where he/she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days.~~

~~**Removal from Class** (Education Code Section 76032): Any instructor may order a student removed from his/her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the Chancellor and the **[designated position]**. The **[designate position]** shall arrange for a~~

conference between the student and the instructor regarding the removal. If the instructor or the student requests, the ~~[designated position]~~ shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the ~~[designated position]~~ from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

Withdrawal of Consent to Remain on Campus: The ~~[designate position]~~ may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she must promptly leave or be escorted off campus. If consent is withdrawn by the ~~[designate position]~~ a written report must be promptly made to the ~~Chancellor/College President~~.

The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than seven days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.

In no case shall consent be withdrawn for longer than ~~[number of days]~~ from the date upon which consent was initially withdrawn.

Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest (Penal Code Section 626.4).

Time Limits: Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

- ~~From current SBCCD AP 5500 titled Standards of Conduct and Disciplinary Procedures~~

~~Students enrolled in the San Bernardino Community College District shall refrain from disruptive conduct which significantly interferes with the instructional program, college activities, or which endangers the health or safety of members of the college, including visitors to the campus. Disruptive conduct on the part of students shall be cause for disciplinary action in accordance with policies adopted by the San Bernardino Community College District Board of Trustees and pursuant to appropriate sections of the Education Code, the Business and Professions Code, the Health and Safety Code, and the Penal Code of California.~~

NOTE: ~~The following list of conduct is shown as struck as it is delineated in BP 5500 and does not need to be repeated in the administrative procedure.~~

~~A. DISCIPLINARY ACTION~~

- ~~1. Disciplinary action for good cause may be imposed upon a student by an instructor, an administrator, or the Board of Trustees for misconduct of any of the following infractions while attending college classes or college sponsored activities:
 - ~~a. Continued disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority or persistent abuse of college personnel.~~
 - ~~b. Assault, battery, or any threat of force or violence upon a student or visitor to the campus or college personnel.~~
 - ~~c. Willful misconduct which results in injury or death to a student, campus visitor, or college personnel, or cutting, defacing, or otherwise harming any real or personal property owned by the District.~~~~

- d. ~~The use, sale, or possession of illegal drugs or substance or any poison classified as such by Schedule D in Section 4160 of the Business and Professions Code, or the presence on campus of anyone under the influence of such drugs or substances.~~
 - e. ~~The use or possession of alcoholic beverages on college property or at any college sponsored event, or the presence on campus of anyone under the influence of alcohol.~~
 - f. ~~Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the Board of Trustees.~~
 - g. ~~Dishonesty, such as cheating, plagiarizing, or knowingly furnishing false information to the college or to college officials.~~
 - h. ~~Forgery, alteration, or misuse of college documents, records, or identification.~~
 - i. ~~Violation of college regulations governing student organizations, the use of college facilities, or the time, place and manner of public expression or distribution of materials.~~
 - j. ~~Unauthorized entry to facilities or use of college supplies, equipment, and telephones.~~
 - k. ~~Possession or use of any firearm, explosive device, dangerous chemical, or other deadly weapons while on college property or at college sponsored activities.~~
 - l. ~~Driving of motorcycles and other off-road vehicles on college property, other than the regular roads and parking lots.~~
 - m. ~~Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.~~
 - n. ~~Obstruction of pedestrian and/or vehicular traffic while on college property or at college sponsored activities.~~
 - o. ~~Hazing, defined as including any method of initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm to any student or other person attending any school, college, university or other educational institution in this State.~~
 - p. ~~Persistent violation of smoking regulations.~~
2. ~~Disciplinary action includes:~~

~~REPRIMAND A verbal or written reprimand regarding the misconduct.~~

~~PROBATION Student conduct probation may include, but is not limited to, ineligibility to participate in extra-curricular activities and certain other student privileges.~~

~~SUSPENSION Exclusion from the colleges and college sponsored activities for a specified time.~~

~~EXPULSION Exclusion by the District Board of Trustees from the college and all college sponsored activities.~~

- a. ~~Short-term suspension by a college instructor—any college instructor, for good cause, may remove a student from the classroom for the day of the removal and the next regular class meeting.~~
 - 1. ~~Before ordering the suspension of any student from class, the instructor shall first give or make reasonable efforts to give the student an oral or written notice of the reasons for the~~

~~proposed suspension.~~

- ~~2. Immediately following the suspension, the instructor shall notify the college president or designee of the removal and request that the student proceed to the president or designee's office. If the student proceeds to the designated office, the president or designee shall review the action and may discuss the matter further with the student, or instructor, or both.~~
- ~~3. A student shall not be returned to the class from which the student was removed during the period of exclusion without the concurrence of the instructor of the class and the president or designee. Following completion of the period of removal and with written authorization from the college president or designee to do so, the student shall be readmitted to the class.~~
- ~~4. If the student is a minor, the parents or legal guardian shall, within 48 hours, be notified in writing signed by the college president or designee.
 - ~~a. The college president or designee shall immediately, within 48 hours, hold a parent conference regarding the removal from class.~~
 - ~~b. The college president or designee shall determine if suspension from the class, or college, for a longer period of time is appropriate.~~~~

~~b. Suspension by the College President~~

- ~~1. The college president or designee can suspend a student for good cause as follows:
 - ~~a. From one or more classes for a period of up to ten days of instruction.~~
 - ~~b. From one or more classes for the remainder of the school term.~~
 - ~~c. From all classes and activities of the college for one or more terms.~~~~
- ~~2. Before imposing discipline as authorized by this policy, the college president or designee shall first give, or make reasonable efforts to give, the student an oral or written notice for the proposed disciplinary action.~~
- ~~3. Within a reasonable period of time following delivery to the student of the notice, the college president or designee shall give or make reasonable efforts to give the student an opportunity to respond to the accusation or otherwise offer relevant comment on the proposed disciplinary action.
 - ~~a. Disciplinary procedures under this policy may proceed or continue notwithstanding the failure or refusal of a student to respond, attend or otherwise participate after having been properly notified of the proceeding by oral or written communication.~~
 - ~~b. Following the decision of the college president or designee, the disciplinary action imposed on the student, if any, shall be reported to the Chancellor or designee of the District.~~
 - ~~c. If either the notice or decision or both were not in writing, a written notice confirming the action taken shall be mailed to the student within five (5) working days.~~~~

~~e. Expulsion by the Board of Trustees~~

- ~~1. The Board of Trustees may expel a student when other means of correction fail to bring about proper conduct, or it seems probable that the continued presence of the student causes a danger to the physical safety of the student or to others.~~

- ~~2. Whenever this policy calls for or permits a notice or other communication to be delivered by mail, the mailing of such communication by certified mail, postage paid and addressed to the last known address of the student, shall be deemed a sufficient compliance with the provision and it shall be presumed to have been received. A student's failure or refusal to sign a receipt of the communication shall not cause the notice to be null and void.~~
- ~~3. No fees paid by or for a student for the semester, summer session, or other term in which the student is suspended or expelled shall be refunded. If the student is readmitted before the close of the semester, summer session, or other term in which the suspension occurred, no additional fees shall be required of the student on account of the suspension.~~
- ~~4. Should disciplinary action involve the misappropriation of District property or funds, the disciplinary action will remain in effect until full reimbursement is made through appropriate District/college offices.~~
- ~~5. Any violation or violations of law, ordinance, regulations, or rule regulating, or pertaining to, the parking of vehicles, shall not be cause for the removal, suspension, or expulsion of a student from a community college~~
- ~~6. The president or the president's designee at a community college shall, upon the suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county or city in which the school is located of any action of the student which may be in violation of Section 245 of the Penal Code.~~

B. DISCIPLINARY PROCEDURES

~~Suspension or expulsion of a student in the San Bernardino Community College District shall be accompanied by a formal hearing, unless the student involved waives the right to such a hearing, in accordance with the student due process procedures. The student shall make a decision regarding waiving the right to a hearing within five (5) working days.~~

1. Disciplinary Hearing Committee

- ~~a. At the beginning of each school year, each college president shall establish a standing panel from which one or more Disciplinary Hearing Committees may be appointed. The panel shall be made up of:

 - ~~1. Five to fifteen faculty members whose names are obtained from the Academic Senate.~~
 - ~~2. Five to fifteen students whose names are obtained from the student government officers/ senators.~~
 - ~~3. Four to ten administrators/supervisors appointed by the college president.~~~~
- ~~b. The college president or designee will appoint a hearing committee consisting of a maximum of two faculty members, two students, and one administrator/supervisor to hear each disciplinary action. The college president shall select a chairperson from the committee.~~

2. Hearing Procedures

a. Formal Notice

- ~~1. In all cases where a hearing before a Disciplinary Hearing Committee is to be held, the college president or designee will prepare and personally deliver or mail a written notice to the student not less than five (5) working days prior to the hearing. Notices sent to the last address available in the Records Office, by certified mail, postage prepaid and return~~

~~receipt requested, shall be presumed to have been received and read.~~

- ~~2. Notices including a list of the Hearing Committee members shall specify the time and place of hearing and contain a statement of the charges against the student. A copy of these procedures shall be enclosed. Notice shall also specify if there is to be an interim exclusion from the college campus pursuant to Penal Code Section 626.4. Copies of such notice will be sent to the student's instructors and Campus Police.~~
- ~~3. The chairperson and the student will be allowed one preemptory challenge of any member of the Disciplinary Hearing Committee through questioning members of the committee during the initial hearing meeting. The committee chairperson shall immediately replace the individual(s) involved in the preemptory challenge. If the committee chairperson is challenged, another member of the committee will assume the chair so the hearing can proceed, and take action to replace the vacant position.~~
- ~~4. The student shall notify the Committee chairperson in writing within three (3) working days of the Hearing if he/she will be represented by an advocate and/or legal counsel. The Hearing Committee may then request legal counsel to be present and serve the Hearing Committee in an advisory capacity. The Hearing shall begin within five (5) working days after the three-day period allowed for the student to respond regarding representation.~~

b. The Hearing

- ~~1. Opening: The Chairperson shall call the Hearing to order, introduce the participants, and announce the purpose of the Hearing, e.g., "This Committee meets pursuant to the Board Policy 6060, on Standards of Student Conduct and Discipline *Disciplinary Action*, to make charges against and to make findings of fact and recommendations for action to the college president." The chairperson shall then call for preemptory challenges.~~
- ~~2. Charges: The chairperson shall distribute copies of the charges to the members of the Committee, read the charges aloud, and ask the student if the charges have been received. If the answer is in the affirmative, the Hearing shall proceed. If the answer is in the negative, the chairperson may request evidence to rebut the student's denial of notice. The chairperson shall decide whether or not to proceed with the Hearing. If the Hearing must be rescheduled, it shall be held within five (5) working days.~~
- ~~3. Plea: The student shall admit or deny each charge. If the student admits each charge and wishes to present no evidence of mitigating circumstances or other defense, the Committee shall retire to make its decision. If the student denies any or all of the charges, or wishes to present evidence of mitigating circumstances, the Hearing shall proceed.~~
- ~~4. Burden of proof and producing evidence: The student shall be regarded as innocent of the charges until the contrary is established by the Committee. The college has the burden of producing sufficient evidence to support all allegations.~~
- ~~5. Arguments: First, the college president or designee and then the student shall be afforded an opportunity to make or waive an opening statement, i.e., give an outline of all allegations and circumstances. The student may reserve the opening statement until after the college president or designee has finished presenting the case for the college. After the opening statements, the committee shall have an opportunity to hear witnesses and other relevant evidence in support of the case presented.~~
- ~~6. Evidence: Formal rules of evidence shall not apply. All relevant evidence is admissible, including written statements from witnesses not available during the Hearing.~~

- ~~7. Hearings shall be closed and confidential: All witnesses shall be excluded, except when testifying, unless all parties agree to the contrary. Both the college president or designee and the student shall be entitled to call witnesses and to question witnesses presented by the other. A member of the committee may ask questions at any time upon recognition by the chairperson. Either side may recall a witness who again may be questioned by both parties and the Committee.~~
- ~~8. Conclusion: First, the college president or designee and then the student shall be afforded the opportunity to make or waive a closing argument. The Committee shall retire to deliberate with only the members of the Committee present. The Hearing Committee shall reach its decision based only upon the record of the Hearing and shall not consider matters outside of that evidence. Within five (5) working days of the Hearing, the chairperson will deliver to the college president a written report giving specific findings of fact as to each charge, and making recommendations for action arrived at by a majority vote of the Committee. Recommendations from the Committee for action shall be specific.~~

~~c. College President's Decision~~

- ~~1. Within five (5) working days following receipt of the Committee's recommendation, the college president shall make a written decision. The college president shall base a decision only upon the report of the Hearing Committee. The president may adopt the recommendations made, may adopt a less severe sanction, or may adopt a more severe sanction.~~
- ~~2. The college president should then promptly send a copy of the decision, together with the Hearing Committee decision, to the student, the student's legal guardian, the Committee chairperson, and the college president's designee.~~
- ~~3. If the decision is to suspend or expel a student, the college president shall notify the District Chancellor in writing within five (5) working days. When the decision is to recommend expulsion of any student to the Board of Trustees, the college president may suspend the student pending action by the Board.~~

~~d. Board Action~~

- ~~1. Upon receipt of the college president's recommendation for expulsion, the District Chancellor shall review all documents submitted and steps taken by the Disciplinary Hearing Committee. If due process procedures have been followed, the recommendation for expulsion shall be presented to the Board of Trustees for action at the next regularly scheduled meeting.~~
- ~~2. The Board shall consider student disciplinary actions at any regularly scheduled public meeting held and should do so within thirty (30) days of receipt of the recommendation by the District Chancellor.~~
- ~~3. The Board shall, unless otherwise requested by the student involved, hold closed sessions to consider expulsion if a public hearing upon such question would lead to the giving out of information concerning students which would be in violation of regulations protecting the privacy of student records. Before calling such closed session, the Board shall, in writing, by registered or certified mail or by personal service, notify the student or the student and parent, or guardian if the student is a minor, of the intent of the Board to call and hold such closed session. Unless the student or parent or guardian shall, in writing, within 48 hours request that the Board consider the matter in a public meeting, then the hearing to consider~~

~~such matters shall be conducted by the Board in closed session. If such written request is served upon the District Chancellor, the meeting shall be public, except that any discussion at such meeting that might be in conflict with the right to privacy of any student other than the student requesting the public meeting or on behalf of whom such meeting is requested, or the right to privacy of any employee, then the meeting shall be in closed session. Whether the matter is considered at a closed session or at a public meeting, the final action of the Board shall be taken at a public meeting.~~

- ~~4. Upon review, the Board will either confirm, modify, remand or reject the recommendation of the college president. The Board's action shall be limited to a review of the record of the Hearing Committee, and the decisions of the Hearing Committee and the college president, and the Board shall not consider any evidence outside that record. The Board's action shall be final and binding on all parties.~~

e. Reconsideration

- ~~1. Any request for reconsideration of an expulsion shall be made in writing to the Board of Trustees. The request for reconsideration shall be labeled as such, and must state each ground on which the student seeks reconsideration of the Board's expulsion decision.~~
- ~~2. The District Chancellor shall review the request for reconsideration together with the record of the hearing and the documents relating to the expulsion to assure that the request satisfies all requirements and that all pertinent information is available for the Board of Trustees.~~
- ~~3. Upon receipt of any request for reconsideration, the president of the college from which the student was expelled shall immediately be provided a copy of the request, and the college president shall respond to the request in writing within ten (10) days of receipt of the request. The college president's response shall be sent to the Chancellor and the Board of Trustees with a copy to the student.~~
- ~~4. The Board should consider any request for reconsideration of any expulsion at any regularly scheduled public meeting held within thirty (30) days of receipt of the request by the Board of Trustees.~~
- ~~5. The Board of Trustees shall, unless otherwise requested by the former student, consider any request for reconsideration of expulsion in closed session. The Board of Trustees shall consider only the request for reconsideration, any responses by the president of the college from which the student was expelled, and the record of expulsion.~~
- ~~6. The Board of Trustees may, at its discretion, agree to permit the former student to present the request for reconsideration personally. If the Board of Trustees agrees to such a presentation, the president of the college from which the student was expelled must be afforded an opportunity to be present and to respond.~~
- ~~7. The final action of the Board of Trustees on a request for reconsideration shall be taken at a public meeting and the result of such action shall be a public record of the District.~~

3. Disciplinary Records

- ~~a. The college president or designee shall maintain all records of a disciplinary hearing.~~
- ~~b. The case file shall be destroyed upon a finding of innocence.~~
- ~~c. Disciplinary files shall be retained for at least five (5) years from the time of a final determination.~~

- A. The Board of Trustees may expel a student when other means of correction fail to bring about proper conduct, or it seems probable that the continued presence of the student causes a danger to the physical safety of the student or to others
- B. Whenever this policy calls for or permits a notice or other communication to be delivered by mail, the mailing of such communication by certified mail, postage-paid and addressed to the last known address of the student, shall be deemed sufficient compliance with the provision and it shall be presumed to have been received. A student's failure or refusal to sign a receipt of the communication shall not cause the notice to be null and void.
- C. No fees paid by or for a student for the semester, summer session, or other term in which the student is suspended or expelled shall be refunded. If the student is readmitted before the close of the semester, summer session, or other term in which the suspension occurred, no additional fees shall be required of the student on account of the suspension.
- D. Should disciplinary action involve the misappropriation of District property or funds, the disciplinary action will remain in effect until full reimbursement is made through appropriate District/College offices.
- E. Any violation or violations of law, ordinance, regulations, or rule regulating, or pertaining to, the parking of vehicles, shall not be cause for the removal, suspension, or expulsion of a student from a community college
- F. The president or the president's designee at a community college shall, upon the suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county or city in which the school is located of any action of the student which may be in violation of Section 245 of the Penal Code.

Hold on Records. The College Conduct Officer may issue the withholding of transcripts and/or other Student records. The College Conduct Office may impose such withholding when a Student fails to repay debts to the District, return District equipment or make restitution to the District. A hold on records may also be asserted if a Student does not comply to requests such as, but not limited to, required meeting or appointments and sanctions.

Interim Suspension – A Student who is suspended on an interim basis is subject to all of the same restrictions as if they had been suspended as a final sanction. The College Conduct Officer, or designee, may impose an interim restriction of up to ten (10) calendar days following notice from the College Conduct Officer.

Long Term Suspension prohibits the Student from attending classes and activities or entering onto any District Property for a period of eleven (11) calendar days up to two (2) academic years as determined by the College Conduct Officer.

Mental Health Clearance. Mental Health Clearance may be required before a Student is readmitted to a particular class or allowed to come onto District Property. The College Conduct Office must receive a letter from a licensed mental health professional stating that in their professional judgment the Student will no longer continue the behavior which gave rise to the College Conduct Office taking disciplinary action against him/her or that the Student's continued presence on campus is not a threat to himself/herself or others. The mental health professional must be licensed by the State of California, and the College District Administration must verify that the mental health professional is credentialed to render a professional opinion. The Student shall bear the cost and expense of obtaining mental health clearance.

No-Contact Order. The College Conduct Officer or designee may assign a No Contact Order whereby neither student nor [other party] may have any contact with each other, in person or through another party, by telephone, letter, e-mail, or other electronic media, or by any other means. This applies on campus and in the local vicinity, at District/College-sponsored events, and/or through the use of District/College resources

(including electronic). The student may not engage in indirect communication, including via social media or any other means. The student must also refrain from any form of harassment, retaliation, or intimidating behavior. If at any time either party feels the need to communicate with the other, they may do so only through the College Conduct Office or through a third party explicitly authorized by the College Conduct Officer.

Online Education/Training. The College Conduct Officer or designee will assign Online Education/Training programs that best serve in the education and learning for the Student. The College Conduct Officer determines the content of the workshop.

Referral. The College Conduct Officer may refer any student who is the subject of prohibited conduct allegations to Counseling and Psychological Services or the College Health Center. Counseling Services or the College Health Center may, with the written permission of the student, discuss the results of the referral with the College Conduct Officer. The student may refuse to attend a session with Counseling Services or the College Health Center without penalty at which time the disciplinary process will continue as if no referral were made.

Reflective Assignment. The College Conduct Officer, or designee, will assign a topical paper that best serves in the education and learning for the Student. The College Conduct Officer determines the format of the paper.

Restitution. The College Conduct Officer may require the Student to repay the District or any person for the cost of replacing or repairing any property taken, destroyed or damaged by the Student. This Student may also be charged a service charge and/or collection fee under the College policy regarding service charges and collection fees.

Restriction from Attendance at District Events. The College Conduct Officer may restrict the Student from attending some or all District events for a specified period of time.

Short Term Removal from Class. Any College instructor for good cause may remove a Student from the classroom for a period not to exceed two class meetings. Short Term Removal may be imposed by any instructor on a Student who is disrupting the class or otherwise interfering with the ability of other Students in the class to learn. Before removing a Student from class, an instructor shall first give or make reasonable efforts to give the Student notice of their intent to remove the Student and a reasonable opportunity for the Student to modify their behavior. The instructor or program supervisor shall notify the College Conduct Office, in writing, immediately following their removal of a Student under this section, with a copy to the Dean of Student Services/Development. The Student may not return to the class until the Student has been cleared to return. The College Conduct Office may contact the student to arrange a meeting

Short Term Suspension prohibits the Student from attending classes and activities or entering onto any District Property for a period of one (1) to ten (10) calendar days as determined by the College Conduct Officer.

Written Warning is a written reprimand and warning to the Student by the College Conduct Officer that they have determined that the Student has violated the Standards of Student Conduct and is on warning.

References:

Education Code Sections ~~66017~~, 66300, 66301, 66302, 72122, and ~~76030, et seq~~ 76030-76038; ACCJC Accreditation Standard I.; ~~Penal Code Section 626C.48~~

Attachments:

AP 5520 Student Discipline Procedures Rev.
10-30-15.docx



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:

AP 5500 Standards of Student Conduct

(Replaces current SBCCD AP 5500)

Definitions:

The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension or expulsion of a student.

- ~~Causing, attempting to cause, or threatening to cause physical injury to another person.~~
- ~~Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a District employee, which is concurred in by the **[designate position]**.~~
- ~~Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in California Health and Safety Code Sections 11053 et seq., an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.~~
- ~~Committing or attempting to commit robbery or extortion.~~
- ~~Causing or attempting to cause damage to District property or to private property on campus.~~
- ~~Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.~~
- ~~Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.~~
- ~~Committing sexual harassment as defined by law or by District policies and procedures.~~
- ~~Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.~~
- ~~Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying.~~
- ~~Willful misconduct that results in injury or death to a student or to District personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.~~
- ~~Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.~~
- ~~Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty as defined by **[insert local practice]**.~~
- ~~Dishonesty; forgery; alteration or misuse of District documents, records or identification; or knowingly~~

~~furnishing false information to the District.~~

- ~~• Unauthorized entry upon or use of District facilities.~~
- ~~• Lewd, indecent or obscene conduct or expression on District owned or controlled property, or at District sponsored or supervised functions.~~
- ~~• Engaging in expression which is obscene, libelous or slanderous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on District premises, or the violation of lawful District regulations, or the substantial disruption of the orderly operation of the District.~~
- ~~• Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.~~
- ~~• Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any District policy or administrative procedure.~~

~~Students who engage in any of the above are subject to the procedures outlined in AP 5520 titled Student Discipline Procedures.~~

Standards of Student Conduct

The District may impose discipline for the commission, or attempted commission, of the following types of violations by Students, or for aiding or abetting, inciting, conspiring, assisting, hiring or encouraging another person to engage in a violation of this Standards of Student Conduct, or for any violation of state or Federal law. Being under the influence of drugs and/or alcohol, or the existence of other psychological impairment does not excuse a violation of this Standards of Student Conduct.

- A. Academic Misconduct. All forms of academic misconduct including, but not limited to, cheating, fabrication, plagiarism, or facilitating academic dishonesty.
- B. Alcohol. Manufacture, distribution, dispensing, possession, use, consumption or sale of, or the attempted manufacture, distribution, dispensing, distribution, consumption or sale of alcohol that is unlawful or otherwise prohibited by, or not in compliance with, District policy, administrative procedures, or campus regulations.
- C. Assault/Battery. Assault, battery, or any threat of force or violence upon a Student or upon any Member of the District Community. This includes, but is not limited to:
 - 1. Inflicting bodily harm upon any Member of the District Community;
 - 2. taking any action for the purpose of inflicting bodily harm upon any Member of the District Community;
 - 3. taking any reckless, but not accidental action, from which bodily harm could result to any Member of the District Community;
 - 4. Causing a Member of the District Community to believe that the offender or their agent may cause bodily harm to that person or any member of their family or any other Member of the District Community;
 - 5. Inflicting or attempting to inflict bodily harm on oneself.
- D. Bias. Bias-related incidents are behavior that constitutes an expression of hostility against a person or property or another due to the targeted person's race, religion, sexual orientation, ethnicity, national origin, gender, age, marital status, political affiliation, or disability. These acts or behaviors may not rise to the level of a crime, or a violation of state or federal law, but may constitute to creating an unsafe,

negative, or unwelcome environment for the targeted person.

E. Continued Misconduct or Repeat Violation. Repeated misconduct or violations of this Policy, when other means of correction have failed to bring about proper conduct.

F. Dating Violence. Violence committed by a member of the District Community who is, or has been, in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based upon the consideration of the following factors:

1. Length of the relationship
2. The frequency of interaction between the persons involved in the relationship
3. Type of relationship, and

G. Destruction of Property. The damaging, destroying, defacing, or tampering with District Property or the property of any person or business on District Property or at a District function, including but not limited to, taking down, defacing, or otherwise damaging District authorized posters, handbills and/or notices posted on District property.

H. Discrimination. Unlawful discrimination against a person on the basis of race, ethnicity, color, religion, national origin, sex, age, disability, military or veteran status, gender identification, gender expression, marital status, sexual orientation, or genetic information, except where such distinction is authorized by law.

I. Dishonesty. All forms of dishonesty including but not limited to fabricating information, furnishing false information, or reporting a false emergency to the District.

J. Disorderly or lewd conduct. Engaging in disorderly or lewd, indecent or obscene behavior on District Property or at a District function.

K. Disruption of Educational Process. Destruction or disruption on or off District Property of the District educational process(es), including but not limited to interrupting, impeding, obstructing or causing the interruption or impediment of any class, lab, administrative office, teaching, research, administration, disciplinary procedures, District activity or District authorized Student activity or administrative process or other District function; or disturbing the peace on District Property or at any District function.

L. Disruptive Behavior. Disruptive behavior, disobedience, profanity, vulgarity, or the open defiance of the authority of or abuse of District personnel, or which adversely effects the delivery of educational services to Students and the District Community.

M. Disturbing the Peace. Disturbing the peace and good order of the District by, among other things, fighting, quarreling, disruptive behavior, or participation in a disturbance of the peace or unlawful assembly.

N. Drugs. Unlawful or attempted manufacture, distribution, dispensing, possession, use, distribution or sale of, controlled substances, dangerous drugs, restricted dangerous drugs or narcotics, as those terms are used in state or federal statutes on District Property or at any District function. Possession of medicinal marijuana on District premises is prohibited.

O. Endangering Welfare of Others. Violation of any state or federal law relating to the placing at risk of physical or emotional harm of a member of the District Community.

P. Failure to Appear. Failure to appear before a District official when directed to do so.

Q. Failure to Comply or Identify. Failure to identify oneself to, or comply with the directions of, a District Official, employee, policy, law enforcement, or other public officials when requested to do so; or resisting or obstructing such District or other public officials in the performance of or the attempt to perform their

duties.

- R. Failure to Repay Debts or Return District Property. Failure to (a) repay debts to the District; (b) return District property; (c) return property of any member of the District Community.
- S. False Report of Emergency. Knowingly and purposefully, causing, making, and/or circulating a false report or warning of a fire, explosion, crime, or other catastrophe.
- T. Forgery. Any forgery alteration, or misuse of any District document, record, key, electronic device, or identification, or knowingly furnishing false information to a District official.
- U. Fraud. Any attempt to steal, take, carry, lead, or take away the personal property of another, or who fraudulently appropriated property which has been entrusted to him or her, or who shall knowingly and designedly, by any false or fraudulent representation or pretense, defraud any other person of money, labor or property, or who causes or procures or obtains credit and thereby, or fraudulently gets or obtains possession of money, or property, or obtains the labor or service of another, is guilty of theft.
- V. Gambling. Unauthorized gambling on District Property or at any District function.
- W. Harassment/Bullying. A specific act, or series or acts, of a verbal or physical nature, including threats, intended to annoy, intimidate, pester, aggravate, irritate, dominate, ridicule, or cause fear to a member of the District Community, occurring within the jurisdiction of the District as set forth in Section 1.4.
- X. Hateful Behavior. Hateful behavior aimed at a specific person or group of people.
- Y. Hazing. Participation in hazing or any method of initiation or pre-initiation into a campus organization or other activity engaged in by the organization or members of the organization at any time that causes, or is likely to cause, physical injury or personal degradation or disgrace which can inflict psychological or emotional harm to any Student or other person.
- Z. Infliction of Mental Harm. (a) Inflicting mental harm upon any member of the District Community; (b) taking any action for the purpose of inflicting mental harm upon any Member of the District Community; (c) taking any reckless, but not accidental action, from which mental harm to Member of the District Community could result; (d) causing a Member of the District Community to believe that the Student or their agent may cause mental harm to that person or any member of their family or any other member of the District Community; (e) any act which purposefully demeans, degrades, or disgraces any person.
- AA. Library Materials. Cutting, defacing, or otherwise damaging or theft of college library or bookstore materials or property.
- AB. Misrepresentation. A false statement or representation based upon the intentional disregard of false or possibly false information, or knowingly entering into a transaction based upon false information, or misrepresenting oneself to be an agent, employee, or representative of the District or its colleges.
- AC. Misuse of Identification. Transferring, lending, borrowing, altering or unauthorized creation of identification.
- AD. Possession of Stolen Property. Possession of District Property, or the property of any other person, when the Student knows or reasonably should know, that the property was stolen.
- AE. Possession of Weapons. Unauthorized possession, use, storage, or manufacture of explosives, dangerous chemicals, firebombs, firearms, or other destructive devices or weapons as defined in Section K of Appendix A.
- AF. Public Intoxication. Public intoxication or being under the influence of alcoholic beverages, any illegal narcotics, or any substance that causes impairment on District/College Property or at any District/College function.

AG. Sexual Harassment. Sexual harassment against a member of the District Community. Sexual harassment is defined as (a) unwelcome verbal harassment, e.g., epithets, derogatory comments, or slurs; (b) physical harassment, e.g., assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual; (c) visual forms of harassment, e.g., derogatory posters, cartoons, or drawings; (d) unwelcome sexual advances, requests for sexual favors; or (e) an intimidating, hostile, or offensive environment. "Unwelcome conduct" is defined as conduct which the member of the District Community does not solicit or initiate, and which the person regards as undesirable or offensive.

AH. Sexual Misconduct comprises a broad range of unwelcome behaviors focused on sex and/or gender that may or may not be sexual in nature. Any intercourse or other intentional sexual touching or activity without the other person's consent is sexual assault, is a form of Sexual Misconduct under this Procedure. Sexual Misconduct is any form of gender-based harassment, including, but not limited to, sexual harassment, sexual assault, and sexual exploitation, as well as harassment based on gender identity, gender expression, and non-conformity with gender stereotypes. Sexual misconduct may also include acts of a sexual nature, including acts of stalking, domestic violence, and dating violence, intimidation, or for retaliation following an incident where alleged Sexual Misconduct or has occurred.

Sexual Misconduct can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship, can be committed by anyone regardless of gender identity and can occur between people of the same or different sex or gender.

- A. Serious Injury or Death. Any intentional, unintentional or reckless action or conduct which results in serious injury or death to a Member of the District Community or their family.
- B. Smoking. Smoking in an area where smoking has been prohibited by law or regulation of the District.
- C. Stalking. Stalking behavior in which a Student repeatedly engages in the course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her family; where the threat is reasonably determined by the College Conduct Officer to create substantial emotional distress, torment, create fear, or to terrorize the person.
- D. Sexual Stalking. The course of conduct directed at a specific person that would cause a reasonable person to feel fear or suffer substantial emotional distress due to another's sexual interest or gender-based stalking. Stalking involves repeated and continued harassment of a sexual or gender-based nature, against the expressed consent of another individual, which causes the targeted individual to feel emotional distress, including fear or apprehension. Such stalking behaviors may include: pursuing or following; unwanted communication or contact—including face-to-face encounters, telephone calls, voice messages, electronic messages, web-based messages, text messages, unwanted gifts, etc.; trespassing; and surveillance or other types of observation.
- E. Theft or Abuse of District's Computers or Electronic Resources. Theft or abuse of District computers and other District electronic resources such as computer and electronic communications facilities, systems, and services. Abuses include (but are not limited to) unauthorized entry, use, transfer, or tampering with the communications of others, and interference with the work of others, and with the operation of a computer and electronic communications facilities, systems, and services. Theft or attempted theft of any kind, including seizing, receiving, or concealing property with knowledge that it has been stolen, is prohibited. Sale, possession, or misappropriation of any property or services without the owner's permission is also prohibited.
- F. Theft or Conversion of Property. Theft or conversion of District Property or services, or the property of any person or business on District Property or at a District function, or possession of any property when the

Student had the knowledge or reasonably should have had knowledge that it was stolen.

- G. Trespass and Unauthorized Possession. Unauthorized or forcible trespass on, entry to, possession of, receipt of, or use of any District services, grounds, equipment, resources, properties, structures, vehicles, boats, water craft or facility, including the unauthorized use of District's name, insignia, or seal without permission or authorization.
- H. Unauthorized Recording. Recording any person on District Property or at any District function without that person's knowledge or consent. This definition shall not apply to recordings conducted in public, in a commonly recognized public forum.
- I. Unauthorized Use of Course or Copyrighted Materials. Students of the District will abide by all aspects of United States copyright law, Title 17 of the United States Code, to the extent possible, under the authoritative interpretation of the law. Students shall not reproduce copyrighted materials without prior permission of the copyright owner, except as allowed by the "fair use" doctrine. In addition, Students shall not sell, prepare, or distribute for any commercial purpose any course lecture notes or video or audio recordings of any course unless authorized by the District in advance and explicitly permitted by the course instructor in writing. The unauthorized sale or commercial distribution of course notes or recordings by a Student is a violation of these Policies whether or not it was the Student or someone else who prepared the notes or recordings. Copying for any commercial purpose handouts, readers or other course materials provided by an instructor as part of a District course unless authorized by the District in advance and explicitly permitted by the course instructor or the copyright holder in writing (if the instructor is not the copyright holder).
- J. Unauthorized Use of District Keys. Unauthorized use, distribution, duplication or possession of any keys issued for any building, laboratory, facility, room, or other District Property.
- K. Unauthorized Use of Electronic Devices. Unauthorized use of an electronic device on District property or at any District function, including but not limited to, classes, lectures, labs, and field trips.
- L. Unauthorized Use of Property or Services. Unauthorized use of property or services or unauthorized possession of District Property or the property of any other person or business.
- M. Unreasonable Demands. Placing repeated, hostile, or unreasonable demands on District staff.
- N. Unwelcome Conduct: conduct of a sexual, gender-based, or harassing nature, which is considered unwelcome if a person did not request or invite it, and considered the conduct to be unwelcome, undesirable, or offensive. Unwelcome conduct may take various forms, including name-calling, graphic or written statements (including the use of cell phones or the Internet), hazing, bullying, or other conduct that may be physically or psychologically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, or directed at a specific target, or involve repeated incidents. Unwelcome conduct can involve persons of the same or opposite sex.
- O. Violation of Driving Regulations. Driving unsafely on District property or while taking part in any District function, or repeated violation of District parking regulations.
- P. Violation of Health & Safety Regulations. Violation of any health, safety or related regulations, rule or ordinance on District property or at any District function.
- Q. Violation of Law. Violation of any federal, state or local law on District property, at a District function or involving a member of the District Community.
- R. Violation of Posted District Rules. Violation of any rule or regulation posted on District property by the District or the College, or printed in any District publication.
- S. Violation of Published Computer/Network Usage Policy(s), Procedures, or Guidelines.

1. Accessing and/or without permission altering, damaging, deleting, destroying, or otherwise using any data, computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.
2. Accessing and/or without permission taking, copying, or making use of any data from a computer, computer system, or computer network, or taking or copying any supporting documentation, whether existing or residing internal or external to a computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.
3. Using or causing to be used District computer services without permission.
4. Accessing and/or without permission adding, altering, damaging, deleting, or destroying any data, computer software, or computer programs which reside or exist internal or external to a computer, computer systems, or computer network belonging to or used by the District or any Member of the District Community.
5. Disrupting or causing the disruption of computer services or denying or causing the denial of computer services to an authorized user of a computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.
6. Providing or assisting in providing a means of accessing, without permission, a computer, computer, system, or computer network belonging to or used by the District or any Member of the District Community.
7. Accessing or causing to be accessed without authorization any computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.
8. Introducing any computer contaminant or virus into any computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.
9. Sending any message using any computer system or network without authorization or sending any message in the name of another person or entity.
10. Using any account or password without authorization.
11. Allowing or causing to be used an account number or password by any other person without authorization.
12. Accessing or causing to be accessed, downloading or causing to be downloaded, pornographic or obscene materials except when accessing a pornographic website which is part of the instructional process or assignment for a class the Student is currently enrolled in.
13. Use the District's systems or networks for commercial purposes; for example, by performing work for profit with District resources in a manner not authorized by the district.

References:

Education Code Sections 66300 ~~and~~, 66301, 66302, 72122, and 76030-76038;
 ACCJC Accreditation ~~Standards~~ Standard I.C.8 ~~and 10 (formerly II.A.7.b)~~

Attachments:

AP 5500 Standards of Student Conduct -
 Comments
 AP 5500 Standards of Student Conduct - Legal
 Citations
 AP5500 -OLD.pdf



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 5500 Standards of Student Conduct

(Replaces current SBCCD BP 5500)

The Chancellor shall establish procedures for the imposition of discipline on students in accordance with the requirements for due process of the federal and state ~~law~~laws and regulations.

The Chancellor shall establish procedures ~~shall that~~ clearly define the conduct that is subject to discipline, and shall identify potential disciplinary actions, including but not limited to the removal, suspension, or expulsion of a student.

The Board shall consider any recommendation from the Chancellor for expulsion. The Board shall consider an expulsion recommendation in closed session unless the student requests that the matter be considered in a public meeting. Final action by the Board on the expulsion shall be taken at a public meeting.

The procedures shall be made widely available to students through the college catalog and other means.

~~The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension, or expulsion of a student:~~

- ~~• Causing, attempting to cause, or threatening to cause physical injury to another person.~~
- ~~• Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife, or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a District employee, which is concurred in by the college president.~~
- ~~• Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the California Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.~~
- ~~• Committing or attempting to commit robbery or extortion.~~
- ~~• Causing or attempting to cause damage to District property or to private property on campus.~~
- ~~• Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.~~
- ~~• Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.~~
- ~~• Sexual assault or sexual exploitation regardless of the victim's affiliation with the district.~~
- ~~• Committing sexual harassment as defined by law or by District policies and procedures.~~
- ~~• Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender~~

~~expression, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.~~

- ~~• Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying;~~
- ~~• Willful misconduct which results in injury or death to a student or to college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.~~
- ~~• Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.~~
- ~~• Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty.~~
- ~~• Dishonesty, forgery, alteration or misuse of college documents, records or identification; or knowingly furnishing false information to the District.~~
- ~~• Unauthorized entry upon or use of college facilities.~~
- ~~• Lewd, indecent, or obscene conduct on District-owned or controlled property or at District-sponsored or supervised functions.~~
- ~~• Engaging in expression which is obscene; libelous, or slanderous; or which so incites students as to create a clear and present danger of the commission of unlawful acts on college premises, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District.~~
- ~~• Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.~~
- ~~• Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any District policy or administrative procedure.~~

References:

References:

Education Code Sections 66300 and 66301;
ACCJC Accreditation Standards I.C.8 and 10 (formerly II.A.7.b)

Attachments:

[BP 5500 Standards of Student Conduct -
Comments](#)

[BP 5500 Standards of Student Conduct - Legal
Citations](#)



Current Status: Active

PolicyStat ID: 4375318



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



| | |
|----------------|--|
| Origination: | N/A |
| Last Approved: | N/A |
| Last Revised: | N/A |
| Next Review: | N/A |
| Owner: | <i>Business & Fiscal Services</i> <i>Business & Fiscal Services</i> |
| Policy Area: | <i>Chapter 6 General Institution</i> |
| 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](#)



| | |
|----------------|--|
| Origination: | N/A |
| Last Approved: | N/A |
| Last Revised: | N/A |
| Next Review: | N/A |
| Owner: | <i>Business & Fiscal Services</i> <i>Business & Fiscal Services</i> |
| Policy Area: | <i>Chapter 6 General Institution</i> |
| 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](#)



Current Status: Pending

PolicyStat ID: 3915523



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



Current Status: Pending

PolicyStat ID: 3915525



| | |
|----------------|---------------------------------|
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| Last Revised: | 12/2018 |
| Next Review: | 09/2018 |
| 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



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

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



Origination: 11/2016
 Last Approved: N/A
 Last Revised: 08/2018
 Next Review: 5 years, 8 months after approval
 Owner: Human Resources Human Resources
 Policy Area: Chapter 7 Human Resources
 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 |



Current Status: Pending

PolicyStat ID: 4692350



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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: N/A
Last Approved: N/A
Last Revised: N/A
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~~ Executive Director of Human Resources 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]~~ 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~~ Executive Director of Human Resources 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](#)



Current Status: Active

PolicyStat ID: 3406645



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Last Approved: 12/2018
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Next Review: 12/2024
Owner: *Academic Senates Academic Senates*
Policy Area: *Chapter 5 Student Services*
References:

AP 5110 Counseling

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.

References:

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

Attachments:

No Attachments



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PolicyStat ID: 3406630



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Next Review: 12/2024
Owner: *Academic Senates Academic Senates*
Policy Area: *Chapter 5 Student Services*
References:

BP 5110 Counseling

(Replaces current SBCCD BP 5110)

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 students 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 | 02/2019 |
| | Policy Stat | 02/2019 |
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 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



Current Status: *Draft*

PolicyStat ID: 5927783



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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](#)



Origination: N/A
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 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
8. 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 Vice President of Student Services 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.



Current Status: Draft

PolicyStat ID: 5549586



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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: | |

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](#)