



District Assembly Meeting
May 7, 2019 at 3:00 p.m.
 114 S. Del Rosa Drive (SBCCD Boardroom)
 San Bernardino, CA 92408

AGENDA

Agenda Items	Discussion
1. Call to Order	D. Allen – call to order and introduction of members.
2. Approval of Minutes	April 2, 2019 (p6)
3. Chancellor’s Report	B. Baron
4. New Business	<p>A. Discussion Items</p> <ol style="list-style-type: none"> 1. Student Registration Balance Under Existing Policy (R. Marlatt) 2. Committee Evaluation Results (D. Allen) (p10) 3. New Membership Update & Election of Officers (D. Allen) (p13) 4. Policy & Procedure Update (J. Gilbert) (p15) <p>B. Legal Update #34 – Information Item</p> <ol style="list-style-type: none"> 1. BP 3810 Claims Against the District – Legal citation added. (No change to AP) (p23) 2. AP 5013 Students in the Military – Struck “on active duty” to reflect that a member of the armed forces stationed in California no longer needs to be on active duty to receive resident classification. (No BP) (p24) 3. BP 5020 Nonresident Tuition – Changed February to March to reflect the new deadline of March 1 of each year for districts to set the nonresident tuition fee for the succeeding fiscal year. (p26) 4. AP 5020 Nonresident Tuition – Legal citation added, February changed to March, and following language added as a last bullet point: “A requirement that a notice listing persons exempt from paying nonresident tuition be posted on the District’s website.” (p27) 5. AP 5130 Financial Aid – Legal citations added. (No change to BP) (p31) 6. BP 7340 Leaves – This policy was updated to add a new leave for union stewards and a corresponding legal citation: “leave for service as an elected official or steward of a community college District public employee organization” (No AP) (p35)
5. Old Business (Action)	<p>A. Non-Academic & Professional Policies & Procedures (2nd reading)</p> <ol style="list-style-type: none"> 1. AP 2712 (no BP) Conflict of Interest Code (p36) 2. BP & AP 3570 Smoking on Campus (p39,40)

3. BP & AP 3590 Energy Conservation (p42,43)
4. BP & AP 6150 Designation of Authorized Signatures (p46,47)
5. BP & AP 6300 Fiscal Management (p48,49)
6. AP 6315 (no BP) Warrants (p58)
7. BP & AP 6340 Bids and Contracts (p59,60)
8. BP & AP 6925 Refreshments or Meals Served at Meetings and District Events (p64,65)
9. AP 7126 (no BP) Applicant Background Investigations and Reference Checks (p67)
10. AP 7145 (no BP) Personnel Files (p68)
11. BP & AP 7150 Evaluations (p69,70)
12. AP 7234 (no BP) Overtime (NEW REQUIRED) (p75)
13. AP 7337 (no BP) Fingerprinting (NEW REQUIRED) (p77)
14. AP 7343 (no BP) Industrial Accident and Illness Leave (NEW REQUIRED) (p80)
15. AP 7344 (no BP) Notifying District of Illness (NEW ADVISED) (p83)
16. AP 7346 (no BP) Employees Called to Military Duty (NEW ADVISED) (p85)
17. BP & AP 7350 Resignations (p87,88)
18. BP & AP 7365 Discipline and Dismissal – Classified Employees (NEW REQUIRED) (p91,93)
19. BP & AP 7370 Political Activity (NEW ADVISED) (p101,102)
20. AP 7371 (no BP) Personal Use of Public Resources (NEW REQUIRED) (p103)
21. BP & AP 7400 Travel (p104,105)

B. Academic & Professional Policies & Procedures (information)

1. AP 4104 (no BP) Contract Education (p113)
2. AP 4222 (no BP) Remedial Coursework (legal update #33) (p114)
3. BP & AP 5530 Student Rights and Grievances (p116,117)

6. Updates

A. Policies & Procedures (continued/hold from previous months)

1. BP & AP 3100 Organizational Structure (NEW ADVISED)
2. AP 3435 (no BP) Discrimination and Harassment Complaints and Investigations (legal update #33)
3. BP & AP 3440 Service Animals (NEW REQUIRED)
4. BP & AP 3710 Securing Copyright
5. AP 3750 (no BP) Use of Copyrighted Material (New Advised)
6. BP & AP 3540 Sexual Assaults on Campus (legal update #33)
7. BP & AP 3550 Drug Free Environment and Drug Prevention Program (legal update #33)
8. BP & AP 3900 Speech: Time, Place, and Manner (legal update #33)
9. BP & AP 4103 Work Experience

10. BP & AP 5030 Fees
11. BP & AP 5150 Extended Opportunity Programs and Services
12. ~~AP 6345 (no BP) Bids and Contracts – UPCCAA (NEW REQUIRED)~~
13. AP 6350 (no BP) Contracts – Construction
14. ~~AP 6365 (no BP) Contracts – Accessibility of IT (NEW ADVISED)~~
15. ~~AP 6370 (no BP) Contracts – Personal Services (NEW REQUIRED)~~
16. BP & AP 6540 Insurance (NEW REQUIRED)
17. BP & AP 6700 Civic Center and Other Facilities Use (NEW REQUIRED)
18. BP & AP 6750 Parking (legal update #33 to be reviewed with 6751)
19. BP & AP 6751 Parking Citation Payment Plan (review with 6750)
20. ~~AP 6850 (no BP) Hazardous Materials (NEW ADVISED)~~
21. AP 6950 (no BP) Drug and Alcohol Testing (US DOT) (NEW REQUIRED)
22. ~~AP 7212 (no BP) Temporary Faculty (NEW ADVISED)~~
23. AP 7215 (no BP) Academic Employees: Probationary Contract Faculty (NEW ADVISED)
24. BP & AP 7240 Confidential Employees
25. 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.
26. 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.
27. AP 7348 (no BP) Accommodations (NEW ADVISED)
28. BP & AP 7450 Mileage Reimbursement

B. Reports

29. 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.

30. Future Topics

1. Constitution (September 2019)
2. Calendar Committee Update (September 2019)
3. Annual approval of AP/BP review schedule (September 2019)
4. 1st Read Staffing Plan per timeline (September 2019)
5. District Program Review & District Strategic Plan Update (October 2019)
6. Police Department Written Report (October 2019)
7. Human Resources Written Report (November 2019)
8. 2nd Read Staffing Plan per timeline (November 2019)
9. TESS Written Report (November 2019)
10. Budget Update (December 2019/February 2020)
11. Membership Election (February 2020)
12. AB 104: Adult Education Block Grant Update (February 2020)

13. Webadvisor Update (February 2020)
14. Emergency Management Committee (March 2020)
15. Draft Staffing Plan (March 2020)
16. Calendar Committee Update (March 2020)
17. Committee Evaluation (April 2020)
18. Election of Membership (April 2020)
19. One Year Review of BP & AP 2410 Policies & Procedures (April 2020)
20. New Membership Update & Election of Officers (May 2020)
21. Campus Program Review and Educational Master Plan Update (May 2020)

22. Adjournment

Next Meeting: September 3, 2019 at 3:00 p.m. SBCCD Boardroom

District Assembly Sign-In Sheet

Date: 4/2/19

President: Denise Allen

Denise Allen

Vice President: Mark McConnell

MDM

Recorder: Stacey Nikac

[Signature]

Amy Avelar (2019)

Amy Avelar

Bruce Baron (ex officio)

Stephanie Lewis-Briggs (2020)

T.L. Brink (2020)

T L Brink
Stephanie Lewis-Briggs

Keynasia Buffong (vested)

Laurie Green (2019)

Kevin Horan (ex officio)

Celia Huston (ex officio)

Rhiannon Lares (2020)

Meridyth McLaren (vested)

Brandi Mello (ex officio)

Gabby Padilla (vested)

Kevin Palkki (vested)

Ginny Evans-Perry (2020)

[Signature]
g Evans-Perry

Adrian Rios (2020)

Diana Rodriguez (ex officio)

Judy Rodriguez (ex officio)

Luis Susunaga (2020)

Bethany Tasaka (2020)

Cassandra Thomas (2019)

Jose Torres (2020)

Keith Wurtz (2019)

Ruby Zuniga (2020)

[Signature]

Guests:

Christina Hannon *[Signature]*



District Assembly

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

Meeting Minutes – April 2, 2019, 3:00 PM

1. CALL TO ORDER

D. Allen called the meeting to order at 3:07pm.

2. APPROVAL OF MINUTES

A. March 5, 2019 (p4)

M. McConnell moved approval of the March 5, 2019 minutes. K. Wurtz seconded the motion. C. Houston abstained. All others in attendance approved.

3. CHANCELLOR'S REPORT

No report.

4. NEW BUSINESS

A. Discussion Items

- i. Student Registration Balance Under Existing Policy – J. Torres
Continue item in May.
- ii. Committee Evaluation (p10)
Members completed and turned in the committee evaluation.
- iii. Elections – Membership Nominations (p12,14)
Election of officers will take place in May. Members nominated will be invited to attend the May meeting to vote for officers for the next year.
Kevin Palkki will review the DA Constitution and assist with revisions for consistency with education code (CSEA appointment of classified members to District Assembly). Kevin will provide CSEA appointment for SBVC.
Meridyth will provide the CTA appointment.

Nominations received:

Crafton Hills

1 faculty – Laurie Green appointed by senate

1 classified – Laura Van Gunderen and Kristina Heilgeist Note: CHC Classified position is not open to fill. M. McConnell will contact candidates to let them know.

1 management – Keith Wurtz

SBVC

1 faculty – Craig Luke

1 classified – Michelle Crocfer

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

- iv. AP 2712 (no BP) Conflict of Interest Code (p15)
- v. BP & AP 3590 Energy Conservation (p18,19)
 - i. BP & AP 6150 Designation of Authorized Signatures (p22,23)
 - ii. BP & AP 6300 Fiscal Management (p24,25)
- iii. AP 6315 (no BP) Warrants (p34)
- iv. BP & AP 6340 Bids and Contracts (p35,36)
- v. BP & AP 6925 Refreshments or Meals Served at Meetings and District Events

- (p40,41)
- i. AP 7126 (no BP) Applicant Background Investigations and Reference Checks (p43)
- ii. AP 7145 (no BP) Personnel Files (p44)
- vi. BP & AP 7150 Evaluations (p45,46)
- vii. AP 7337 (no BP) Fingerprinting (NEW REQUIRED) (p51)
- viii. AP 7343 (no BP) Industrial Accident and Illness Leave (NEW REQUIRED) (p54)
- ix. AP 7344 (no BP) Notifying District of Illness (NEW ADVISED) (p57)
Recommendation was made to edit the paragraph below as reflected.

While each ~~area should develop and maintain procedures regarding the specific steps to be taken by an employee when notifying the department~~ ~~should develop and maintain procedures regarding the specific steps to be taken by an employee when notifying the department~~ of an absence, it is the general policy of the District that any employee who will be absent from work due to unexpected illness or other reasons, must report the absence to their immediate supervisor daily, by telephone, and/or email at the beginning of the work period.

- x. AP 7346 (no BP) Employees Called to Military Duty (NEW ADVISED) (p59)
 - xi. BP & AP 7350 Resignations (p61,62)
 - xii. BP & AP 7365 Discipline and Dismissal – Classified Employees (NEW REQUIRED) (p65,67)
 - xiii. BP & AP 7370 Political Activity (NEW ADVISED) (p75,76)
 - xiv. AP 7371 (no BP) Personal Use of Public Resources (NEW REQUIRED) (p77)
 - xv. BP & AP 7400 Travel (p78,79)
- C. Academic & Professional Policies & Procedures (1st reading)
- i. AP 4104 (no BP) Contract Education (p87)
 - ii. AP 4222 (no BP) Remedial Coursework (legal update #33) (p88)
 - iii. BP & AP 5530 Student Rights and Grievances (p90,91)
- D. 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 2410 Board Policies & Administrative Procedures (p105,106) **pulled for discussion. M. McConnell moved approval of 2410 for one year. K. Wurtz seconded the motion. Unanimous approval.**
 - ii. BP & AP 3570 Smoking on Campus (p110,111) **pulled for discussion. K. Palkki raised concerns that a no smoking policy could present issues with classified staff returning late from breaks and/or smoking in the weeded grass area. Maintenance staff have shared their concerns with cigarette butts being discarded around campus rather than in a designated smoking area and the impact it would have on custodians. CHC student government expressed their desire for a smoke-free campus. The current policy allows campuses to decide to reduce and/or relocate designated smoking areas. TL motioned to continue to the next meeting. A. Avelar seconded the motion. Unanimous approval.**
 - iii. AP 6350 (no BP) Contracts – Construction (p113)
 - iv. BP & AP 7120 Recruitment & Hiring (p117,118)
 - v. BP & AP 7160 Professional Development (p123,124)
 - vi. AP 7232 (no BP) Classification Review (NEW ADVISED) (p125)
 - vii. AP 7234 (no BP) Overtime (NEW REQUIRED) (p126) **pulled for discussion. It was recommended that K. Hannon include additional language from the labor**

- law and/or reference to bargaining agreement. C. Huston moved approval to continue to next meeting. TL seconded the motion. Unanimous approval.
- viii. BP & AP 7310 Nepotism (LEGALLY ADVISED) (p128,129)
 - ix. AP 7336 (no BP) Certification of Freedom from TB (NEW REQUIRED) (p132)

TL moved approval of items 5Aiii, 5Aiv, 5Av, 5Avi, 5Aviii, and 5Aix. C. Huston seconded the motion. Unanimous approval.

B. Academic & Professional Policies & Procedures (for Information)

- i. BP & AP 5500 Standards of Student Conduct (p134,136) pulled for discussion. Paragraphs F, K, and Q were amended as follows.

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.

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 (regardless of modality), 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.

Q. Failure to Comply or Identify. Failure to identify oneself to, or comply with the directions of, a District employee when requested.

- ii. AP 5520 (no BP) Student Discipline Procedures (p143)

L. Green moved approval. Wurtz seconded. Unanimous approval.

6. UPDATES

A. Policies & Procedures (continued/hold from previous months)

- ~~iii. BP & AP 3100 Organizational Structure (NEW ADVISED)~~
- iv. AP 3435 (no BP) Discrimination and Harassment Complaints and Investigations (legal update #33)
- ~~v. BP & AP 3440 Service Animals (NEW REQUIRED)~~
- vi. BP & AP 3540 Sexual Assaults on Campus (legal update #33)
- vii. BP & AP 3550 Drug Free Environment and Drug Prevention Program (legal update #33)
- viii. BP & AP 3710 Securing Copyright
- ix. AP 3750 (no BP) Use of Copyrighted Material (New Advised) (Andy)
- x. BP & AP 3810 Claims Against the District (legal update #33)
- xi. BP & AP 3900 Speech: Time, Place, and Manner (legal update #33)
- xii. BP & AP 4103 Work Experience
- xiii. BP & AP 5150 Extended Opportunity Programs and Services
- ~~xiv. AP 6345 (no BP) Bids and Contracts — UPCCAA (NEW REQUIRED)~~
- ~~xv. AP 6365 (no BP) Contracts — Accessibility of IT (NEW ADVISED)~~
- ~~xvi. AP 6370 (no BP) Contracts — Personal Services (NEW REQUIRED)~~
- xvii. BP & AP 6540 Insurance (NEW REQUIRED)
- xviii. BP & AP 6700 Civic Center and Other Facilities Use (NEW REQUIRED)
- xix. BP & AP 6750 Parking (legal update #33 to be reviewed with 6751)
- xx. BP & AP 6751 Parking Citation Payment Plan (review with 6750)
- ~~xxi. AP 6850 (no BP) Hazardous Materials (NEW ADVISED)~~
- ~~xxii. AP 6950 (no BP) Drug and Alcohol Testing (US DOT) (NEW REQUIRED)~~
- ~~xxiii. AP 7212 (no BP) Temporary Faculty (NEW ADVISED)~~
- xxiv. AP 7215 (no BP) Academic Employees: Probationary Contract Faculty (NEW ADVISED)
- x. BP & AP 7240 Confidential Employees
- xxv. 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.

- xxvi. 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.
- xxvii. AP 7348 (no BP) Accommodations (NEW ADVISED)

B. Report

- K. Palkki reported an upcoming Dance Show at CHC.
- L. Susunaga asked if students can attend next meeting to address the no smoking policy. D. Allen encouraged attendance at DA open meetings.
- L. Green reminded everyone to avoid freeways next weekend due to Coachella and Stage Coach events.

7. PUBLIC COMMENTS

None.

8. FUTURE TOPICS

- A. Membership Update & Election of Officers (May 2019)
- B. Campus Program Review and Educational Master Plan Update (May 2019)
- C. Brand Identity Update (May 2019)
- D. Calendar Committee Update (September 2019)
- E. Annual approval of AP/BP review schedule (September 2019)
- F. 1st Read Staffing Plan per timeline (September 2019)
- G. District Program Review & District Strategic Plan Update (October 2019)
- H. Police Department Written Report (October 2019)
- I. Human Resources Written Report (November 2019)
- J. 2nd Read Staffing Plan per timeline (November 2019)
- K. TESS Written Report (November 2019)
- L. Budget Update (December 2019/February 2020)
- M. Membership Election (February 2020)
- N. AB 104: Adult Education Block Grant Update (February 2020)
- O. Webadvisor Update (February 2020)
- P. Emergency Management Committee (March 2020)
- Q. Draft Staffing Plan (March 2020)
- R. Calendar Committee Update (March 2020)
- S. Committee Evaluation (April 2020)
- T. Elections – Membership (April 2020)

9. ADJOURN

Next meeting: May 7, 2019

D. Allen adjourned the meeting at 4:25pm.

Name of Committee: District Assembly

Total: 15

Please think about the internal processes, external interactions, and work products or outcomes of this committee, and answer each of the following questions objectively.

How long have you served continuously on this committee?	1 st year (8)	2 years (1)	3 years (2)	4 or more years (4) N/A		
On how many other committees did you serve this year?	0 (1)	1 (1)	2 (3)	3 (5)	4 (1)	5 or more (4)
Did you serve as chair or convener of this committee this year?	Yes (3)	No (12)				
Do you expect to serve on this committee again next year?	Yes (12)	No (3)	I don't know			
What is your primary function at SBCCD?	FT Faculty (9)	PT Faculty	Classified (3)	Confidential	Manager (2)	Student (1)

	Almost Always	Often	Sometimes	Seldom	Almost Never	No Opinion
<u>Collaborative</u> : Sharing, inclusive, open to input, respectful of diverse opinions, characterized by meaningful dialogue	4	7	2	0	1	1
<u>Transparent</u> : Open, easy to understand, clearly defined, characterized by effective and meaningful communication with the District community	2	9	2	0	0	2
<u>Evidence-Based</u> : Reliant upon relevant, accurate, complete, timely qualitative and/or quantitative information; not based solely on assertion, speculation, or anecdote	2	8	4	0	0	1
<u>Effective</u> : Working properly and productively toward the committee's intended results	3	5	5	1	0	1
<u>Efficient</u> : Performing well with the least waste of time and effort; characterized by serving the committee's specified purposes in the best possible manner	3	8	1	2	0	1

Please indicate extent to which you agree/disagree with the following statements about your service on this committee overall this year.

	Strongly Agree	Agree	Disagree	Strongly Disagree
I feel comfortable contributing ideas.	8	3	2	0
My ideas are treated with respect, whether or not others agree with them.	7	6	0	0
I have had sufficient opportunity to provide input into committee recommendations.	6	6	1	0

Please rate the following aspects of the committee's work overall this year.

	Very Good	Good	Fair	Poor	Very Poor	No Opinion
Clarity of the committee's charge	3	5	6	0	0	1
Quality of communication within the committee	3	8	3	0	0	1
Quality of information flow from the committee to the constituency groups	2	4	6	0	0	3
Quality of information flow from the constituency groups to the committee	2	4	6	1	0	2
Quality of communication by the committee with the District community as a whole	1	5	5	1	0	3
Access to data needed for deliberations	5	4	4	1	0	1
Access to meeting space	11	3	0	0	0	1
Access to other resources needed for the committee to work effectively	5	4	4	0	0	2
Training or mentoring for you as a committee member	2	0	6	2	4	1
Establishment of expectations or norms for committee members and convener(s)	4	4	5	1	0	1
Adherence to expectations or norms for committee members and convener(s)	5	4	4	0	0	2

Please enter this committee's most significant accomplishment this year:

- Work on updating ED Policy (AP's / BP's) review process.
- Decision to reduce frequency of AP/BP revisions.
- Streamline process for BP's & AP's.
- BPs & AP's? 2410? Reviewing its charge?
- The survey to stop BP's & AP's.
- 2410 revise & update to how BP's/AP's are handled.
- Making changes to the way we review BP/APs.
- Revisiting the role of this committee.

Please enter the improvement most needed by this committee in its processes, interactions, outcomes, or other aspect of its work:

- More creative brainstorming, also to goals, opportunities, problems.
- Training/mentoring; sending info DA info to all constituents.
- Minutes sent out earlier due to quantity of material, explain process of how meeting is run – it's quick & sometimes quick & confusing there is a lot of assuming that everyone is on the same page.
- Need for mention for Student participation & Classified involvement.
- More work of substance, as compared to just BP/AP approval.
- Help new members understand their role and how best to serve their constituencies.



District Assembly Membership
Two-Year Terms Ending Spring 2020 and Spring 2022

President: TBD (2020)
Vice President: TBD (2020)

Recorder: Stacey Nikac

FACULTY

Crafton Hills College (2)

T.L. Brink (2020)
Laurie Green (2022)

San Bernardino Valley College (3)

Craig Luke (2022)
Bethany Tasaka (2020)
Ginny Evans-Perry (2020)

CLASSIFIED STAFF¹

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

District (1)

Rhiannon Lares (2020)

Crafton Hills College (1)

Ruby Zuniga (2020)

San Bernardino Valley College (1)

Cassandra Thomas¹ (2022)

MANAGEMENT STAFF

District (1)

Jose Torres (2020)

Crafton Hills College (1)

Keith Wurtz (2022)

San Bernardino Valley College (1)

Stephanie Lewis-Briggs (2020)

STUDENTS

Crafton Hills College (2)

TBD (2020)
(alternate) TBD (2020)

San Bernardino Valley College (2)

Adrian Rios (2020)
(alternate) TBD (2020)



**District Assembly Membership
Two-Year Terms Ending Spring 2020 and Spring 2022**

EX-OFFICIO

- | | |
|---|------------------|
| 1. Chancellor of the District | Bruce Baron |
| 2. President of Crafton Hills College | Kevin Horan |
| 3. President of San Bernardino Valley College | Diana Rodriguez |
| 4. President of the CHC Academic Senate | Mark McConnell |
| 5. President of the SBVC Academic Senate | Celia Huston |
| 6. President of the CHC Classified Senate | Brandi Mello |
| 7. President of the SBVC Classified Senate | Judy Rodriguez |
| 8. President of the CHC Student Body Association | TBD |
| 9. President of the SBVC Student Body Association | Adrian Rios |
| 10. Executive Director of Research, Planning, & Institutional Effectiveness | Jeremiah Gilbert |

VESTED

- | | |
|--------------------------------------|------------------|
| Black Faculty and Staff Association | Keynasia Buffong |
| Latino Faculty and Staff Association | Gabby Padilla |
| CTA President (or designee) | Jeff Cervantez |
| CSEA President (or designee) | Kevin Palkki |
| Confidential Group | TBD |



To: District Assembly
From: Jeremiah Gilbert, Executive Director
Research, Planning & Institutional Effectiveness
Date: 5/7/2019
Re: CCLC Legal Update #34 Actions

BP 2100 Board Elections – Language already in local BP. No action needed. (No AP.)

NEW AP 3415 Immigration Enforcement Activities – Legally required. Will be included in AP/BP rotation for 2019-2020. (No BP.)

AP/BP 3430 Prohibition of Harassment – Legal citations and new language added to both. Will be included in AP/BP rotation for 2019-2020.

AP 3435 Discrimination and Harassment Complaints and Investigations – Language added. Will be included in AP/BP rotation for 2019-2020. (No BP.)

NEW AP/BP 3725 Information and Communications Technology Accessibility & Acceptable Use – Policy and procedure suggested as good practice but not required. Recommendation from CTO is to adopt. Will be included in AP/BP rotation for 2019-2020. (No BP.)

BP 3810 Claims Against the District – Legal citation added; no new language. Updated in PolicyStat.

AP 5013 Students in the Military – Three words cut. Updated in PolicyStat. (No BP.)

AP/BP 5015 Residence Determination – Legal citation and new language added to both. Will be included in AP/BP rotation for 2019-2020.

NEW AP 5017 Responding to Inquiries of Immigration Status, Citizenship Status, and National Origin Information – Legally required. Will be included in AP/BP rotation for 2019-2020. (No BP.)

AP/BP 5020 Nonresident Tuition – Language updated to reflect new deadline and requirement. Updated in PolicyStat.

AP 5030 Fees – Legal citation and new language added to identify a new prohibited fees requirement. AP and BP be included in AP/BP rotation for 2019-2020.

AP 5040 Student Records, Directory Information, and Privacy – Legal citation and legally required language added. AP and BP will be included in AP/BP rotation for 2019-2020.

AP/BP 5050 Student Success and Support Program – Added note does not change language. No action required.

AP 5130 Financial Aid – Legal citations and a note added; no language added. AP will be updated in PolicyStat. (No change to BP.)

NEW AP 5203 Lactation Accommodation – Procedure suggested as good practice but not required. Recommendation from VPSS is to adopt. Will be included in AP/BP rotation for 2019-2020. (No BP.)

AP/BP 6340 Bids and Contracts – New language added. Will be included in AP/BP rotation for 2019-2020.

AP 6345 Bids and Contracts – UPCCAA – Language updated. Legally required procedure that the district currently does not have. Will be included in AP/BP rotation for 2019-2020. (No BP.)

AP 6365 Contracts – Accessibility of Information Technology – Procedure's title was updated to include the word "Contracts." Legally required procedure that the district currently does not have. Will be included in AP/BP rotation for 2019-2020. (No BP.)

BP 7340 Leaves – Legal citation and two words added. Updated in PolicyStat. (No AP.)

AP 7347 Paid Family Leave – Language updated. Advised procedure that the district currently does not have. (No BP.)

AP 7348 Accommodations – Language updated. Will be included in AP/BP rotation for 2019-2020. (No BP.)

Attachment: CCLC Legal Update #34 (March 2019)



POLICY & PROCEDURE SERVICE OVERVIEW FOR LEGAL UPDATE 34

Policy & Procedure Subscriber Service

Community College League of California
Liebert Cassidy Whitmore

Legal Update #34

March 2019

OVERVIEW

This is the 34th update to subscribing district members of the League's Policy & Procedure Subscriber Service, offered in partnership with the law firm of Liebert Cassidy Whitmore. The update is in response to new statutes and regulations, legal opinions, and questions from subscribers that have occurred since legal Update 33, disseminated to member districts in October 2018.

Revisions to the Board Policy Templates

BP 2100 Board Elections – A note in this policy was updated to reflect a change in law revising the date that a board member's term of office begins to the second Friday in December following the election.

BP 3430 Prohibition of Harassment – This policy was updated to add a legal citation (Government Code Section 12923), which was enacted to expand harassment and discrimination liability under the California Fair Employment and Housing Act. This policy was also revised to add Civil Code Section 51.9, which was amended to create liability for elected officials for any sexual harassment towards others in a business, service, or professional relationship.

***NEW* BP 3725 Information and Communications Technology Accessibility & Acceptable Use** - This *new policy* is suggested as good practice to address access to instructional materials and information and communication technology.

BP 3810 Claims Against the District – This policy was updated to add a legal citation (Government Code Section 935).



POLICY & PROCEDURE SERVICE OVERVIEW FOR LEGAL UPDATE 34

BP 5015 Residence Determination – This policy was updated to add a legal citation (Education Code Section 68086) and specify that residence determination is not required for students seeking to enroll exclusively in career development and college preparation courses as well as other courses for which no credit is given.

BP 5020 Nonresident Tuition – This policy was updated to reflect the new deadline of March 1 of each year for districts to set the nonresident tuition fee for the succeeding fiscal year.

BP 5050 Student Success and Support Program - This policy was updated to add a note as a reminder that districts are required to comply with Student Success and Support Program requirements even though the California Community Colleges Chancellor's Office has implemented its integrated plan.

BP 6340 Bids and Contracts – This policy was updated to add language to address best value contracting.

BP 7340 Leaves – This policy was updated to add a new leave for union stewards and a corresponding legal citation (Government Code Section 3558.8).

Revisions to the Administrative Procedure Templates

NEW AP 3415 Immigration Enforcement Activities – This *new procedure* complies with the requirement in Education Code Section 66093.3 requiring districts to adopt model language provided by the Office of the California Attorney General or locally created equivalent language.

AP 3430 Prohibition of Harassment – This procedure was updated to add a legal citation (Government Code Section 12923) and to the resulting changes to the definition of harassment under this law. This procedure was also updated to add Civil Code Section 51.9, which was amended to create liability for elected officials for any sexual harassment toward others in a business, service, or professional relationship.

AP 3435 Discrimination and Harassment Complaints and Investigations – This procedure was updated to reflect the new harassment training requirements for all employees, which districts must comply with by **January 1, 2020**.

POLICY & PROCEDURE SERVICE OVERVIEW FOR LEGAL UPDATE 34

NEW AP 3725 Information and Communications Technology Accessibility & Acceptable Use - This *new procedure* is suggested as good practice to address access to instructional materials and information and communication technology.

AP 5013 Students in the Military – This procedure was updated to reflect that a member of the armed forces stationed in California no longer needs to be on active duty to receive resident classification.

AP 5015 Residence Determination – This procedure was updated to add a legal citation (Education Code Section 68086) and specify that residence determination is not required for students seeking to enroll exclusively in career development and college preparation courses as well as other courses for which no credit is given. This procedure was also revised to reflect that a member of the armed forces stationed in California no longer needs to be on active duty to receive resident classification. This procedure template now reflects a clarification in the law that exempts a student, other than a nonimmigrant alien, from nonresident tuition and specifies that the three or more years of high school course work must be in California.

NEW AP 5017 Responding to Inquiries of Immigration Status, Citizenship Status, and National Origin Information – This *new procedure* complies with the requirement in Education Code Section 66093.3 that districts adopt model language provided by the Office of the California Attorney General or locally created equivalent language.

AP 5020 Nonresident Tuition – This procedure was updated to reflect the new deadline of March 1 of each year for districts to set the nonresident tuition fee for the succeeding fiscal year. This procedure was also reflects a new requirement that Districts post to their website a notice that sets forth the persons exempt from paying nonresident tuition.

AP 5030 Fees – This procedure was updated to identify a new requirement that prohibits districts from requiring fees or tuition for surviving spouses or children of a firefighter employed by the federal government whose duty assignment involved the performance of firefighting services in California.

AP 5040 Student Records, Directory Information, and Privacy – This procedure was updated to add a legal citation (Education Code Section 66093.3) and add legally required language pertaining to the collection and retention of student information and access to student records for immigration enforcement purposes provided by the Office of the California Attorney General.



POLICY & PROCEDURE SERVICE OVERVIEW FOR LEGAL UPDATE 34

AP 5050 Student Success and Support Program – This procedure was updated to add a note as a reminder that districts are required to comply with Student Success and Support Program requirements even though the California Community Colleges Chancellor's Office has implemented its integrated plan.

AP 5130 Financial Aid – This procedure was updated to add legal citations and a note to address a new legal requirement that, effective **January 1, 2020**, districts provide students with a Financial Aid Shopping Sheet.

NEW AP 5203 Lactation Accommodation – This *new procedure* is suggested as good practice to address the lactation accommodation requirements for students that go into effect on January 1, 2020.

AP 6340 Bids and Contracts – A note in this procedure was updated to reflect an increase in the bid minimum at which districts must competitively bid certain contracts to \$92,600, effective January 1, 2019. This procedure was also updated to add language to address best value contracting.

AP 6345 Bids and Contracts – UPCCAA – This procedure was updated to reflect the increase in the cost limits for projects that may be performed by the employee of a public agency by negotiated contract and for informal bidding.

AP 6365 Contracts – Accessibility of Information Technology – This procedure's title was updated to include the word "Contracts" for consistency with the other procedures addressing contracting.

AP 7347 Paid Family Leave – This procedure was updated to remove references to the seven day waiting period for Paid Family Leave as this waiting period has been eliminated (see the revised legal references). This procedure was also updated to add a note regarding the expansion of Paid Family Leave effective on January 1, 2021, to cover leave related to a qualifying exigency regarding a call to active duty or a call to covered active duty for an individual's spouse, domestic partner, child, or parent.

AP 7348 Accommodations – This procedure was updated to remove a note related to lactation accommodation and specify that a lactation location may not be a bathroom.

2019-2020 AP/BP Review Cycle (Tentative)

AP/BP	Number	Title	Lead	Notes
AP	3415	Immigration Enforcement Activities	HR, Police	No BP; New Required
AP	3430	Prohibition of Harassment	HR, Cabinet	Legal Update #34
BP	3430	Prohibition of Harassment	HR, Cabinet	Legal Update #34
AP	3435	Discrimination and Harassment Complaints and Investigations	HR, Police	No BP; Legal Update #34
AP	3440	Service Animals	Exec Director, HR	New Required
BP	3440	Service Animals	Exec Director, HR	New Required
AP	3540	Sexual Assaults on Campus	HR, Police	
BP	3540	Sexual Assaults on Campus	HR, Police	
AP	3550	Drug Free Environment and Drug Prevention Program	HR, Police	
BP	3550	Drug Free Environment and Drug Prevention Program	HR, Police	
AP	3710	Securing Copyright	Dist. Dir., Marketing	Current 3710 language now in 3715
BP	3710	Securing Copyright	Dist. Dir., Marketing	
AP	3725	Information and Communications Technology Accessibility & Acceptable Use	Chief Tech. Officer	New Advised (Recommended by CTO)
BP	3725	Information and Communications Technology Accessibility & Acceptable Use	Chief Tech. Officer	New Advised (Recommended by CTO)
AP	3750	Use of Copyrighted Material	Chief Tech. Officer	No BP; New Advised (Recommended by CTO)
AP	3900	Speech: Time, Place, and Manner	Dist. Dir., Marketing	
BP	3900	Speech: Time, Place, and Manner	Dist. Dir., Marketing	
AP	4103	Work Experience	Acad Senate Pres	On hold pending the development of a Work Experience plan
BP	4103	Work Experience	Acad Senate Pres	
AP	4320	Off-Campus Speakers	Acad Senate Pres	Last approved 04/1991
BP	4320	Off-Campus Speakers	Acad Senate Pres	Last approved 4/2004
AP	4400	Community Services Programs	Acad Senate Pres	Last approved 10/1993
BP	4400	Community Services Programs	Acad Senate Pres	Last approved 4/2009
AP	4500	Student News Media	Acad Senate Pres	Last approved 04/1991
BP	4500	Student News Media	Acad Senate Pres	Last approved 4/2004
AP	5015	Residence Determination	A&R Directors	Legal Update #34
BP	5015	Residence Determination	A&R Directors	Legal Update #34
AP	5017	Responding to Inquiries of Immigration Status, Citizenship Status, and National Origin Information	A&R Directors	No BP; New Required
AP	5030	Fees	Acad Senate Pres	Legal Update #34
BP	5030	Fees	Acad Senate Pres	
AP	5040	Student Records, Directory Information, and Privacy	A&R Directors	Legal Update #34
BP	5040	Student Records, Directory Information, and Privacy	A&R Directors	
AP	5150	Extended Opportunity Programs and Services	EOPS Directors	Legal Update #34; on hold pending language from SBVC
BP	5150	Extended Opportunity Programs and Services	EOPS Directors	
AP	6340	Bids and Contracts	Exec Vice Chancellor	
BP	6340	Bids and Contracts	Exec Vice Chancellor	
AP	6350	Contracts - Construction	Exec Vice Chancellor	No BP; Legally advised
AP	6364	Bids and Contracts – UPCCAA	Exec Vice Chancellor	No BP; New Required
AP	6365	Contracts – Accessibility of Information Technology	Exec Vice Chancellor	No BP; New Required
AP	6530	District Vehicles	Exec Vice Chancellor	Last approved 06/1994
BP	6530	District Vehicles	Exec Vice Chancellor	Last approved 08/2004
AP	6540	Insurance	Exec Vice Chancellor	New Required
BP	6540	Insurance	Exec Vice Chancellor	
AP	6700	Civic Center and Other Facilities Use	Exec Vice Chancellor	New Required
BP	6700	Civic Center and Other Facilities Use	Exec Vice Chancellor	
AP	6750	Parking	Exec Vice Chancellor	

2019-2020 AP/BP Review Cycle (Tentative)

AP/BP	Number	Title	Lead	Notes
BP	6750	Parking	Exec Vice Chancellor	
AP	6751	Parking Citation Payment Plan	Exec Vice Chancellor	
BP	6751	Parking Citation Payment Plan	Exec Vice Chancellor	
AP	7110	Delegation of Authority, Human Resources	Exec Director, HR	Last approved 06/1999
BP	7110	Delegation of Authority, Human Resources	Exec Director, HR	Last approved 06/2004
AP	7215	Academic Employees: Probationary Contract Faculty	Exec Director, HR	No BP; New Advised (HR Recommended)
AP	7236	Substitute and Short Term Employees	Exec Director, HR	Last approved 06/1999
BP	7236	Substitute and Short Term Employees	Exec Director, HR	Last approved 06/1999
AP	7240	Confidential Employees	Exec Director, HR	
BP	7240	Confidential Employees	Exec Director, HR	
AP	7250	Educational Administrators	Exec Director, HR	
BP	7250	Educational Administrators	Exec Director, HR	
AP	7260	Classified Supervisors and Managers	Exec Director, HR	
BP	7260	Classified Supervisors and Managers	Exec Director, HR	
AP	7270	Student Workers	Exec Director, HR	Last approved 06/1999
BP	7270	Student Workers	Exec Director, HR	Last approved 06/2004
AP	7348	Accommodations	Exec Director, HR	No BP; New Advised (HR Recommended)
AP	7450	Mileage Reimbursement	Exec Director, HR	
BP	7450	Mileage Reimbursement	Exec Director, HR	

Note: List includes APs and BPs left over from 2018-19 cycle plus additions from CCLC Legal Update #34 that were more than simple legal updates. In addition, APs and corresponding BPs that were last approved in the 1990s.

Count: 65



Current Status: *Draft*

PolicyStat ID: 6342678



Origination: N/A
Last Approved: N/A
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Next Review: N/A
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, and 935

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:	<i>Academic Senates Academic Senates</i>
Policy Area:	<i>Chapter 5 Student Services</i>
References:	<i>Good Practice/Optional</i>

AP 5013 Students in the Military

~~Residence Determinations for Military Personnel and Dependents~~

Residence Determinations for Military Personnel and Dependents

A student who is a member of the armed forces of the United States stationed in California ~~on active duty~~, except a member of the armed forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification. Such student shall retain resident classification in the event that the member of the armed forces is thereafter transferred on military orders to a place outside of California or thereafter retires from active duty, so long as the student remains continuously enrolled in the District.

An undergraduate student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty shall be entitled to resident classification. Such student shall retain resident classification if he/she is thereafter transferred on military orders to a place outside of California, so long as the student remains continuously enrolled in the District.

A veteran who was discharged or released from at least 90 days of active service less than three years before the date of enrollment in a course commencing on or after July 1, 2015, and his/her dependents, regardless of the veteran's state of residence is entitled to resident classification.

A student who was a member of the armed forces of the United States stationed in California on active duty for more than one year immediately prior to being discharged from the armed forces is entitled to resident classification for the length of time he or she lives in California after being discharged up to the minimum time necessary to become a resident.

An individual who is the child or spouse of a person who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces who resides in California is entitled to resident classification.

An individual who is entitled to transferred Post-9/11 GI Bill program benefits by virtue of their relationship to a member of the uniformed services who is serving on active duty is entitled to resident classification.

A parent who is a federal civil service employee and his/her natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student

is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.

A student claiming the residence classifications provided for in this procedure must provide a statement from the student's commanding officer or personnel officer providing evidence of the date of the assignment to California, and that the assignment to active duty in California is not for educational purposes. A student claiming the residence classifications provided for here for the dependent of military personnel shall provide a statement from the military person's commanding officer or personnel officer that the military person's duty station is in California on active duty as of the residence determination date, or has been transferred outside of California on active duty after the residence determination date, or that the military person has retired from active duty after the residence determination date. (Title 5 Sections 54041 and 54042)

~~Withdrawal Policies for Members of the Military~~

Withdrawal Policies for Members of the Military

A student who is a member of an active or reserve United States military service and who receives orders compelling a withdrawal from courses shall be permitted to withdraw upon verification of such orders. A withdrawal symbol may be assigned which may be a "W" or a "MW." Military withdrawal shall not be counted in progress probation, dismissal calculations, or in calculating the permitted number of withdrawals. In no case may a college require a student who is required to report for military duty to withdraw from a course by a specified date in order to receive a full refund of the tuition and fees the student paid to the college for the academic term in which the student was required to report for military service.

Districts may reference or include local Administrative Procedures regarding how such a student would withdraw.

~~References:~~

References:

Education Code Sections 68074, 68075, 68075.5, and 68075.7; Title 5 Sections 55023, 55024 54041, 54042, 54050, and 58620; Military and Veterans Code Section 824; 38 U.S. Code Section 3679

Attachments:

[AP 5013 Students in the Military- Comments](#)
[AP 5013 Students in the Military- Legal Citations](#)
[SBCCD - Overview for Legal Update 31 Final Version.docx](#)



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

BP 5020 Nonresident Tuition

(Replaces current SBCCD BP 5020)

Nonresident students shall be charged nonresident tuition for all units enrolled, unless specifically required otherwise by law.

Not later than ~~February~~ **March** 1 of each year, the Chancellor shall bring to the Board of Trustees for approval an action to establish nonresident tuition for the following fiscal year. The fee shall be calculated in accordance with guidelines contained in applicable state regulations and/or the California Community College Attendance Accounting Manual.

The Chancellor is responsible for establishing procedures regarding collection, waiver, and refunds of nonresident tuition.

The Chancellor is authorized to implement a capital outlay fee, in an amount established by the board to be charged only to persons who are both citizens and residents of foreign countries. The Board of Trustees finds and declares that this fee does not exceed the amount expended by the district for capital outlay in the preceding year divided by the total FTES in the preceding fiscal year.

Students who would otherwise be charged this fee shall be exempt if they demonstrate that they are a victim of persecution or discrimination in the county of which they are a citizen and resident, or if they demonstrate economic hardship.

Students shall be deemed victims of persecution or discrimination if they present evidence that they are citizens and residents of a foreign country and that they have been admitted to the United States under federal regulations permitting such persons to remain in the United States. Students shall be deemed to have demonstrated economic hardship if they present evidence that they are citizens and residents of a foreign country and that they are receiving Temporary Assistance for Needy Families Program, Supplemental Income/State Supplementary benefits, or general assistance.

Students who would otherwise be charged this fee shall be exempt if they demonstrate that they have a parent who has been deported or was permitted to depart voluntarily, they moved abroad from California as a result of that deportation or voluntary departure, and they attended a public or private secondary school in the state for three or more years. Upon enrollment, students who qualify for this exemption must be in their first academic year as a matriculated student in California public higher education, live in California, and file an affidavit with the District stating that they intend to establish residency in California as soon as possible.



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 Policy Area: *Chapter 5 Student Services*
 References:

AP 5020 Nonresident Tuition

(Replaces current SBCCD AP 5020)

A. Status Defined

Students who do not establish residence in this State for more than one year immediately preceding the residence determination date prescribed below are classified as "nonresident students." "International students" are students who are citizens and residents of a foreign country.

B. Authority to Determine Residence

The College President or designee shall make the determination of residence status. The Office of County Counsel shall act as the reviewing authority if differences arise.

C. Resident Determination Date

The "resident determination date" is the day preceding the first day of instruction of the semester or term during which the student proposes to enroll.

D. Residency Reclassification –

In order to establish residency, it is necessary that there be a union of act and intent. To establish residency, a person capable of establishing residence in California must couple his or her physical presence in California with objective evidence that the physical presence is with the intent to make California the home for other than a temporary purpose.

1. A student seeking reclassification as a resident, who was classified as a non- resident in the preceding term, shall be determined financially independent or dependent in accordance with Ed Code 68044.
2. One-Year Waiting Period – The one year residence period which a student must meet to be classified as a resident does not begin until the student is both present in California and has manifested a clear intent, as delineated on the College's approved residency determination form, to become a California resident.
3. Reestablished Residence – If a student or the parents of a minor student relinquish California residence after moving from the state, one full year of physical presence, coupled with one full year of demonstrated intent to be a California resident, is required to reestablish residence for tuition purposes, except as provide in Ed Code section 68070.
4. Physical Presence – A person capable of establishing residence in California must be physically present in California for one year prior to the residence determination date to be classified as a resident student. Physical presence within the state solely for educational purposes does not constitute establishing California residence regardless of the length of that presence.

5. Intent – Intent to make California the home for other than a temporary purpose may be manifested in many ways. No one factor is controlling. Objective manifestations of intent to establish California residence include but are not limited to (1) ownership of residential property or continuous occupancy of rented Property in California, (2) registering to vote and voting in California, (3) licensing from California for professional practice, (4) active membership in service or social clubs, (5) presence of spouse, children or other close relative in the state, (6) showing California as home address on federal income tax form, (7) payment of California state income tax as resident, (8) possessing California motor vehicle license plates, (9) possessing a California driver's license, (10) maintaining permanent military address or home of record in California while in armed forces.

E. Tuition

The Board shall determine the nonresident tuition fee prior to February 1 each year. Fees are due and payable upon completion of the course registration process.

F. Admission Errors

Nonresident students subject to payment of nonresident fees, who have been admitted to a class in error without payment of tuition, shall be excluded from attendance until fees have been paid.

G. Falsification of Residence

Nonresident students, who have been admitted to a class without the payment of the nonresident fees based on the submission of incomplete or falsified information either by or for them, are subject to immediate exclusion.

H. Exemptions, including:

1. Students who are concurrently enrolled in K-12 classes are exempt from nonresident tuition.
2. Students who are members of the military services are exempt from nonresident tuition for one year after their date of assignment in California. After that period, they must take steps to establish residency or pay the nonresident tuition.
3. "Covered individuals" who meet the eligibility criteria as defined in VACA are exempt from nonresident tuition.

Veterans Access, Choice, and Accountability Act (VACA H.R. 3230)

In August 2014, President Obama signed the Veterans Access, Choice, and Accountability Act of 2014 ("VACA Act"), into law (Public Law No.: 113-146). Section 702 of the VACA Act (38 U.S.C. 3679(c)) requires the U.S. Department of Veterans Affairs (VA) to disapprove programs of education under the Montgomery GI Bill-Active Duty (MGIB-AD) and Post-9/11 GI Bill education benefit programs (Chapters 30 or 33, respectively, of Title 38, U.S. Code) at institutions of higher learning if the school charges qualifying veterans and dependents ("covered individuals") tuition and fees in excess of the in-state rate for resident students for terms beginning after July 1, 2015. A "covered individual" is defined in the VACA Act as:

- a. A Veteran who lives in the state in which the institution of higher learning is located (regardless of his/her formal state of residence) and enrolls in the school within three years of discharge from a period of active duty service of 90 days or more.
- b. A spouse or child entitled to transferred education benefits who lives in the state in which the institution of higher learning is located (regardless of his/her formal state of residence) and enrolls in the school within 3 years of the transferor's discharge from a period of active duty service of 90 days or more.
- c. A spouse or child using benefits under the Marine Gunnery Sergeant John David Fry

Scholarship (provides Post-9/11 GI Bill benefits to the children and surviving spouses of service members who died in the line of duty while on active duty) who lives in the state in which the institution of higher learning is located (regardless of his/her formal state of residence) and enrolls in the school within three years of the Service member's death in the line of duty following a period of active duty service of 90 days or more.

- d. After expiration of the three year period following discharge or death as described in 38 U.S.C. 3679(c), a student who initially qualifies under the applicable requirements above will maintain "covered individual" status as long as he or she remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters or terms) at the institution, even if they enroll in multiple programs and shall continue to be exempt from paying nonresident tuition and other fees as described in the updated fee policy described below.
4. Any students, other than non-immigrant aliens under 8 U.S. Code Section 1101(a)(15), who meet the following requirements:
- a. either high school attendance in California for three or more years OR attainment of credits earned in California from a California high school equivalent to three or more years of full-time high school coursework and a total of three or more years of attendance in California elementary schools, California secondary schools, or combination of those schools;
 - b. graduation from a California high school or attainment of the equivalent thereof;
 - c. registration or enrollment in a course offered for any term commencing on or after January 1, 2002;
 - d. completion of a questionnaire form prescribed by the State Chancellor's Office verifying eligibility for this nonresident tuition exemption; and
 - e. in the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her immigration status, or will file an application as soon as he/she is eligible to do so.
 - f. Any students who meet the following requirements:
 - i. demonstrates financial need;
 - ii. has a parent who has been deported or was permitted to depart voluntarily;
 - iii. moved abroad as a result of that deportation or voluntary departure;
 - iv. lived in California immediately before moving abroad;
 - v. attended a public or private secondary school in the state for three or more years; and
 - vi. Upon enrollment, will be in his or her first academic year as a matriculated student in California public higher education, will be living in California, and will file an affidavit with the District stating that he or she intends to establish residency in California as soon as possible.
 - g. Any nonimmigrant aliens granted "T" or "U" visa status under title 8 U.S. Code Section 1101(a)(15)(T)(i) or (ii), or section 1101(a)(15)U(i) or (ii), respectively, who meet the following requirements:
 - i. high school attendance in California for three or more years;
 - ii. graduation from a California high school or attainment of the equivalent thereof;
 - iii. registration or enrollment in a course offered for any term or commencing on or after

January 1, 2002; and

- iv. completion of a questionnaire form prescribed by the State Chancellor's Office verifying eligibility for this nonresident tuition exemption.
- h. A special part-time student, other than a nonimmigrant alien under 8 U.S. Code Section 1101(15)(a), participating in a College and Career Access Pathways (CCAP) partnership program and enrolled in no more than 15 units per term.
- i. A requirement that the nonresident tuition fee be set not later than ~~February~~ March 1 of each year
- j. A requirement that the calculation reflect the current expense of education calculated according to the Budget and Accounting Manual
- k. Exemptions, if any, due to reciprocity with bordering states
- l. Processing fees, if any, for international students
- m. A requirement that the calculation include the expense of education in the preceding fiscal year
- n. A requirement that the calculation reflect fees in contiguous Districts
- o. A requirement that the calculation provide for students enrolled in more or less than 15 units per term
- p. A requirement that a notice listing persons exempt from paying nonresident tuition be posted on the District's website.

I. Refunds

Refunds are subject to conditions set forth in the Refund Policy.

References:

Education Code Sections 68075.65, 68130.5 and 76140 et seq.;
Title 5 Section 54045.5

Attachments:

[AP 5020 Nonresident Tuition- Comments](#)
[AP 5020 Nonresident Tuition- Legal Citations](#)



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

AP 5130 Financial Aid

San Bernardino Community College District participates in a variety of financial aid programs in order to assist students in paying for their postsecondary education. The District is dedicated to providing students superior financial services while complying with all state and federal regulations and requirements.

San Bernardino Community College District offers the following financial aid awards to all students who are enrolled at the colleges within the District:

- Board of Governors Fee Waiver (BOG)
- Chafee Grant
- Cal Grant B and C
- [California DREAM Loan Program](#)
- Federal Pell Grant
- Federal Work Study
- Federal Supplemental Opportunity Grant
- Full Time Student Success Grant
- Outside Scholarships

The financial aid procedures, listed below, provide guidance in the financial aid process within the District and give students information needed to make informed decisions about financing their education. Students should regularly check the financial aid website at the college they are attending, as these procedures and policies are reviewed and updated to remain compliant with federal and state requirements to ensure that the District is supporting the success of our students.

Application Procedures

To be considered for financial aid, students must complete the Free Application for Federal Student Aid (FAFSA) and include either San Bernardino Valley College school code (001272) or Crafton Hills College school code (009272). The application is available beginning in October for the following academic award year. If a student is applying for a State Cal Grant, the FAFSA and a GPA verification form must be completed. Additional information and eligibility requirements are available at the Financial Aid Office. It is important that California Community College students complete the FAFSA application by the state published deadline.

Student Eligibility

General student eligibility requirements consist of the following:

- Be enrolled as a regular student in an eligible program for the purpose of obtaining an Associate's degree, certificate program, or transfer program
- Cannot be enrolled in an elementary or secondary school
- Must have a high school diploma or equivalent
- Making satisfactory academic progress
- Must meet enrollment status requirements
- Must resolve any drug conviction issues
- Must be a citizen or an eligible noncitizen
- Have resolved any default on a FSA loan or overpayment
- Have a valid social security number
- Males between the ages of 18-25 must register with the Selective Service System or meet an exemption requirement
- Resolve any conflicting information

There are also program specific eligibility requirements that may be required.

Payment Procedures

Financial aid disbursements are calculated based on a student's Expected Family Contribution (EFC), financial need, availability of funds, and the number of units in which the student is enrolled in each semester.

Waitlist courses are not considered as enrolled units and are not included in the calculation of eligibility.

Disbursements are refunded electronically to the college issued Debit Card. Students must enroll and request their Debit Card at www.enroll.moneynetworkedu.com/. Students also have the ability to have their refunds transferred to their existing bank account using the ACH option. This option may delay a student receiving their disbursement 3-5 business days depending on the existing banking institution procedures. Students who do not select a refund preference will default to a refund check being processed and mailed to the student's home address as reported with Admissions and Records.

Overpayment Recovery

The District will determine the amount of federal financial aid a student has earned in accordance with federal law. Recipients of federal programs are subject to the Return of Title IV Funds (R2T4) requirements. Students who receive federal financial aid and do not attend any classes will be required to repay all of the funds they have received within 30 days of being notified. If students do not repay within the 30-day requirements the student account will be forwarded to collections with the department of education. Students who withdraw from all classes prior to completing more than 60% of the term will have their financial aid eligibility recalculated based on the percentage of the term completed and will be required to repay any unearned financial aid they have received.

Determination of a student's withdrawal date:

- The date the student officially notified the Admissions and Records Office of his or her intent to withdraw;

- The midpoint of the semester for a student who leaves without notifying the college;
- The student's last date of attendance at a document academically-related activity; or
- The date posted by the instructor indicating the last day of attendance.

Accounting Requirements

The District ensures internal checks and balances by separating the functions of authorizing payments and disbursing or delivering funds so that no single person or office exercises both functions for any student receiving Federal Student Aid (FSA) funds.

Satisfactory Academic Progress

In accordance with Federal and State regulations, financial aid recipients are required to meet Satisfactory Academic Progress (SAP) requirements. SAP requirements include qualitative, quantitative, and maximum time frame standards by which the financial aid office can determine that students receiving federal financial aid funds are maintaining the satisfactory academic progress required for their course of study. Students who are receiving federal student aid must be enrolled in a course of study leading to an associate's degree, a certificate program, and/or a transfer program to a four-year college. Failure to maintain SAP standards will result in the loss of financial aid assistance. The Financial Aid Office reviews academic progress, annually, at the end of each Spring semester. Satisfactory Academic Progress will evaluate periods of enrollment in which the student did not receive financial aid funds as well as courses that were taken at another college and apply towards their program of study.

Students are required to adhere to the following SAP requirements:

- Maintain a cumulative GPA of 2.0 or above (qualitative);
- Successfully complete a minimum of 67% of the total number of units attempted/ completed (quantitative); and
- Not exceed a maximum of 90 total unit's attempted/completed (maximum time frame).

These procedures may change periodically and may be superseded by current state and federal laws and regulations.

Misrepresentation

Misrepresentation is defined as any false, erroneous, or misleading statement that the District, a representative of the District, or a service provider with which the District has contracted to provide educational programs, marketing, advertising, recruiting, or admissions services, makes directly or indirectly to a student, prospective student, a member of the public, an accrediting agency, a state agency, or the United States Department of Education.

A misleading statement includes any statement that has the likelihood or tendency to deceive or confuse. If a person to whom the misrepresentation was made could reasonably be expected to rely, or has reasonably relied, on the misrepresentation, the misrepresentation would be substantial.

This procedure does not apply to statements by students through social media outlets or by vendors that are not providing covered services, as reflected herein.

Loss of Eligibility for BOG Fee Waiver

A student shall become ineligible for a Board of Governors (BOG) Fee Waiver if the student is placed on

academic or progress probation, or any combination thereof, for two consecutive primary terms. Loss of eligibility shall become effective at the first registration opportunity after such determination is made.

The District shall notify students of their placement on academic or progress probation no later than thirty days following the end of the term that resulted in the student's placement on probation. The notification must clearly state that two consecutive primary terms of probation will lead to a loss of the BOG Fee Waiver until the student is no longer on probation. The notification must also advise students about the available student support services to assist them in maintaining eligibility.

The District shall adopt, prominently display, and disseminate policies ensuring that students are advised about the student support services available to assist them in maintaining and reestablishing eligibility BOG Fee Waiver eligibility. Dissemination includes, but is not limited to, information provided in college catalogs and class schedules.

The District shall establish written procedures by which a student may appeal the loss of a BOG Fee Waiver due to extenuating circumstances, or whenever a student with a disability applied for, but did not receive, a reasonable accommodation in a timely manner. Extenuating circumstances are verified cases of accidents, illnesses, or other circumstances that might include documented changes in the student's economic situation or evidence that the student was unable to obtain essential student support services. Extenuating circumstances also includes special consideration of the specific factors associated with Veterans, CalWORKs, EOPS, Homeless and DSPS student status.

Foster Youth shall not be subject to loss of BOG Fee Waiver due to placement on academic or progress probation. This exemption for Foster Youth is effective until the date specified in Education Code section 66025.9(c).

References:

Education Code Sections [66021.3](#), 66021.6, 66025.9, [and 69514, 70030 et seq.](#), 76300, [and 94912.5](#);

Title 5 Sections 55031, 58600 et seq.;

20 U.S. Code Sections 1070 et seq.;

34 Code of Federal Regulations Section 668;

(U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended);

ACCJC Accreditation Standard 111. D. 15

Attachments:

[Legal Update 32 Overview Rev. 4-21-18.docx](#)



Origination: N/A
Last Approved: N/A
Last Revised: N/A
Next Review: N/A
Owner: *Human Resources Human Resources*
Policy Area: *Chapter 7 Human Resources*
References:

BP 7340 Leaves

(Replaces current SBCCD BP 7340)

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

- illness leaves for all classes of permanent employees;
- vacation leave for members of the classified service, administrators, supervisors, and managers;
- leave for service as an elected official or steward of a community college district public employee organization, or of any statewide or national employee organization with which the local organization is affiliated; Education Code Sections 87768.5; and 88210; Government Code Section 3558.8
- leave of absence to serve as an elected member of the legislature; Education Code Section 87701;
- pregnancy leave; Education Code Sections 87766; and 88193; Government Code Section 12945;
- use of illness leave for personal necessity; Education Code Sections 87784; and 88207;
- industrial accident leave;
- bereavement leave;
- jury service or appearance as a witness in court; Education Code Section 87036; and 87037;
- military service; Education Code Section 87700;
- sabbatical leaves for permanent faculty; academic employees, administrators, and managers.

Vacation leave for members of the classified service, educational administrators, and classified supervisors and managers shall not accumulate beyond 46 days of paid. Employees shall be permitted to take vacation in a timely manner to avoid accumulation of excess vacation.

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

References:

Education Code Sections 87763 et seq. and 88190 et seq. and additional cites above

Attachments:

- [BP 7340 Leaves- Comments](#)
- [BP 7340 Leaves- Legal Citations](#)
- [BP 7340 Update #30.pdf](#)
- [BP7340-OLD.pdf](#)



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 Advised

AP 2712 Conflict of Interest Code

(Replaces current SBCCD AP 2260)

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) which contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency’s code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the San Bernardino Community College District (District).

Individuals holding designated positions shall file their statements of economic interests with the District, which will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008.) All statements will be retained by the District.

APPENDIX A

DESIGNATED POSITIONS

Designated Positions	Disclosure Categories
Board of Trustees	1, 2
Chancellor	1, 2
President, CHC	2
President, SBVC	2
General Manager, KVCR TV/FM	2
Executive Vice Chancellor, Business and Fiscal Services	1, 2
Vice Chancellor, Human Resources	2
Vice President of Instruction	2
Vice President of Student Services	2
Vice President of Administrative Services	2
Business Manager	1, 2

General Counsel	1, 2
Associate Vice Chancellor, TESS	2
Associate Vice Chancellor, EDCT	2
<u>Vice Chancellor, Workforce Development, Advancement & Media Systems</u>	<u>2</u>
Director, Facilities Planning & Construction	1
<u>Executive</u> Director, Human Resources- Ad	2
Director, Fiscal Services	2
Director of Technology Services	2
Director, Campus Technology Services	2
Director, Alternative Text Production	2
Director, Administrative Application Systems	2
Director, Grant Development & Management	2
Director, DSP&S	2
<u>Director, Labor Relations & Compliance</u>	<u>3</u>
Police Chief	3
Deans	2
Associate Deans	2
Cafeteria/Snack Bar Manager	3
Director, Bookstore	3
Director of Maintenance & Operations	3
Consultants/New Positions	*

*Consultants/new positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure requirements in this conflict of interest code subject to the following limitation:

The Chancellor may determine in writing that a particular consultant or new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s or new position’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Chancellor’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

The following positions are NOT covered by the code because they must file under Government Code Section 87200 and, therefore, are listed for informational purposes only:

- **Retirement Board Authority**
- **Investment Advisors**

An individual holding one of the above listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been incorrectly categorized. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200.

APPENDIX B

DISCLOSURE CATEGORIES

Category 1. Designated positions assigned to this category must report:

- A. Interests in real property within the boundaries of the District that are used by the District or are of the type that could be acquired by the District as well as real property within two miles of the property used or the potential site.
- B. Investments and business positions in business entities and income (including receipt of gifts, loans, and travel payments) from sources of the type that engage in the acquisition or disposal of real property or are engaged in building construction or design for school districts.

Category 2. Designated positions assigned to this category must report:

Investments and business positions in business entities and income (including receipt of gifts, loans, and travel payments) from sources that are contractors engaged in the performance of work, training, consulting or services, or are sources that manufacture or sell supplies, instructional materials, machinery, equipment, or vehicles of the type utilized by the District.

Category 3. Designated positions assigned to this category must report:

Investments and business positions in business entities and income (including receipt of gifts, loans, and travel payments) from sources that are contractors engaged in the performance of work, training, consulting or services, or are sources that manufacture or sell supplies, instructional materials, machinery, equipment, or vehicles of the type utilized by the designated position's department.

References:

Government Code Sections 87103(e), 87300-87302, 89501, 89502, and 89503; Title 2 Section 18730

Any changes to this AP requires approval of the FPPC prior to board approval.

Attachments:

[AP 2712 Conflict of Interest Code - Comments](#)
[AP 2712 Conflict of Interest Code - Legal Citations](#)
[FPPC Approval of AP 2712 Conflict of Interest Code.pdf](#)
[SBCCD - Overview for Legal Update 31 Final Version.docx](#)



Current Status: *Draft*

PolicyStat ID: 6064829



Origination:	N/A
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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:	

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](#)



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

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](#)



Origination: 05/2013
Last Approved: 03/2019
Last Revised: 03/2019
Next Review: 03/2025
Owner: Farrah Farzaneh
Policy Area: Chapter 3 General Institution
References:

BP 3590 Energy Conservation

(Replaces current SBCCD BP 3590)

The Board embraces energy conservation and believes it to be our responsibility to ensure that every reasonable effort is made to conserve energy and natural resources while exercising sound financial management.

The Board recognizes the importance of adopting an energy conservation policy. The Board also affirms the implementation of this policy will be the joint responsibility of the Board, District administration, faculty, staff, students, and support personnel. Success is based on cooperation amid all groups.

To ensure the overall success of our behavior-based energy conservation program, the following areas will be emphasized:

- A designated campus/site administrator will be accountable for energy conservation on his/her campus/site along with the Energy Education Administrator, conducting energy audits and providing timely feedback.
- All personnel at each campus/site are expected to make a positive contribution to maximize energy conservation and produce real energy savings.
- The District will implement its energy conservation program primarily through an energy management team led by the Energy Education Administrator in accordance with Administrative Procedure 3590.
- Accurate records of energy consumption and cost will be maintained by the Energy Education Administrator for each campus/site to provide verifiable performance results on the goals and progress of the energy conservation program.

Further, to promote a safe, healthy learning environment and to complement the energy conservation program, each campus/site shall review and adhere to the preventive maintenance and monitoring plan administered by the campus/site physical plant for its facilities and systems, including heating, ventilation and air conditioning, building envelope, and moisture management.

Reference:

No references

Attachments:

- [BP 3590 Energy Conservation - Comments](#)
- [BP 3590 Energy Conservation - Legal Citations](#)
- [BP3590 -OLD.pdf](#)



Origination: 05/2013
Last Approved: 03/2019
Last Revised: 03/2019
Next Review: 03/2025
Owner: Farrah Farzaneh
Policy Area: Chapter 3 General Institution
References:

AP 3590 Energy Conservation

(Replaces current SBCCD AP 3590)

The District is committed to and responsible for a safe and healthy learning environment. Every person is encouraged to become an "energy saver" as well as an "energy consumer."

- Faculty and staff members are encouraged to implement these guidelines during the times that they are present in the instruction room/office.
- The custodial staff is responsible for control of common areas, i.e. lights in hallways, dining areas, etc.
- Security personnel are responsible for verification of the nighttime shutdown.
- The Energy Education Administrator provides regular (at least semiannually) program update reports to District and college administration.
- The Energy Education Administrator has the authority to enter all District facilities, without prior notice, in order to perform routine audits. Audit results will be communicated to the appropriate personnel.
- The Energy Education Administrator is responsible for either directly or indirectly making adjustments to the organization's energy management system (EMS), including temperature settings and run times for heating, ventilation, and air conditioning (HVAC), and other controlled equipment.
- The Energy Education Administrator provides monthly energy savings reports to facilities management detailing performance results.
- Administration will regularly communicate the importance and impact of the energy conservation program to its internal and external constituents.
- To complement the organization's behavioral-based energy conservation program, the District shall strive to develop and implement a preventive maintenance and monitoring plan for its facilities and systems, including HVAC, building envelope, and moisture control.

General

1. Instruction room doors shall remain closed when HVAC is operating. Ensure doors between conditioned space and non-conditioned space remain closed at all times (i.e. between hallways and gym or pool area).
2. Proper and thorough utilization of data loggers will be initiated and maintained to monitor relative humidity, temperature, and light levels throughout campus buildings to ensure compliance with guidelines.
3. All exhaust fans should be turned off daily.
4. All office machines (printers, copy machines, laminating equipment, etc.) should be switched off each night and during unoccupied times. Fax machines may remain on.

5. All computers should be turned off each night. This includes the monitor, local printer, and speakers. Network (i.e. LAN) equipment is excluded.
6. All capable personal computers should be programmed for the "energy saver" mode using the power management feature. If network constraints restrict this, ensure the monitor "sleeps" after 10-minutes of inactivity.

Air Conditioning Equipment

Cooling Season Set Points: Occupied–74-78°F, Unoccupied–85°F

1. Occupied temperature settings shall NOT be set below 74°F.
2. During unoccupied times, the air conditioning equipment shall be off. The unoccupied period begins when the students leave the area. It is anticipated that the temperature of the instruction room will be maintained long enough to afford comfort for the period the faculty remains in the instruction room after the students have left.
3. Air conditioning start times may be adjusted (depending on weather) to ensure instruction room comfort when instruction begins.
4. Ensure outside air dampers are closed during unoccupied times.
5. Ceiling fans should be operated in all areas that have them.
6. Relative humidity levels shall not exceed 60% for any 24 hour period.
7. Where cross-ventilation is available during periods of mild weather, shut down HVAC equipment and adjust the temperature with windows and doors. Cross-ventilation is defined as having windows and/or doors to the outside on each side of a room.

Heating Equipment

Heating Season Set Points: Occupied–68-72°F, Unoccupied–55°F

1. Occupied temperature settings shall NOT be above 72°F.
2. The unoccupied temperature setting shall be 55°F (i.e. setback). This may be adjusted to a 60°F setting during extreme weather.
3. The unoccupied time shall begin when the students leave an area.
4. During the spring and fall when there is no threat of freezing, all steam and forced air heating systems should be switched off during unoccupied times. Hot water heating systems should be switched off using the appropriate loop pumps.
5. Ensure all domestic hot water systems are set no higher than 120°F or 140°F for cafeteria service (with dishwasher booster).
6. Ensure all domestic hot water re-circulating pumps are switched off during unoccupied times.
7. For heat pumps, ensure a 6°F dead-band between heating and cooling modes.

Lighting

1. All unnecessary lighting in unoccupied areas will be turned off. Faculty and staff members should make certain that lights are turned off when leaving the instruction room or office when empty. Utilize natural lighting where appropriate.

2. All outside lighting shall be off during daylight hours.
3. Gymnasium lights should not be left on unless the gymnasium is being utilized.
4. All lights will be turned off when students and staff leave for the day. Custodial staff will turn on lights only in the areas in which they are working.
5. Refrain from turning lights on unless definitely needed. Remember that lights not only consume electricity but also give off heat that places an additional load on the air conditioning equipment and thereby increases the use of electricity necessary to cool the room.

Water

1. Ensure all plumbing and/or intrusion (i.e. roof) leaks are reported and repaired immediately.
2. Ground watering should only be done between 4am-10am. Do not water during the heat of the day, typically between 10am – 8pm.
3. When spray irrigating, ensure the water does not directly hit the facility.
4. Consider installing water sub-meters on irrigation and cooling tower supply lines to eliminate sewer charges.

The organization encourages the adoption, observation and implementation of these guidelines as provided. However, these guidelines are not intended to be all-inclusive, and they may be modified for local conditions. These guidelines supersede all previous instructions related to energy conservation or facility management.

Reference:

No references

Attachments:

[AP 3590 Energy Conservation - Comments](#)
[AP 3590 Energy Conservation - Legal Citations](#)
[AP3590 -OLD.pdf](#)

Approval Signatures

Step Description	Approver	Date
	Policy Stat	04/2019
	Policy Stat	04/2019
	Policy Stat	04/2019
	Policy Stat	04/2019
	Policy Stat	04/2019
	Policy Stat	04/2019



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Next Review: N/A
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Business & Fiscal Services
Policy Area: *Chapter 6 General Institution*
References:

BP 6150 Designation of Authorized Signatures

(Replaces current SBCCD BP 2180)

The Board President and Clerk of the Board of Trustees are authorized to sign documents that have been authorized by action on behalf of the Board of Trustees.

In accordance with the provisions of the legal codes of the State of California, the Board of Trustees may delegate its authority to named agents. Those agents are designated annually by Board action. Only the Board and/or those agents are authorized to commit the District to contracts, expenditure of funds, issuance of warrants, employment of personnel, and other legal actions. Such delegation of authority shall be accomplished by Board approval of an authorized signature list at least once each fiscal year. Proper documentation regarding signing District documents shall be filed with the San Bernardino County Superintendent of Schools, if applicable.

In accordance with Public Contract Code Section 17605 and Section 22034(c), the Board of Trustees shall annually delegate purchasing and contracting authority to thenamed agents on the authorized signature list. These designated District Officers shall have authority to approve purchase requests, award, sign, and execute contracts, and authorized payments that are under the formal bid limits set by Public Contract Code on behalf of the Board. Such purchase and or contract requests shall be approved or ratified by the Board every 60 days.

References:

Education Code Sections 70902(d), 72400, 85232, and 85233
Public Contract Code Sections 17605 and 22034(c)

Attachments:

[BP 6150 Designation of Authorized Signatures - Comments](#)
[BP 6150 Designation of Authorized Signatures - Legal Citations](#)



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Owner: *Business & Fiscal Services*
Business & Fiscal Services
Policy Area: *Chapter 6 General Institution*
References:

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(Replaces current SBCCD AP 2180)

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In accordance with Public Contract Code Section 17605 and Section 22034(c), the Board of Trustees shall annually delegate purchasing and contracting authority to the named agents on the authorized signature list. These designated District Officers shall have authority to approve purchase requests, award, sign, and execute contracts, and authorize payments that are under the formal bid limits set by Public Contract Code on behalf of the Board. Such purchase and or contract requests shall not require Board approval, but shall be sent to the Board as an information item every 60 days.

References:

Education Code Sections 85232 and 85233
Public Contract Code Sections 17605 and 22034(c)

Attachments:

[AP 6150 Designation of Authorized Signatures-Comments](#)
[AP 6150 Designation of Authorized Signatures-Legal Citations](#)



Current Status: Pending

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 Business & Fiscal Services
Policy Area: Chapter 6 General Institution
References:

BP 6300 Fiscal Management

(Replaces current SBCCD BP 6300)

The Chancellor shall establish procedures to assure that the District's fiscal management is in accordance with the principles contained in Title 5 ~~Section~~Section 58311, including:

- Adequate internal controls exist.
- Fiscal objectives, procedures, and constraints are communicated to the Board and employees.
- Adjustments to the budget are made in a timely manner, when necessary.
- The management information system provides timely, accurate, and reliable fiscal information.
- Responsibility and accountability for fiscal management are clearly delineated.

The Chancellor shall also establish procedures that satisfy the U.S. Education Department General Administrative Regulations (EDGAR) Second Edition for any federal funds received by the District.

The books and records of the District shall be maintained pursuant to the California Community Colleges Budget and Accounting Manual.

As required by law, the Board shall be presented with a quarterly report showing the financial and budgetary conditions of the District.

As required by the California Community Colleges Budget and Accounting Manual, expenditures shall be recognized in the accounting period in which the liability is incurred, and shall be limited to the amount budgeted for each major classification of accounts and to the total amount of the budget for each fund.

References:

Education Code Section 84040(c); Title 5 Section 58311;
ACCJC Accreditation Standard III.D2 Code of Federal Regulations Parts 200.302(b)(6)-(7), 200.305, and 200.400 et seq.

Attachments:

[BP 6300 Fiscal Management - Comments](#)
[BP 6300 Fiscal Management - Legal Citations](#)

Approval Signatures

Step Description	Approver	Date
	Policy Stat	02/2019



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 Owner: *Business & Fiscal Services*
 Business & Fiscal Services
 Policy Area: *Chapter 6 General Institution*
 References:

AP 6300 Fiscal Management

(Replaces current SBCCD AP 6300)

GENERAL ACCOUNTING

A. Functions

The Accounting staff, under the direction of the ~~Vice Chancellor~~Director of Fiscal Services, shall provide the following functions:

1. Central accounting functions for all District funds.
2. Preparation of documents for transmittal to the County Treasurer's Office for payroll ~~and commercial warrants, if needed.~~
3. Preparation of payroll reports.
~~Preparation of revolving cash checks.~~
4. Processing of payments to vendors.
5. Preparation of warrants.
6. Disbursement of scholarship, financial aid and loan funds.
7. Accounting services for sponsored programs, student financial aid, auxiliary enterprises, and student body funds.
8. Maintenance of accounting data on the District's ~~data processing~~financial system.
9. Preparation of the District's financial reports.

B. Internal Controls

To provide adequate internal controls, it is necessary for certain procedures to be followed at the operating level designed to prevent errors from occurring. The work of an employee is verified by the work of another, each working separately and independently. One employee should not have control of a complete financial transaction that includes authorizing the transaction, receiving, disbursing, recording and/or posting the transaction. Instead, different employees should participate at various stages in the transaction so that each will arrive at the same result independently and, without unnecessary duplication of work, verify the accuracy of the work of others. Such a division of duties provides a procedure whereby errors of omission or commission, whether intentional or unintentional, will be minimized.

ACCOUNTS RECEIVABLE

A. Types of Accounts Receivable:

1. Receivables from students
2. Sponsored third party receivables
3. Receivables from other District funds
4. Employee receivables

B. Controls

1. Access to the accounts receivable ledger is controlled by a security code.
2. Each entry to the accounts receivable ledger file is supported by documentary evidence.
3. All invoices are pre-numbered and all numbers are accounted for.
4. Subsidiary ledgers are balanced ~~monthly~~regularly.
5. Postings are made by someone other than those having access to incoming receipts.
6. Statements are mailed in a timely manner by someone other than the bookkeeper or cashier.
7. All non-cash credits such as credit memos, allowances, or bad debts are properly authorized.
8. Holds are placed on student records for students who have a financial obligation to the District.
9. An SBCCD invoice will be prepared for all transactions where an obligation to the District is incurred.
10. A copy of the invoice is kept ~~on file~~ in the Fiscal Services Department ~~in the outstanding invoices file~~ until the remittance is received.
11. All accounts receivable remittances will be sent to the Campus Business Office on campus or to the Fiscal Services Department in the District Office.
12. Accounting staff must be notified of any collection so that ~~the~~it can be applied against the outstanding invoice ~~can be removed from the "outstanding" file~~.
13. The collection of cash receivables should be handled as an ordinary cash transaction according to cash receipting procedures.

C. Student Loans

1. All student loan transactions will be accounted for through subsidiary ledgers.
2. Billing functions should be separated from collection functions and general ledger postings.
3. Upon receipt of a duly authorized promissory note, a loan receivable record will be initiated by Fiscal Services/Financial Aid Section. The file of these records becomes the subsidiary ledger.
4. The record must contain the student's social security number, loan number, address, telephone number, loan amount, interest rate, payments received, and current balance due.
5. Upon receipt of payment, a cash receipt will be prepared. A copy of the payment will be sent to Fiscal Services/Financial Aid Section for posting to the subsidiary ledger.
6. The receipt will be posted to the general ledger. The subsidiary balance will be reconciled to the general ledger balance on a ~~monthly~~regular basis.
7. The Student file and general ledger may be posted simultaneously, but a District receipt should be prepared as a secondary source document.

D. Grant and Sponsored Program Accounting

In addition to the District procedures listed here, state and federal grants require special accounting procedures. General directions are provided in the board policy on Grants and Sponsored Programs. Recipients of grant awards are also cautioned to study specific requirements of the grant that may vary from traditional procedures.

CASH DISBURSEMENT

A. Disbursement Procedures

1. Disbursements must be properly authorized and supported by adequate documentation.
2. All disbursements shall be made by check or electronic payment.
3. All checks shall be pre-numbered.
4. All disbursements shall be substantiated by supporting documents including evidence of purchase, receipt, and approval.
5. All supporting documents shall be canceled in such a manner as to preclude their reuse.
6. Bulk check stock shall be adequately controlled and accounted for.
7. Daily use check stock shall be issued to the check-preparer on an adequate transfer/control document.
8. There shall be adequate separation of duties to reduce the risk of collusion and fraud.
9. The drawing of a warrant to "cash" or "bearer" is prohibited.
10. Electronic signature plates shall be secured and issued only to authorized individuals.
11. For payments from federal awards, the District minimizes the time between transfer of funds and disbursement.

B. Documentation

Documentation shall include:

1. A purchase order authorizing the commitment of funds by an appropriate approving authority.
2. An original invoice.
3. An original receiving report or other appropriate method, of an employee acknowledging receipt of goods or services.

C. Authorization

All checks must bear a Board authorized signature.

D. Controls

1. All invoices and/or supporting documents will be marked with the check number ~~in ink~~ or by another appropriate method, to prevent their reuse.
2. Checks will be recorded in the check registers as of the date written and the register closed promptly at the end of each month.
3. Unused checks shall be adequately controlled through sign-out logs, listing where bulk stock is

located and by warrant number.

4. Voided checks shall be mutilated or spoiled to prevent reuse.
5. Checks shall be signed only after comparing them with authorizations and supporting documents.

Requirements for County-Controlled Funds

- ~~1. Payments shall be released electronically through the County Superintendent's system only by authorized agents.~~
- ~~2. If a payment batch is chosen for audit, one copy of the District Prelist with an original invoice and other documentation required above shall be submitted to School Claims in one package.~~
- ~~3. Upon receipt of the warrant and warrant listing from the County Superintendent's office, the County Postlist shall be reconciled to the copy of the District Prelist.~~
- ~~4. An employee other than the payment batch preparer shall mail the warrant to the appropriate vendor for payment.~~

E. Records

1. All original invoices and supporting documents shall be stamped or otherwise appropriately canceled, to prevent duplicate payments.
2. All voucher documents shall be attached to the documentation and filed in the vendor file in ~~alphabetic~~alphabetical order.

CASH RECEIPTS

A. General Provisions

1. Persons who receive cash shall have no access to post payments to the general ledger. All cash received must be recorded by cash register receipt, pre-numbered cash receipt, or terminal receipt. These documents provide the accounting controls and are prepared by the employee first receiving checks or cash. An independent audit trail must be maintained for all cash receipts. The receipt must be given or mailed to the client.

All cash received must be adequately safeguarded and promptly deposited. All cash shall be deposited in the Campus Business Office within 24 hours of receipt.

2. All checks must be made or endorsed payable to the San Bernardino Community College District, San Bernardino Valley College, or Crafton Hills College.
3. All checks shall be stamped "For Deposit Only" upon receipt with the appropriate endorsement stamp.
4. Payments received in the mail shall be logged and routed to a party who can write receipts and make deposits.
5. Cash registers/drawers/terminals shall be cleared daily even if no receipts are recorded. Tape totals, including those with zero receipts, shall be signed by the individual responsible for the cash drawer and submitted to the Campus Business Office.
6. Cash receipts shall be reconciled against cash register tapes, log-outs and/or handwritten receipts and signed by the individual responsible for the cash drawer.
7. Cash, checks, credit card slips and deposit slips from one register shall not be commingled with receipts from another register. Cash, checks, credit card slips and deposit slips from one receipting

date shall not be commingled with receipts from another date.

B. Deposit of Cash Receipts

1. All cash receipts shall be received through the Central Cashier in the Campus Business Office except those received authorized by the ~~Vice-Chancellor~~Director of Fiscal Services to receive cash. Cash receipts received in locations other than the Campus Business Office shall be deposited intact in the Campus Business Office as prescribed above. When the deposit is made in the Campus Business Office, the deposit must be verified in the presence of the depositor or the depositor's supervisor.
2. Cash inadvertently received by offices not authorized to accept cash shall promptly be routed to the Campus Business Office for deposit.
3. Deposits of money into any account other than an authorized Campus Business Office account are prohibited. Violation of this policy may result in disciplinary action.

C. Pre-numbered Receipts

Any area/department that receives cash and does not have a cash register shall use three- part pre-numbered receipts provided by the ~~Vice-Chancellor~~Director of Fiscal Services. Part one goes to the individual/group who makes the payment, part two goes to the Campus Business Office with the cash deposit, and part three stays with the office which accepts the cash.

D. Registration Fees

1. During periods of registration terminal receipts are required except in those instances where source identification is necessary and/or where the office receiving the fees does not have access to a computer terminal (off-campus, etc.).
2. The operator log-out report will be used as the primary source document. The operator's cash drawer should reconcile to the operator log-out report.
3. Receipts shall be conveyed to the Campus Business Office daily. The Campus Business Office shall prepare a deposit ticket for each day's deposit.
4. Admissions and Records receipting clerks shall reconcile the drawer(s) against the daily log-outs, sign the log-outs verifying the reconciliation, and submit receipts and signed log-outs to the Director of Admissions and Records, Registrar or designee.
5. The Director of Admissions and Records, Registrar, or designee shall verify the receipts and log-outs, prepare and sign the reconciliation form attesting to its accuracy, and prepare the daily receipts for transmission to the Campus Business Office.
6. The Director of Admissions and Records, Registrar, or designee, with college police escort, shall transmit receipts daily to the Campus Business Office.
 - a. When hand-carries are impractical, the receipts are to be transported by the campus via locked bank bag to the Campus Business Office.
 - b. The locked bank bag should be placed in the locked trunk of the police vehicle for transport. Receipts, when transported in this manner, must have been verified by two independent sources prior to giving them to the college police for transport.
 - c. The college police should receive a dated receipt for the locked bank bag from the Campus Business Office.

- d. The Campus Business Office shall verify the daily receipts, provide a receipt to the original source of receipts, and prepare a deposit slip by the close of the next business day following receipting. Any exception requires notification of the ~~Vice Chancellor~~Director of Fiscal Services.

PETTY CASH

A. Authorization

A petty cash fund may be approved by the ~~Vice Chancellor~~Director of Fiscal Services to pay for small emergency purchases of supplies or services. The ~~Vice Chancellor~~Director of Fiscal Services will review each request for the establishment of a petty cash fund and set the dollar amount of the fund if it is approved. Approval for expenditures from the fund must be granted by the appropriate Responsibility Center Manager or the fund custodian.

B. Establishment of a Petty Cash Fund

A Responsibility Center Manager may request a petty cash fund from the ~~Vice Chancellor~~Director of Fiscal Services. The request must identify the fund custodian and a requested dollar amount. Upon approval, a check will be forwarded to the requesting party payable to the designated fund custodian.

C. Petty Cash Custodian's Responsibility

1. The petty cash custodian will sign for and assume responsibility for the safeguarding and proper utilization of the petty cash fund. The petty cash custodian is the only individual who may make cash transactions. If an authorized change in custodian occurs, the status of the fund should be verified before any transactions are completed by the new custodian. A status memo signed by both the outgoing and incoming custodians must be sent to the ~~Vice Chancellor~~Director of Fiscal Services.
2. The petty cash fund will be maintained at the approved amount, and will at times be kept in balance with cash, petty cash vouchers, and receipts.
3. A copy of the Petty Cash Reconciliation Form will be retained by the custodian for a minimum of two years.
4. All cash, sales receipts, and other related documents shall be kept in a locked metal box. When unattended, the box shall be placed in a safe, desk or cabinet that is ~~also to be~~ kept locked.

D. Purchase Authorizations and Procedures

1. Single disbursements from petty cash may not exceed 50.00.
2. The petty cash custodian must approve all expenditures from the fund. The custodian must sign a Petty Cash Disbursement Voucher for each expenditure.
3. The purchaser may request a cash advance or be reimbursed for authorized purchases. If a cash advance is made, the purchaser must provide a sales receipt and change, if any, to the custodian and sign a petty cash voucher indicating reimbursement.
4. A sales receipt must be kept with each Petty Cash Disbursement Voucher.

E. Replenishment Procedure

1. The petty cash fund will be replenished when substantially depleted. ~~On June 30~~At the end of each fiscal year the account must be fully replenished or closed in order for expenditures to be recorded in the proper fiscal year.
2. A request for replenishment will be made on a purchase requisition signed by the Responsibility

Center Manager.

3. An itemized list of expenditures is to be recorded on the Petty Cash Reconciliation Form. A separate Petty Cash Disbursement Voucher with a sales receipt attached shall be presented for each expenditure.
4. Reimbursements of petty cash are to be the only deposits into the fund.

F. Accounting/Audit

1. Any shortage must be adequately documented and explained by the fund custodian. Replenishment requests for shortages in excess of \$5 must be approved by the ~~Vice Chancellor~~Director of Fiscal Services. Overages must be deposited with the revolving cash accountant.
2. The ~~Vice Chancellor~~Director of Fiscal Services or designee will periodically make unannounced audit reviews of the petty cash fund. The independent auditors will also make test counts and review the petty cash fund. The fund custodian and the responsible manager should ensure the fund is balanced and available for audit at any time.
3. The internal control checklist is to be completed by each petty cash fund custodian at least once a year. The ~~Vice Chancellor~~Director of Fiscal Services or designee will periodically review the petty cash operation and determine if the operation of the fund is in compliance with the checklist.

CHANGE FUNDS

A. Change Funds

A change fund may be approved by the ~~Vice Chancellor~~Director of Fiscal Services for the sole purpose of making change in the conduct of business. The funds shall not be used for cash advances, purchases, reimbursements, or other activities appropriate to a petty cash fund.

B. Establishment of a Change Fund

A Responsibility Center Manager may request a change fund from the ~~Vice Chancellor~~Director of Fiscal Services. The request must identify the fund custodian and a requested dollar amount. Upon approval a check will be forwarded to the requesting party payable to the designated fund custodian.

C. Change Fund Custodian's Responsibility

The custodian will sign a receipt for the change fund and assume responsibility for its security and proper use. The Director of Fiscal Services must be notified in writing if there is a change in the custodianship of a change fund. The change fund will be maintained at the approved amount and will at all times be kept in balance.

D. Accounting/Audit

The Accounting Department will retain records and documentation for all change funds. Change funds must be available for audit at any time.

~~REVOLVING CASH~~

~~A. Revolving Cash~~

~~The revolving cash fund shall be used only when goods, services, or payroll are required prior to the date~~

~~available within the normal purchasing process. Disbursements shall be supported by proper documentation and authorization as prescribed in the Cash Disbursement Policy. There shall be adequate separation of duties to reduce the risk of collusion and fraud.~~

B. Procedures

- ~~1. The fund shall be managed so that accountability for the fund, including proper identification of fund resources, can be readily established.~~
- ~~2. Cash funds are maintained with the same standards of developing documentary evidence as for other disbursements.~~
- ~~3. Disbursements from the fund shall be limited to transactions that cannot be paid through the regular disbursement process in a timely manner.~~
- ~~4. The Accounting Department will review, and the Vice Chancellor of Fiscal Services must approve, requests for payment through the Revolving Cash Fund.~~
- ~~5. Employees shall not authorize revolving fund checks payable to cash or to themselves.~~
- ~~6. Check stock shall be kept in a secure place.~~
- ~~7. The Revolving Cash Fund shall be replenished in a timely manner through the normal purchasing procedure.~~
- ~~8. Daily balances will be maintained on the check stub; the fund shall be reconciled monthly.~~

~~Allowability of Costs for Federal Awards~~

Allowability of Costs for Federal Awards

The District assumes responsibility for administering federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of federal awards. The accounting practices of the District support the accumulation of costs and provide for adequate documentation to support costs charged to federal awards. The District does not earn or keep any profit resulting from federal financial assistance, unless expressly authorized by the terms and conditions of a federal award.

For federal awards, costs:

1. Are necessary, reasonable for the performance of the federal award, and allocable,
2. Conform to any limitations or exclusions set forth in the federal award,
3. Are consistent with policies and procedures that apply to both federally financed and other activities of the District,
4. Are accorded consistent treatment,
5. Are determined in accordance with Generally Accepted Accounting Principles,
6. Are not included as a cost or used to meet cost sharing or matching requirements of any other federally financed program,
7. Are adequately documented.

In determining reasonableness of a given cost, the District assesses:

1. Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the federal award,

2. The restraints or requirements imposed by such factors as: sound business practices; arm's-length bargaining; federal, state and other laws and regulations; and terms and conditions of the federal award,
3. Market prices for comparable goods or services,
4. Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the District, its employees, its students, the public, and the federal government.

The District does not charge any cost allocable to a particular federal award to other federal awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or terms and conditions of the federal awards, or for other reasons. However, this prohibition does not preclude the District from shifting costs that are allowable under two or more federal awards in accordance with existing federal statutes, regulations, or the terms and conditions of the federal awards.

References:

Education Code Section 84040(c);

Title 5 Section 58311;

ACCJC Accreditation Standard III.D.9 (formerly III.D.2)

Code of Federal Regulations, Title 2, 200.302(b)(6)-(7), 200.305, 200.400 et seq. and Subpart E

Attachments:

[AP 6300 Fiscal Management- Comments](#)
[AP 6300 Fiscal Management- Legal Citations](#)
[Changes to be Reloaded After Approval of Federal Language Change](#)



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

AP 6315 Warrants

All payments from the funds of SBCCD shall be made by written order of the Board of Trustees ~~as prescribed by the San Bernardino County Superintendent of Schools~~. The Board of Trustees shall delegate authority to sign orders in its name to the Vice Chancellor for Business & Fiscal Services, Director of Fiscal Services, and other SBCCD officials as deemed appropriate. Such delegation of authority shall be accomplished by Board approval of an authorized signature list at least once each fiscal year. Refer to BP 6150 titled Designation of Authorized Signatures. No person other than an officer or employee of SBCCD designated by the Board shall be authorized to sign orders.

~~The Chancellor shall establish procedures to sign and issue commercial and payroll orders to the San Bernardino County Superintendent of Schools in accordance with sound fiscal management practices.~~

Each order drawn against the funds of SBCCD shall be numbered and shall state: (a) the particular fund or funds against which it is drawn, (b) the amount of the payment to be made from each fund, and (c) the rate of salary and the period of service of any SBCCD employee for whom an order is issued for payment of salary or wages. If drawn for any purpose other than the payment of salaries or wages, the order shall be accompanied by an invoice or an itemized receipt showing the separate items and the price of each.

The Executive Vice Chancellor ~~for Business & and the Director of Fiscal Service and the Director of Fiscal Services~~ will withhold approval of orders when:

- Disbursements of the funds will result in the total amounts expended in any major account classification to exceed the amount budgeted.
- Established procedures have not been followed to permit verification of authenticity of the expenditure.

Only authorized personnel may sign orders, as identified in AP 6150 titled Designation of Authorized Signatures.

~~Each signed order shall be transmitted to the San Bernardino~~ Payroll orders are subject to audit by the County Superintendent ~~of Schools for approval. Both commercial and payroll orders are subject to audit by~~ and the County ~~Superintendent and or the County~~ Auditor-Controller. If approved and endorsed by the County Auditor-Controller, warrants will be drawn on the San Bernardino County Treasurer ~~and transmitted to SBCCD for issuance to the payee.~~

References:

Education Code Sections 85230 et seq.

Attachments:

No Attachments



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References:	

BP 6340 Bids and Contracts

(Replaces current SBCCD BP 6340)

The authority to sign and execute contracts on behalf of the San Bernardino Community College District (SBCCD) is vested in the Board of Trustees (the Board). This authority can only be delegated by Board action.

The Chancellor shall establish administrative procedures for bids and contracts, subject to the following:

- The Board of Governors sets the formal bid limit for procurement of goods and or services on an annual basis. The formal bid limit for the current year shall be published on the Business Services webpage. Any contract to procure goods and or services (excluding construction and public works) which meets or exceeds the formal bid limit shall require ~~pre~~-approval by the Board of Trustees to constitute an enforceable agreement.
- In accordance with PCC Section 17605, Section 22034(c) and Section 81656, the Board of Trustees delegates authority to sign, execute, and legally bind contracts less than the formal bid limits mentioned above, to the named agents on the authorized signature list. Such contracts shall not require Board approval, but shall be sent to the Board as an information item every 60 days.
- When bids are required according to PCC Section 20651, SBCCD shall award each such contract to the lowest responsible bidder who meets the specifications published by SBCCD and who shall give such security as SBCCD requires, or reject all bids. SBCCD may award a contract to the lowest responsible bidder on the basis of best value as specified by the type of bid.
- The Board has adopted the Uniform Construction Cost Accounting Procedures under PCC Section 22000 et seq. for the bidding of public works projects. In addition, pursuant to PCC Sections 20101 et seq., the Board has adopted a district-wide Pre-Qualification Program that when applicable provides for the pre-qualification of bidders based on a uniform system of rating. See AP 6345 titled Bids and Contracts – Construction.
- If the best interests of SBCCD will be served by a contract, lease, or purchase order through any other public corporation or agency in accordance with PCC Section 20652, the Chancellor is authorized to proceed with a contract.

Board members, employees and consultants of the District must not participate or attempt to influence decisions to procure or contract for goods or services if he or she has a financial interest in the decision. See BP 2710 titled Conflict of Interest.

References:

Education Code Sections 81641 , et seq.
Public Contract s Code Sections 20650 , et seq. ;



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References:

AP 6340 Bids and Contracts

GENERAL CONTRACT PROCEDURES

General contract procedures (parts A through G) are applicable to all types of contracts and agreements – including contracts for goods and non-professional services, professional services, and construction and public works projects.

A. Authority to Contract

The authority to sign and execute contracts on behalf of the District is vested in the Board of Trustees. The Board delegates authority to sign and execute contracts less than the formal bid limits set in Public Contract Code, to the named agents on the authorized signature list. The authority to contract includes the amendments, extensions or addendums. Contracts and/or agreements signed by any individual other than those authorized by the Board are not valid or binding on SBCCD. All contracts are between the San Bernardino Community College District and the contracting agency. Individual colleges, programs or departments may not directly enter into a contract or agreement.

B. Board Approval

The following contracts require approval by the Board of Trustees to constitute an enforceable agreement:

- Any contract to procure goods or services (excluding construction and public works) which meets or exceeds the formal bid limit set annually by the Board of Governors. The formal bid limit for the current year is published on the Business Services webpage.
- Any contract for construction or public works project which is over the formal bid limit for public works projects.

Contracts under the formal bid limits require approval by one of the authorized district officers, and does not require approval by the Board to be legally enforceable.

C. Contract Review

All contracts are reviewed and processed by Business Services. All contracts are subject to the requirements of federal and state codes and regulations. Contracts may require additional legal review. Review procedures must be completed before any contract is executed by an authorized signatory. Any unauthorized individual who signs a contract or agreement will be personally responsible for the value of the contract.

D. Supporting Documentation

Contracts submitted for consideration should be accompanied by a purchase requisition if appropriate. Contracts for construction, transportation, or large scale maintenance may require a certificate of liability insurance, certificate of Workers' Compensation coverage, permits, licenses, or bonds.

E. Contract Format/Negotiations

Business Services can provide assistance in developing a contract. Contracts must be prepared with great care and protect SBCCD in its dealings. Some contracts require negotiations as to the terms and conditions of the contract between SBCCD and the contracting agency. Many vendors use their own contract format that is always subject to review and/or modification by either party prior to execution.

F. Subsequent Changes to Contracts

Any change or alteration of a contract will be done in writing and the cost agreed upon between SBCCD and the contractor. SBCCD may authorize the contractor to proceed with performance of the change or alteration without the formality of securing bids, if the cost so agreed upon does not exceed the greater of the amount specified in Public Contract Code Section 20651 or 20655, whichever is applicable to the original contract, or ten percent (10%) of the original contract price.

G. Duration of Continuing Contracts for Services and Supplies

Continuing contracts for work or services furnished to SBCCD are not to exceed five (5) years. Contracts for materials and supplies are not to exceed three (3) years.

BID REQUIREMENTS – GOODS & NON-PROFESSIONAL SERVICES

I. Applicable Contracts

The bidding requirements in **Section I** to **IX** of this Administrative Procedure are only applicable to contracts for goods and non-professional services. This includes:

- (i.) Equipment, materials, or supplies to be furnished, sold, or leased to SBCCD;
- (ii.) Services (excluding construction services, professional services, insurance services, and work done by day labor or by force account pursuant to PCC Section 20655); and
- (iii.) Repairs, including maintenance as defined in PCC Section 20656, that are not public projects as defined in PCC Section 22002(c).

II. Bid Limits

If a contemplated expenditure is less than the formal bid limit set annually by the Board of Governors, please refer the purchasing procedures in **AP 6330** titled **Purchasing**.

If a contemplated expenditure meets or exceeds the formal bid limit set annually by the Board of Governors, a formal bid, request for proposal, or other formal solicitation process must be utilized.

NOTE: *The formal bid limit is annually adjusted by the Board of Governors as required by PCC Section 20651(d);*

III. Bid Specifications

Bid specifications shall include a definite, complete statement of what is required and, insofar as practical, shall include pertinent details of size, composition, construction, and/or texture of what is specified, and minimum standards of efficiency, durability, and/or utility required of what is specified.

IV. Notice Calling for Formal Advertised Bids

Pursuant to PCC Section 20112, SBCCD shall publish at least once a week for two weeks in a newspaper of general circulation published within SBCCD or if there is no such paper, then in some newspaper of general circulation, circulated in the county, and may post on SBCCD's web site or through an electronic portal, a notice calling for bids or proposals, stating the work to be done or materials or supplies to be furnished and the time and place when bids will be opened. Whether or not bids are opened exactly at the time fixed in the public notice for opening bids, a bid shall not be received after that time. SBCCD may accept a bid that was submitted either electronically or on paper.

Bid and contract forms shall be prepared and maintained by Business Services. All applicable statutory provisions and board policies shall be observed in preparation of the forms.

Business Services shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.

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

When required or determined to be appropriate, bids shall be accompanied by a certified or cashier's check, or bid bond, in the amount specified in the bid form, as a guarantee that the bidder will enter into contract and furnish the required contract bonds. When no longer required for the protection of SBCCD, any certified or cashier's check received shall be returned to the respective bidder.

Business Services shall make available to the prospective bidders bid forms with sets of specifications and drawings and shall provide a convenient place where bidders, subcontractors, and material personnel may examine the specifications and drawings.

Business Services shall provide an electronic copy of the plans and specifications and other contract documents to a contractor plan room service at no charge upon request from that contractor plan room. When permitted, a deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.

V. Awarding of Bids and Contracts

The awarding of bids and contracts shall be subject to the following conditions:

- Any and all bids and contract proposals may be rejected by SBCCD.
- All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.
- Solicitations using a Request for Proposal (RFP), Request for Qualifications (RFQ), and Request for Information (RFI) are based on best value and not based solely on lowest priced proposal.
- When formal bidding is required, the award of bid shall be presented to the Board along with a tabulation of the bids received in reasonable detail.
- Bid and contract awards shall be made to the lowest responsible bidder substantially meeting the requirements of the specifications. SBCCD reserves the right to make its selection of materials or services purchased based on its best judgment as to which bid substantially complies with the quality required by the specifications.
- For the purposes of bid evaluation and selection when the District determines that it can expect long-term savings through the use of life-cycle cost methodology, the use of more sustainable goods and materials, and reduced administrative costs, the District may provide for the selection of the lowest responsible bidder on the basis of best value pursuant to policies and procedures adopted by the governing board in accordance with this section.
- "Best value" means the most advantageous balance of price, quality, service, performance, and other elements, as defined by the Board of Trustees, achieved through methods in accordance with this section and determined by objective performance criteria that may include price, features, long-term functionality, life-cycle costs, overall sustainability, and required services.
- Conflict of Interest. Board members and employees of SBCCD are prohibited from participating in the bid evaluation and selection process if he or she has a relationship with or financial interest in any of the bidders. When a Bid Evaluation & Selection Committee is established, all members of the committee will be required to complete a disclosure form prior to participation in the bid evaluation and selection process. The Business Manager will collect and review all disclosure forms for potential conflicts of interest.

VI. Purchase without Advertising for Bids

The Business Manager is authorized to make purchases from firms holding public agency contracts without calling for bids where it appears advantageous to do so. The Business Manager may, without advertising for bids, purchase or lease from other public agencies materials or services by authorization of contract or purchase order. The Business Manager may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services, California Multiple Award Schedule (CMAS), Western States Contracting Alliance (WSCA) with California endorsement, Foundation for California Community Colleges (FCCC) and other approved purchasing cooperatives, for goods and services as listed in the approved agreements.

VII. Emergency Repair Contracts without Bid

When emergency repairs or alterations are necessary to continue existing classes or to avoid danger of life or property, the Business Manager may make a contract on behalf of SBCCD for labor, materials and supplies without advertising for or inviting bids, subject to ratification by the Board.

VIII. Unlawful to Split Bids

Pursuant to PCC Section 20657, it shall be unlawful to split or separate into smaller work orders, purchase orders, contracts, or projects any work, project, service, or purchase for the purpose of evading the provisions of the Public Contract Code requiring work to be done by contract after competitive bidding.

IX. Employees as Independent Contractors

An individual cannot be both an SBCCD employee and an independent contractor with SBCCD at the same time unless it can be clearly demonstrated that the work being performed as an independent contractor 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 engaged as an independent contractor is considered an "employee" for payroll purposes and payment for services is subject to appropriate tax withholding.

References: Education Code Sections 88003.1, 81641 et seq.;

Government Code Section 53060;

Public Contract Code Sections 20103.7, 20112, 20650 et seq., and 22000 et seq.;

Labor Code Sections 1770 et seq.

ACCJC Accreditation Standard III.D.16

Approved: 3/17/11	
Revised:	

Attachments:

- [AP 6340 Bids & Contracts.docx](#)
- [AP 6340 Bids and Contracts - Comments](#)
- [AP 6340 Bids and Contracts - Legal Citations](#)
- [AP6340 -OLD.pdf](#)



[image1.png](#)



Current Status: *Draft*

PolicyStat ID: 6177043



Origination:	N/A
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Owner:	<i>Business & Fiscal Services</i> <i>Business & Fiscal Services</i>
Policy Area:	<i>Chapter 6 General Institution</i>
References:	

BP 6925 Refreshments or Meals Served at Meetings and District Events

(Replaces current SBCCD BP 3750)

The Board of Trustees authorizes the Chancellor to develop administrative procedures allowing for a limited expenditure of funds for refreshments and/or meals served while conducting District business and District-approved Associated Student Club business.

References:

None

Attachments:

[BP 6925 Refreshments or Meals Served at Meetings and District Events - Comments](#)
[BP 6925 Refreshments or Meals Served at Meetings and District Events - Legal Citations](#)



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Policy Area:	<i>Chapter 6 General Institution</i>
References:	

AP 6925 Refreshments or Meals Served at Meetings and District Events

(Replaces current SBCCD AP 3750)

A. Refreshments and/or Meals

The Board of Trustees authorizes the expenditure of funds for refreshments and/or meals served at District or approved Associated Students meetings and trainings in order to conduct District business or Associated Student Clubs business under the conditions set forth in sections A.1 and A.2.

1. Attended by Employees and/or Students

For meetings or trainings attended only by employees and/or currently enrolled students are authorized for up to a total \$500 for that meeting or training. Expenditures in excess of ~~\$500~~ \$1,000 require Board approval prior to the meeting or training. Bottled water for individual use is exempt from the conditions below.

2. Attended by Employees and/or Students as well as Non-employees or Non-Students

For meetings or training attended by employees, currently enrolled students, and by one or more non-employees and/or non-students of the District, are authorized for up to ~~\$100~~ \$500. Expenditures in excess of a total ~~\$100~~ \$500 for that meeting or training require Board approval prior to the meeting or training.

B. Refreshments or Meals for events

Events are defined as activities in which non-employees and/or non-students will be or can be attending and/or participating (e.g. job fair, holiday event, recruitment event); or is on a large enough scale to be considered neither a meeting nor training. Any refreshments and/or meals for an event require Board approval prior to the event.

C. Refreshments or Meals Charged to Grant Funds

Any expenditure for refreshments or meals charged to grant funds must meet the requirements set forth in paragraphs A and B above. In addition, such expenditures must be specifically authorized by the terms and conditions set forth in the grant agreement.

D. Purchase Order and/or Requisition

Expenditures for refreshments and/or meals must specify on the District purchase order, trust account requisition, or submitted with Cal Card statement reconciliation:

1. The name(s) of the individuals or group name, or general description of the parties, for which the refreshments or meals are to be served.

2. The agenda or purpose of the meeting, training, or event.
3. The location and date of the meeting, training or event.
4. If required by Section A.1, A.2, or B, the Board approval date for the expenditure.

Expenditures for Associated Student accounts must be made in accordance with Board Policy (BP) 5420 titled Associated Students Finance and approved by appropriate person listed within BP 5420.

References:

None

Attachments:

[AP 6925 Refreshments or Meals Served at Mtgs & District Events- Comments](#)
[AP 6925 Refreshments or Meals Served at Mtgs & District Events- Legal Citations](#)



Current Status: Pending

PolicyStat ID: 3915519



Origination:	11/2016
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Last Revised:	03/2019
Next Review:	11/2017
Owner:	Human Resources Human Resources
Policy Area:	Chapter 7 Human Resources
References:	Brand New - advised

AP 7126 Applicant Background Investigations and Reference Checks

Applicants for positions may be subject to background or reference checks.

Where a background investigation is performed by a third party, ~~[designate position]~~ the Executive Director of Human Resources or designee shall make a clear and conspicuous disclosure to the applicant on a separate form before the report is procured. The applicant shall be provided an option to receive or not receive the report. If the applicant is not hired, or the District takes other action that adversely effects any applicant based in whole or in part upon the third-party report, ~~[designate position]~~ Executive Director of Human Resources or designee shall provide oral, written, or electronic notice of:

- the adverse action to the applicant;
- the name, address, and telephone number of the third party agency that furnished the report;
- the applicant's right to obtain a free copy of the report; and
- the applicant's right to dispute the accuracy or completeness of any of the information in the report.

References:

Civil Code Sections 47, 1785.16, 1785.20, and 1786.16 et seq.;

Federal Fair Credit Reporting Act

Attachments:

No Attachments



Current Status: Draft

PolicyStat ID: 6183211



Origination:	N/A
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Next Review:	01/2018
Owner:	Human Resources Human Resources
Policy Area:	Chapter 7 Human Resources
References:	Brand New - advised

AP 7145 Personnel Files

Personnel records are private, accurate, complete, and permanent. ~~(Insert local procedures that meet this standard.)~~

Every employee has the right to inspect personnel records pursuant to the Labor Code.

Information of a derogatory nature shall not be entered into an employee's personnel records unless and until the employee is given notice and an opportunity to review and comment on that information. The employee shall have the right to enter, and have his/her own comments attached to any derogatory statement. The review shall take place during normal business hours and the employee shall be released from duty for this purpose without salary reduction.

The employee shall not have the right to inspect personnel records at a time when the employee is actually required to render services to the District.

Nothing in this procedure shall entitle an employee to review ratings, reports, or records that were:

- a. obtained prior to the employment of the person involved,
- b. prepared by identifiable examination committee members,
- c. obtained in connection with a promotional examination or interview.

References:

References:

Education Code Section 87031;

Labor Code Section 1198.5

Attachments:

No Attachments



Current Status: Active

PolicyStat ID: 5534826



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Last Approved: 03/2018
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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



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 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~~

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~~supervising manager and manager being evaluated will establish goals and objectives to be accomplished. The supervising 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~~Managers will be evaluated during the sixth month of interim appointment, and annually thereafter if the assignment is greater than one semester in length. The supervising manager will be solely responsible for providing the evaluation. ~~Evaluations may~~A survey will be held on a more frequent basis as sent campus/district wide for all interims when appropriate. Evaluations may be held on a more frequent basis as appropriate.

~~EVALUATION TIMELINE:~~

EVALUATION TIMELINE:

No later than October 1 of each calendar year the ~~supervisor and employee~~supervising manager and manager 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~~supervising manager no later than December ~~30~~31 of each calendar year.

The final evaluation report shall be provided to the ~~evaluatee~~manager no later than January ~~30~~31 of each calendar year.

Goals/Objectives

Goals/Objectives

Each manager will meet with his/her ~~supervisor~~supervising manager 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~~supervising manager will receive an email from Human Resources notifying him or her that an evaluation of the manager is to be evaluated will receive an email directly from HR notifying the supervisor that an evaluation is due.
2. The ~~evaluating supervisor's~~person whom the supervising manager reports will also receive the email and will be responsible for ensuring the evaluation is completed and forwarded to ~~HR~~Human Resources within the required timeframe.
3. The President of the College and the appropriate Vice President will be copied on the email.

Committee

Committee

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

All supervisors and managers will be evaluated by the supervising manager.

In the event a committee member is unable to participate, an alternate can be appointed if selected prior to the first committee meeting. Once the committee has met, no new members may be added.

Campus/District Survey

At the discretion of the supervising manager, committee meetings may take place using teleconference and/or video conferencing.

Campus/District Survey

As appropriate to the assignment, the ~~hiring~~supervising manager shall seek written feedback from the campus and/or district community. In obtaining this feedback, the ~~hiring~~supervising manager shall use an approved evaluation form. Using the approved form, the ~~hiring~~supervising manager shall seek input from applicable managers, faculty, classified staff and any others who are in a position to know how effectively the ~~evaluatee~~manager is performing assigned responsibilities. Responses on the approved form shall be signed, and the ~~hiring~~supervising 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

Evaluatee

Prior to the evaluation conference, the manager being evaluated will submit, to their ~~supervisor~~supervising manager, 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~~

Evaluation Report

The ~~hiring~~supervising manager will produce a written evaluation report by January ~~30~~31. 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~~supervising manager.
3. An assessment of the extent to which the ~~evaluatee~~manager meets his/her stated goals and objectives.
4. An assessment of the management and leadership strengths of the ~~evaluatee~~manager.
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~~supervising manager and the manager before being placed in ~~his/her~~the manager's file. The ~~evaluatee~~manager shall receive a copy of the evaluation report, and will have an opportunity to attach a written response within ~~fifteen~~15 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~~

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~~ supervising 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~~ supervising manager 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~~ supervising manager, but in no case later than six months after the initial findings of the ~~evaluation committee~~ supervising manager. The re-evaluation process shall include the submission of new goals and objectives to the ~~immediate supervisor~~ supervising manager, 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~~

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.~~

Non-Management Employees

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

The criteria for 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.

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:

Reference:

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

Attachments:

No Attachments



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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



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References:	Brand New - required

AP 7337 Fingerprinting

~~NOTE: This procedure is legally required for classified employees and optional for academic employees. Local practice may be inserted. It is legally advised to make fingerprinting mandatory as to all employees.~~

~~Where Live Scan is not available regionally, Districts should continue to use the language of Education Code Sections 87013 and 88024. Districts should note that Live Scan is the Department of Justice's preferred method for the submission of fingerprints.~~

~~The following is excerpted from statute. This format is not legally required. It is provided for the convenience of Districts that want to use it.~~

The ~~Chief Human Resources Officer~~Executive Vice Chancellor will designate one or more employees to receive, store, disseminate and destroy criminal records furnished by the California Department of Justice and to serve as the contact for the California Department of Justice for related issues. Any such employee must be confirmed by the California Department of Justice as required by law and pursuant to California Department of Justice procedures. The Chief Human Resources Officer will notify the California Department of Justice by March 1 of each year beginning on March 1, 2012, of the individuals designated.

All candidates for academic, classified, and contract positions shall be required to have fingerprints taken via Live Scan ten working days prior to the date of employment. The electronic fingerprints and applicable fees will be forwarded to the Department of Justice. The Department of Justice will forward any findings to the Human Resources Office. Human Resources will evaluate findings to ensure all criminal activity was reported, that no offense would disqualify the applicant from employment, and that no conviction would render the candidate unfit for the position. The costs of Live Scan fingerprinting are the sole responsibility of the candidate.

Substitute, temporary employees and professional experts shall be required to have fingerprints taken via Live Scan ten working days prior to the date of employment.

Student workers may be exempt from this procedure. All workers or volunteers in the Child Development Center and in other programs requiring fingerprinting must submit to Live Scan fingerprinting.

The ~~Chief~~Executive Director, Human Resources ~~Officer will~~shall ensure that criminal history record information is destroyed once the District's business need for the information is fulfilled. Applicants may file an appeal to have their criminal record reviewed according to Ed Code 87405.

~~Classified Employees~~

~~The District, within 10 working days of date of employment, shall require each person to be employed, or employed in, a nonacademic position to have two 8X8 fingerprint cards bearing the legible rolled and flat~~

~~impressions of that person's fingerprints together with a personal description of the applicant or employee, as the case may be, prepared by [a local law enforcement agency having jurisdiction in the area of the District].~~

~~Identification cards are completed as follows [insert local practice]. The cards shall be prepared by a [local public law enforcement agency having jurisdiction in the area of the District].~~

~~The fee for the service is [as determined by the state Department of Justice to be sufficient to reimburse the department for the costs incurred in processing the application].~~

~~The fee is forwarded to the Department of Justice with two copies of applicant's or employee's fingerprint cards. The District shall collect an additional fee not to exceed two dollars (\$2) payable to the [local public law enforcement agency]. The additional fees are be transmitted to the [city or county treasury].~~

~~The fee [is/is not] reimbursed to an applicant who submits fingerprints in accordance with these procedures and who is subsequently hired by the District within 30 days of the application. Funds not reimbursed to applicants are credited to the general fund of the District.~~

~~If the fingerprint cards forwarded to the Department of Justice are those of a person already in the employ of the Governing Board, the District pays the fee required by this section. The fee shall be a proper charge against the general fund of the District, and no fee shall be charged the employee.~~

~~Substitute and temporary employees employed for less than a school year [are/are not] exempted from these procedures.~~

Academic Employees

NOTE: ~~Insert local practice; the following is an illustrative example:~~

~~Whenever the District employs a person in an academic position and that person has not previously been employed by a school or community college district in this state, the District, within 10 working days of the person's date of employment, requires the individual to have duplicate personal identification cards upon which shall appear the legible fingerprints and a personal description of the employee prepared by **[a local law enforcement agency having jurisdiction in the area of the District]**. The **[law enforcement agency]** transmits the cards, together with any applicable fee, to the Department of Justice.~~

~~The **[local law enforcement agency]**, upon receipt of information from the Department of Justice, excerpts from the history all information regarding any convictions of the employee and shall forward that information to the District.~~

~~The District may provide the means whereby the identification cards may be completed and may charge a fee determined by the Department of Justice to be sufficient to reimburse the Department for the costs incurred in processing the application. The amount of the fee shall be forwarded to the Department of Justice, with two copies of applicant's or employee's fingerprint cards. The District shall collect an additional fee not to exceed two dollars (\$2) payable to the **[local public law enforcement agency]** taking the fingerprints and completing the data on the fingerprint cards.~~

~~All managers shall be required to provide fingerprint cards at the time of hire. The cost of the fingerprinting shall be borne by the employee.~~

~~Substitute and temporary employees employed for less than a school year are exempted from the provisions of this policy.~~

References:

[Also see AP 7126 titled Applicant Background Checks](#)

Education Code Sections 87013 and 88024; [87405](#)

Penal Code Sections 11102.2 and 11077.1

Attachments:

No Attachments



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 Last Approved: N/A
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 Next Review: N/A
 Owner: Human Resources Human Resources
 Policy Area: Chapter 7 Human Resources
 References: Brand New - required

AP 7343 Industrial Accident and Illness Leave

~~Industrial Accident and Illness Leave~~

~~An employee must have been with the district a minimum of nine months.~~

- Evidence must support the fact that the illness or accident arose out of employment. The Board of Trustees may require a physician's report on probable causes.
- An employee absent from his/her duties due to an accepted industrial accident or illness leave shall receive his/her full pay from the district. The employee is required to endorse temporary disability indemnity checks received from Workers' Compensation to the district. Arrangements may be made with Workers' Compensation to have the checks mailed directly to the district.
- Industrial accident or illness leave of absence shall not exceed sixty days in any one fiscal year for the same accident or illness.
- At such time as the employee has used his full entitlement of sixty days industrial leave, he/she may use his/her accumulated sick leave. Sick leave will be used at a rate equal to the pay received from the district less any contribution from Workers' Compensation. ~~For example: An employee's daily rate is \$20.00; the district receives \$10.00 per day from Workers' Compensation. The employee receives his/her full pay but is charged only one-half sick leave.~~
- Industrial leave is not accumulative.
- When accident or illness overlaps into the next fiscal year, the employee is entitled only to the balance of the sixty days not used.
- ~~The employee may not leave the state during the leave period unless authorized by the Board of Trustees.~~ The employee may not leave the state during the leave period unless authorized by the Board of Trustees.
- When all industrial leave and sick leave benefits have been exhausted, the employee must be placed on the reemployment list for a period of 39 months.

~~Academic Employees~~

Academic Employees

Academic employees shall be entitled to not less than 60 days leave on account of an industrial accident or illness in any one fiscal year for the same accident.

Allowable leave shall not be accumulated from year to year.

Industrial accident or illness leave shall commence on the first day of absence.

When an academic employee is absent from his/her duties on account of an industrial accident or illness, the employee shall be paid the portion of the salary due him/her for any month in which the absence occurs as, when added to his/her temporary disability indemnity under the Labor Code, will result in a payment to the employee of not more than his/her full salary. "Full salary," shall be computed so that it shall not be less than the employee's "average weekly earnings" as that phrase is used in Labor Code Section 4453. For purposes of this section, however, the maximum and minimum average weekly earnings set forth in Labor Code Section 4453 shall otherwise not be deemed applicable.

Industrial accident or illness leave shall be reduced by one day for each day of authorized absence regardless of a temporary disability indemnity award.

When an industrial accident or illness leave overlaps into the next fiscal year, the employee shall be entitled to only the amount of unused leave due him/her for the same illness or injury.

Upon termination of the industrial accident or illness leave, the employee shall be entitled to the benefits provided in Education Code Sections 87780, 87781 and 87786, and, for the purposes of each of these sections, his/her absence shall be deemed to have commenced on the date of termination of the industrial accident or illness leave. However, if the employee continues to receive temporary disability indemnity, he/she may elect to take as much of his or her accumulated sick leave which, when added to his/her temporary disability indemnity, will result in a payment to the employee of not more than his/her full salary.

During any paid leave of absence, the employee may endorse to the District the temporary disability indemnity checks received on account of his/her industrial accident or illness. The District shall issue the employee appropriate salary warrants for payment of the employee's salary and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by the salary warrants.

~~Classified Employees~~

Classified Employees

Classified employees shall be entitled to not less than 60 days leave on account of an industrial accident or illness, in any one fiscal year for the same accident.

Allowable leave shall not be accumulative from year to year.

Industrial accident or illness leave of absence will commence on the first day of absence.

Payment for wages lost on any day shall not, when added to an award granted the employee under the workers' compensation laws of this state, exceed the normal wage for the day.

Industrial accident leave will be reduced by one day for each day of authorized absence regardless of a compensation award made under workers' compensation.

When an industrial accident or illness occurs at a time when the full 60 days will overlap into the next fiscal year, the employee shall be entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred, for the same illness or injury.

The industrial accident or illness leave of absence is to be used in lieu of entitlement acquired under Education Code Section 88191. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other sick leave will then be used; but if an employee is receiving workers' compensation, the person shall

be entitled to use only so much of the person's accumulated or available sick leave, accumulated compensating time, vacation or other available leave which, when added to the workers' compensation award, provide for a full day's wage or salary.

Periods of leave of absence, paid or unpaid, shall not be considered to be a break in service of the employee.

During all paid leaves of absence, whether industrial accident leave as provided in this procedure, sick leave, vacation, compensated time off or other available leave provided by law or the action of the District, the employee shall endorse to the District wage loss benefit checks received under the workers' compensation laws of this state. The District, in turn, shall issue the employee appropriate warrants for payment of wages or salary and shall deduct normal retirement and other authorized contributions. Reduction of entitlement to leave shall be made only in accordance with this procedure.

When all available leaves of absence, paid or unpaid, have been exhausted and if the employee is not medically able to assume the duties of the person's position, the person, if not placed in another position, shall be placed on a reemployment list for a period of 39 months. When available, during the 39 month period, the person shall be employed in a vacant position in the class of the person's previous assignment over all other available candidates except for a reemployment list established because of lack of work or lack of funds, in which case the person shall be listed in accordance with appropriate seniority regulations.

~~The [designate authority] may require that an employee serve, or have served continuously, [specify time limit, not more than three years] before the benefits provided by this section are made available to the person. All service of an employee prior to the effective date of any such requirement shall be credited in determining compliance with the requirement.~~

~~Any employee receiving benefits as a result of this section shall, during periods of injury or illness, remain within the State of California unless the [designate authority] authorizes travel outside the state.~~

An employee who has been placed on a reemployment list, as provided above, who has been medically released for return to duty and who fails to accept an appropriate assignment, shall be dismissed.

References:

References:

Education Code Sections 87787 and 88192

Attachments:

AP 7343 Industrial Accident & Illness Leave
Rev. 4-3-17.docx
AP 7343 Update #30.pdf



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

AP 7344 Notifying the District of Illness

~~**NOTE:** While there is no law or regulation requiring this procedure, it is **legally advised to establish written procedures requiring employees to notify the District when ill, either here or through collective bargaining. Local practice may be inserted.**~~

~~Sample from another District~~

~~Procedures are outlined in respective Collective Bargaining Agreements (CBAs) between units and the District.~~

~~Individual departments are responsible for establishing protocols for absence notification.~~

~~Employees must follow department call-in procedures to notify the department of the reason for lateness and expected arrival time.~~

~~Unless the collective bargaining agreement provides otherwise, employees are required to complete absence forms upon return from absence as follows:~~

- ~~• Submit completed absence report forms to Human Resources.~~
- ~~• Incomplete or incorrect absence reports will be returned to the employee's supervisor for correction.~~

~~Full-time classified employee:~~

- ~~• Use Classified Employee Absence Report form—obtain from supervisor.~~

~~Full-time academic faculty:~~

- ~~• For Absence from regular class load: Use Academic Absence form—obtain from department.~~
- ~~• For Absence from overload class: Use the Hourly/Overload Absence form.~~

~~Part-time associate faculty or full-time academic—overload:~~

- ~~• Use the Hourly / Overload Absence form.~~

~~Complete Hourly/Overload Absence form and retain a copy for employee records.~~

~~Sample from another District~~

~~If it is not possible for an employee to report for work, the employee shall notify his/her supervisor or the designated alternate as soon as possible, but not later than thirty (30) minutes after the reporting time. All employees absent because of illness shall inform their supervisor in a timely manner as to when they expect to~~

~~return to work.~~

~~Sample from another District~~

While each area should develop and maintain procedures regarding the specific steps to be taken by an employee when notifying the department ~~should develop and maintain procedures regarding the specific steps to be taken by an employee when notifying the department~~ of an absence, it is the general policy of the District that any employee who will be absent from work due to unexpected illness or other reasons, must report the absence to their immediate supervisor daily, by telephone, and/or email at the beginning of the work period.

Other than for leaves that are requested and approved in advance, supervisor's shall notify Human Resources immediately anytime a regular employee is absent for ~~three~~five or more consecutive work days. This includes absences for employees who follow the established notification of absence procedures as determined by the department and are absent for three consecutive work days.

Reference:

No specific reference

Attachments:

[AP 7344 Notifying District of illness.doc](#)



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

AP 7346 Employees Called to Military Duty

NOTE: This procedure is legally advised. Some aspects of it may be subject to collective bargaining. The following illustrative example incorporates the minimum requirements of applicable law.

The following applies to any District employee, academic or classified, who enters the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of any branch of the military service, during any period of national emergency declared by the President of the United States or during any war in which the United States of America is engaged.

Leave

Upon presentation of a copy of orders for active duty in the Armed Forces, the National Guard, or the Naval Militia, the District shall grant a military leave of absence for the period of active duty specified in the orders, but not to exceed five years for a permanent, probationary, or exempt employee, or for the remainder of a limited-term employee's appointment or a temporary employee's appointment.

Salary

Any District employee called to active duty who has been in the service of the District for at least one year will continue to receive his or her salary for the first 30 calendar days of ordered military service. Employees who are members of the National Guard will continue to receive salary for the first 30 calendar days of active service regardless of length of service with the District.

In addition, the District may provide for not more than 180 calendar days as part of the employee's compensation all of the following:

- The difference between the amount of his/her military pay and allowances and the amount the employee would have received as an employee, including any merit raises that would otherwise have been granted during the time the individual was on active military duty.
- All benefits that he/she would have received had he/she not been called to active military duty unless the benefits are prohibited or limited by vendor contracts.
- Employees returning from military leave shall have their salary adjusted to reflect salary increases that are not based on merit.

Health Benefits

An employee on military leave for less than 31 days shall continue to receive health insurance benefits.

Employees on leave for longer than 30 days may elect to continue health care coverage for themselves and their eligible dependents for a maximum period of 18 months.

Returning veteran employees whose coverage was terminated because of military leave will not be subject to any exclusion or waiting period prior to reinstatement of health coverage.

Vacation and Sick Leave

Employees on military leave accrue any benefits the District provides to other employees, e.g. if employees on other approved leaves are permitted to accrue vacation or sick leave, employees on military leave will do so as well.

Employees on military leave shall accrue any benefits afforded by any collective bargaining agreement negotiated during their absence.

Any employee on temporary military leave for training who has worked for the District for at least one year shall continue to accrue vacation, sick leave and holiday privileges up to a maximum period of 180 days.

Reinstatement

An employee on active duty military leave shall be entitled to return to the position held by him/her at the time of his/her entrance into the service within six months after the employee honorably leaves the service or is placed on inactive duty.

In the case of a contract academic employee, absence on military leave shall not count as part of the service required for the acquisition of tenure, but the absence shall not be construed as a break in the continuity of service. If the employee was employed by the district for more than one year, but had not yet become a regular academic employee of the district, he/she is entitled to return to the position for the period of time his/her contract of employment had to run at the time he or she entered military service.

In the case of an academic employee, absence on military leave shall not be construed as a break in the continuity of service.

In the case of a classified employee, absence on military leave shall not be construed as a break in the continuity of service.

References:

Education Code Sections 87018, 87700, 87832 and 88116;

Military and Veteran's Code Sections 389 et seq;

38 U.S. Code Sections 4301 et seq.

Attachments:

No Attachments



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 Last Approved: N/A
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 Next Review: N/A
 Owner: Human Resources Human Resources
 Policy Area: Chapter 7 Human Resources
 References:

BP 7350 Resignations

(Replaces current SBCCD BP 7350)

• ~~From current SBCCD BP 7350 titled Resignations~~

The Board ~~of Trustees~~ of Trustees shall accept the resignation of any employee and shall fix the time when the resignation takes effect, which shall not be later than the close of the academic year during which the Board has received the resignation.

~~NOTE: Although not legally required, the following language is:~~

~~The Board of Trustees hereby delegates to the Chancellor the authority to accept resignations on its behalf at any time. Resignations shall be deemed accepted by the Board when accepted in writing by the Chancellor. When accepted by the Chancellor, the resignation is final and may not be rescinded. All such resignations shall be forwarded to the Board for ratification.~~ The Board of Trustees hereby delegates to the Chancellor the authority to accept resignations on its behalf at any time. Resignations shall be deemed accepted by the Board when accepted in writing by the Chancellor. When accepted by the Chancellor, the resignation is final and may not be rescinded.

The Chancellor or designee is authorized by the Board of Trustees to accept officially the resignation of any employee.

~~Acceptance of the resignation shall be effective at the time of receipt and approval by the Chancellor or designee, except the Board of Trustees retains the authority to rescind the Chancellor's approval of resignations under this policy.~~

References:

References:

Education Code Sections 87730; ~~and~~ and 88201

Attachments:

- BP 7350 Resignations - Comments
- BP 7350 Resignations - Legal Citations
- BP7350 -OLD.pdf



Origination: N/A
 Last Approved: N/A
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 Next Review: 02/2020
 Owner: Human Resources Human Resources
 Policy Area: Chapter 7 Human Resources
 References: Brand New - optional

AP 7350 Resignations

~~NOTE: BP 7350 titled Resignations spells out the minimum requirements for acceptance of resignation, and delegates the authority to the Superintendent-President to accept a resignation. If there are additional local practices, they can be inserted here.~~

~~Sample from another District~~

Resigning Employees

~~It is customary to give a minimum of two weeks' notice for classified and confidential staff; a minimum of 30 days' notice for management; a minimum of one semester's notice for faculty, OR, at the earliest feasible moment. All notifications must be submitted in writing to the appropriate manager with a copy to Human Resources, who will inform the Superintendent-President.~~
It is customary to give a minimum of two weeks' notice for classified and confidential staff; a minimum of 30 days' notice for management; a minimum of one semester's notice for faculty, OR, at the earliest feasible moment. All notifications must be submitted in writing to the appropriate manager with a copy to Human Resources, who will inform the Chancellor.

~~Sample from another District~~

~~Normally, a resignation is made in writing to the Chancellor:~~

- ~~• stating the employee's desire to resign, and~~
- ~~• giving the employee's intended last day of service.~~

~~The Chancellor will normally accept the resignation and may countersign, denoting his/her acceptance.~~

~~The Board of Trustees will be informed of resignations at the next earliest meeting of the Trustees.~~

~~Once accepted, a resignation may not be withdrawn. The last day of service will be as indicated by the employee in his/her letter of resignation, subject to the approval of the Chancellor~~

~~Sample from another District~~

~~Employees who resign or retire from the District are expected to provide written advance notice. Advance notice of two weeks is appreciated. One month's notice is preferred in the event of a retirement. When notice is given, it should be directed to the employee's department and to Human Resources.~~

~~Individuals who leave employment with the District are expected to return District property, and satisfy outstanding financial or other obligations before the last workday. Administrators are responsible for ensuring~~

~~that all District property is obtained from all terminating employees and that financial obligations are satisfied.~~

~~Upon termination of employment, the supervisor must make appropriate arrangements to discontinue an employee's password and/or access to all District information systems. This may include, but is not limited to, financial, employee, departmental local area network, and student information systems and e-mail accounts. It also includes building and petty cash security system codes and combinations to which the employee may have had access.~~

~~All employees whether they are resigning or retiring must submit a letter of resignation or complete an Employee Separation Form (available on the District website) and submit a copy to his/her department supervisor and send the original to Human Resources.~~

~~The date the resignation will become effective as determined by Human Resources which shall not be later than the last paid day of paid service in the employee's regular assignment. For employees who retire from the District, the resignation date must be prior to the retirement date. The retirement date should be discussed with a PERS/STRS representative.~~

~~All voluntary letters of resignation in lieu of the Employee Separation Form are subject to the approval of the Associate Vice Chancellor of Human Resources. Letters may not include "intention" to resign or retire and may not include "any special conditions of resignation or retirement" outside those already provided in the employee handbooks and/or collective bargaining agreements. Unacceptable letters or resignation forms not complying with policy or these administrative procedures will be returned to the employee with an explanation.~~

~~The District retains the right to negotiate employee resignations when it is determined to be in the best interest of the District and/or the employee. The employee may have a union representative present at these negotiations.~~

~~Once Human Resources receives the resignation document, he/she will date stamp the document as received and prepare an agenda item for subsequent Board of Trustees acceptance. The resignation becomes official when it is accepted by the Board.~~

~~Once the resignation is received by Human Resources, it cannot be rescinded unless approved by the Superintendent-President. Such approval must be in writing on the resignation document and forwarded to Human Resources for action.~~

~~Human Resources will forward a confirmation email or letter to the employee after Board of Trustees action to confirm resignation acceptance and the effective date. Human Resources will include in this letter information on completing the Exit Interview Checklist, submission of all absence report forms, and the Voluntary Exit Interview Questionnaire. The checklist and questionnaire forms are available on the District website.~~

~~Human Resources is responsible for providing appropriate documents to the Payroll Office for terminating employees and providing information to the Benefits Specialist for retiring employees.~~

Retiring Employees

Retiring Employees

~~Retiring employees must submit a letter or separation form to document resignation for the purpose of retiring. If submitting a personal letter, the details must include the specific date of resignation. The retirement date may be noted in the letter but is not required.~~
Retiring employees must submit a letter or separation form to document resignation for the purpose of retiring. If submitting a personal letter, the details must include the specific date of resignation. The retirement date may be noted in the letter but is not required.

~~The retirement date is between the employee and the retirement system. The following information is provided for retiring employees.~~The retirement date is between the employee and the retirement system. The following information is provided for retiring employees.

CalPERS

CalPERS

- ~~Employee must contact CalPERS at 1-888-CalPERS or 1-888-225-7377 to obtain a Service Retirement Election Application and schedule an appointment with a CalPERS counselor.~~Employee must contact CalPERS at 1-888-CalPERS or 1-888-225-7377 to obtain a Service Retirement Election Application and schedule an appointment with a CalPERS counselor.
- ~~Before submitting completed application to CalPERS the employee must contact the Specialist at least 30 days prior to retirement regarding sick leave hours.~~Before submitting completed application to CalPERS the employee must contact the HR Analyst at least 30 days prior to retirement regarding sick leave hours.
- ~~For additional information you may visit the CalPERS website at www.calpers.ca.gov~~For additional information you may visit the CalPERS website at www.calpers.ca.gov

CalSTRS

CalSTRS

- ~~Employee must contact CalSTRS at 1-800-228-5453 to obtain a retirement packet.~~Employee must contact CalSTRS at 1-800-228-5453 to obtain a retirement packet.
- ~~Employee must contact Specialist to obtain an Express Benefits Report to submit with a completed retirement packet to CalSTRS no sooner than the Quarter prior to retirements~~Employee must contact HR Analyst to obtain an Express Benefits Report to submit with a completed retirement packet to CalSTRS no sooner than the Quarter prior to retirements
- ~~Retirement workshops for academic employees are conducted by STRS.~~Retirement workshops for academic employees are conducted by STRS.
- ~~For additional information you may visit the CalSTRS website at www.calstrs.com~~For additional information you may visit the CalSTRS website at www.calstrs.com

References:

References:

~~Education Code Sections 87730 and 88201~~Education Code Sections 87730 and 88201

Attachments:

No Attachments



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Last Approved:	N/A
Last Revised:	N/A
Next Review:	N/A
Owner:	Human Resources Human Resources
Policy Area:	Chapter 7 Human Resources
References:	

BP 7365 Discipline & Dismissal - Classified Employees

(Replaces current SBCCD BP 7365)

~~**NOTE:** Current SBCCD BP 7365 parallels the language recommended by the Policy and Procedure Service.~~

- ~~• From current SBCCD BP 7365 titled Discipline and Dismissal, Classified Employees~~

The Chancellor shall enact procedures for the disciplinary proceedings applicable to all permanent classified employees of the District. Such procedures shall conform to the requirements of the Education Code.

The Board's of Trustees' determination of the sufficiency of the cause for disciplinary action of a classified employee shall be conclusive.

No disciplinary action shall be taken for any cause that arose prior to the employee becoming permanent, or for any cause that arise more than two years preceding the date of the filing of any charge against the employee, unless the cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee should have disclosed the facts to the District.

A permanent member of the classified service shall be subject to disciplinary action, including, but not limited to, oral reprimand, written reprimand, reduction in pay, demotion, suspension, or discharge, for any of the following grounds:

- Fraud in securing employment or making a false statement on an application for employment.
- Incompetence, i.e., inability to comply with the minimum standard of an employee's position for a significant period of time.
- Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee in the position.
- Willful disobedience and insubordination, a willful failure to submit to duly appointed and acting supervision, conform to duly established orders or directions of, or insulting or demeaning the authority of a supervisor or manager.
- Dishonesty involving employment.
- Being impaired by or under the influence of alcohol or illegal drugs or narcotics while on duty, which could impact the ability to do the job.
- Excessive absenteeism.
- Unexcused absence without leave.
- Abuse or misuse of sick leave.
- The conviction of either a misdemeanor or a felony involving moral turpitude shall constitute grounds for

dismissal of any employee. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. A plea or verdict of guilty, or a conviction showing a plea of nolo contendere made to charge a felony or any offense involving moral turpitude, is deemed to be a conviction within the meaning of this Section.

- Discourteous treatment of the public or other employees.
- Improper or unauthorized use of District property.
- Refusal to subscribe to any oath or affirmation which is required by law in connection with District employment.
- Any willful act of conduct undertaken in bad faith, either during or outside of duty hours which is of such a nature that it causes discredit to the District, the employee's department, or division.
- Inattention to duty, tardiness, indolence, carelessness, or negligence in the care and handling of District property.
- Mental or physical impairment which renders the employee unable to perform the essential functions of the job without reasonable accommodation or without presenting a direct threat to the health and safety of self or others.
- Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation to an employee for the performance of his/ or her official duties.
- The refusal of any officer or employee of the District to testify under oath before any court, grand jury, or administrative officer having jurisdiction over any then pending cause of inquiry in which the District is involved. Violation of this provision may constitute of itself sufficient ground for the immediate discharge of such officer or employee.
- Willful violation of policies, procedures, and other rules which may be prescribed by the District, college(s) , or departments.
- Working overtime without authorization.

References:

References:

Education Code Section 88013;
Government Code Sections 3300 et seq.

Attachments:

[BP 7365 Discipline & Dismissal - Classified Employees - Comments](#)
[BP 7365 Discipline & Dismissal - Classified Employees - Legal Citations](#)
[BP7365 -OLD.pdf](#)



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 Next Review: N/A
 Owner: Human Resources Human Resources
 Policy Area: Chapter 7 Human Resources
 References: Brand New - required

AP 7365 Discipline and Dismissal - Classified Employees

~~Discipline and Dismissal - Classified Employees~~

No disciplinary action shall be taken for any cause that arose prior to the employee's becoming permanent, or for any cause that arose more than two years preceding the date of the filing of the notice of cause, unless the cause was concealed or not disclosed by the employee when it could have be reasonably assumed that the employee should have disclosed the facts to the District. Ed Code 88013

~~A permanent member of the classified unit shall be subject to disciplinary action, including but not limited to, informal/verbal warning, written warning, letter of reprimand, and/or further action for any of the following grounds:~~
A permanent member of the classified unit shall be subject to disciplinary action, including but not limited to, informal/verbal warning, written warning, letter of reprimand, and/or further action for any of the following grounds:

Conduct Which is Subject to Disciplinary Action

1. Work Performance
 - A. Any classified employee who fails to maintain satisfactory work performance standards can constitute good cause for disciplinary action, up to and including termination. Work performance includes all aspects of a classified employee's work.
 - B. Work performance is judged by the immediate supervisor's evaluation of the quality and quantity of work performed by each employee. When the work performance does not meet satisfy standards and/or does not comply with the immediate supervisor's instructions will be subject to disciplinary action, up to and including termination.
 - C. The following are examples of work performance subject to disciplinary action. This list is not exhaustive.
 - I. ~~Incompetence, i.e., inability to comply with the minimum standard of an employee's position for a significant period of time.~~ Incompetence, i.e., inability to comply with the minimum standard of an employee's position for a significant period of time.
 - II. ~~Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee within his/her position.~~ Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee within his/her position.

1. Conduct

- A. All classified employees are expected to maintain standards of conduct suitable and acceptable to the work environment. Disciplinary action, up to and including termination may be imposed for unacceptable conduct.
- B. The following are examples of conduct subject to disciplinary action. This list is not exhaustive.
- I. Intentionally falsifying any information supplied to the District, including, but not limited to, information supplied on application forms, employment records, or any other District records
- II. Insubordination including the refusal to perform assigned duties or the refusal to obey a lawful directive from a supervisor.
- III. Dishonesty
- IV. Drinking alcoholic beverages on the job, or reporting to work while intoxicated.
- V. Use of narcotics on the job or reporting to work under the influence. The use of drugs under and consistent with the directions of a physician which does not impair the performance of a classified employee is not prohibited.
- VI. ~~Repeated~~Repeated unexcused absence or tardiness
- VII. ~~Unexcused absence without leave.~~Unexcused absence without leave.
- VIII. ~~Abuse or misuse of leaves.~~Abuse or misuse of leaves.
- IX. ~~The conviction of either a misdemeanor or a felony involving moral turpitude shall constitute grounds for dismissal of any employee. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The Office of Human Resources may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline, or the determination if such conviction is an offense involving moral turpitude. A plea or verdict of guilty, or a conviction showing a plea of nolo contendere made to charge a felony or any offense involving moral turpitude, is deemed to be a conviction within the meaning of this section.~~The conviction of either a misdemeanor or a felony involving moral turpitude shall constitute grounds for dismissal of any employee. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The Office of Human Resources may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline, or the determination if such conviction is an offense involving moral turpitude. A plea or verdict of guilty, or a conviction showing a plea of nolo contendere made to charge a felony or any offense involving moral turpitude, is deemed to be a conviction within the meaning of this section.
- X. ~~Discourteous treatment of the public or other employees.~~Discourteous treatment of the public or other employees.
- XI. ~~Improper or unauthorized use of District property.~~Improper or unauthorized use of District property.
Carelessness or negligence in the care and/or use of District property
- XII. ~~Refusal to subscribe to any oath or affirmation that is required by law in connection with District employment.~~Refusal to subscribe to any oath or affirmation that is required by law in connection with District employment.
- XIII. ~~Any willful act of conduct undertaken in bad faith, either during or outside of duty hours which is of such a nature that it causes discredit to the District, the employee's department or division.~~Any willful act of conduct undertaken in bad faith, either during or outside of duty hours which is of such a nature that it causes discredit to the District, the employee's department or division.

- XIV. ~~Violation of the rules and regulations published in any department.~~Violation of the rules and regulations published in any department.
- XV. Offering of anything of value or offering any service in exchange for special treatment in connection with the classified employee's assigned duties, or the accepting of value or any service in exchange for granting any special treatment to another employee or to any member of the public.
- XVI. ~~The refusal of any officer or employee of the District to testify under oath before any court, grand jury, or administrative officer having jurisdiction over any then pending cause of inquiry in which the District is involved. Violation of this provision may constitute of itself sufficient ground for the immediate discharge of such officer or employee.~~The refusal of any officer or employee of the District to testify under oath before any court, grand jury, or administrative officer having jurisdiction over any then pending cause of inquiry in which the District is involved. Violation of this provision may constitute of itself sufficient ground for the immediate discharge of such officer or employee.
- XVII. Negligent or intentional violation of any law concerning the District.
- XVIII. Engaging during required work time in political activity not authorized by law. ~~Example: Those campaigning for or espousing the election or non election of any candidate in national, state, county or municipal elections while on duty and/or during working hours or the dissemination of political material of any kind while on duty and/or during working hours.~~Example: Those campaigning for or espousing the election or non election of any candidate in national, state, county or municipal elections while on duty and/or during working hours or the dissemination of political material of any kind while on duty and/or during working hours.
- XIX. ~~Working overtime without authorization~~Working overtime without authorization.
- XX. ~~The refusal of any officer and or employee of the District to participate and/or fully cooperate in any investigation. Violation of this provision may constitute insubordination and may be grounds for discipline action, up to and including termination.~~The refusal of any officer and or employee of the District to participate and/or fully cooperate in any investigation. Violation of this provision may constitute insubordination and may be grounds for discipline action, up to and including termination.
- XXI. ~~Persistent violation of, or refusal to obey, the school laws of the state or reasonable regulations prescribed for the government of the District by the board of governors or by the governing board of the District employing him or her.~~Persistent violation of, or refusal to obey, the school laws of the state or reasonable regulations prescribed for the government of the District by the board of governors or by the governing board of the District employing him or her.
- XXII. ~~Discourteous offensive, or abusive conduct or language toward other employees, students, or the public.~~Discourteous offensive, or abusive conduct or language toward other employees, students, or the public.
- XXIII. ~~Advocacy of overthrow of federal, state or local government by force, violence or other unlawful means.~~Advocacy of overthrow of federal, state or local government by force, violence or other unlawful means.
- XXIV. Personal conduct of an unlawful nature or other conduct which a reasonable person would know may have adverse impact on the District.

Disciplinary Actions

Disciplinary Actions

Disciplinary action taken by the District against a permanent member of the classified unit may include, but not be limited to informal/verbal warning, written warning, letter of reprimand, and the following:

- ~~Reduction in pay or demotion~~ Reduction in pay or demotion
- ~~Suspension~~ Suspension
- ~~Reduction hours~~ Reduction hours
- ~~Transfer/reassignment without the unit member's voluntary consent~~ Transfer/reassignment without the unit member's voluntary consent
- ~~Termination~~ Termination

Prior to imposing formal disciplinary action upon a classified unit member, the District shall follow the principles of progressive discipline. Exceptions to progressive discipline include serious cases of misconduct, or cause as defined in Article 17.11 or clauses as defined in this Board Policy. Discipline includes, but is not limited to, oral warning, written warning, written reprimand, suspension without pay, and may lead to termination.

Step 1 – Informal Conference. Prior to any formal discipline action, the member's immediate supervisor shall notify the classified employee of the deficiencies in his or her job performance that has been observed. The supervisor shall identify improvements needed and how the classified employee may improve his or her performance. The supervisor shall provide a written improvement plan including coaching and training, as needed, to address the identified deficiencies. The unit member's performance must be reviewed within sixty (6) days to document the unit member's progress, including any recommendations for continued success. Documentation of the coaching shall not be placed in the unit member's personnel file, but may be used as supporting documentation in later steps.

Step 2 – Verbal Warning. If the deficiencies identified in Step 1 have not been improved, the unit member may receive a verbal warning. The verbal warning shall consist of the unit member's specific deficient performance and further direction for improvement(s). The verbal warning shall not include incidents or deficiencies that were not discussed in the Step 1 level. Documentation of the verbal warning shall be acknowledged by the member and supervisor with copies to both and shall not be placed in the unit member's personnel file, but may be used as supporting documentation in later steps.

Step 3 – Written Warning. If deficiencies identified in Step 2 have not improved, the unit member may receive a written warning. The supervisor shall prepare and send a written warning letter to the bargaining unit member and the CSEA Chapter President or designee. The letter shall consist of the unit member's specific deficient performance and further direction for improvements. The written warning shall not include incidents or deficiencies that were not discussed in the Step 2 level. Documentation of the written warning shall be placed in the unit member's personnel file.

Step 4 – Letter of Reprimand. If deficiencies identified in Step 3 have not improved, the unit member's immediate supervisor may prepare a written letter of reprimand and send the letter to the unit member and the CSEA Chapter President or designee. The letter of reprimand shall outline those specific areas or incidents of the unit member's deficient performance and a written improvement plan where appropriate for deficiencies of job performances. The letter of reprimand shall not include any incidents or deficiencies that were not included in the Step 3 level. The Letter of Reprimand shall not be placed in the unit member's personnel file until he or she has been given thirty (30) working days to respond.

Step 5 – Suspension. If deficiencies identified in Step 4 have not improved, the immediate supervisor may make a recommendation to the Vice Chancellor of Human Resources or designee that the unit member's deficient performance may warrant a suspension without pay for a period not to exceed five (5) days, as deemed appropriate. Copies of the recommendation shall be sent to the unit member and the CSEA Chapter President and placed in the unit members' personnel file. A notice of the suspension shall be prepared and subject to the disciplinary procedures outlined below in Procedures for Disciplinary Action and Appeal.

Step 6 – Further Action. If deficiencies identified in Step 5 have not improved after the above procedures have been followed, the Vice Chancellor of Human Resources or designee may recommend further disciplinary action be taken against the unit member. Additional discipline may include: demotion, suspension, reduction in hours, transfer or reassignment without the unit member's voluntary consent, written reprimand, or termination. Copies of the recommendation shall be sent to the unit member and the CSEA Chapter President. A notice of the recommendation for further action shall be prepared and subject to the disciplinary procedures outlined below in Procedures for Disciplinary Action and Appeal and placed in the unit members' personnel file.

Additional discipline may include: demotion, suspension, reduction in hours, transfer or reassignment without the unit member's voluntary consent, written reprimand, or termination.

~~Procedure for Disciplinary Action and Appeal~~

Procedure for Disciplinary Action and Appeal

The District may, for disciplinary purposes, may demote, suspend, reduce hours, transfer or reassign without the unit member's voluntary consent, or terminate employee holding a position in the classified unit. Demotion shall include reduction in pay from a step within the class to one or more lower steps.

For classified employees demoted, suspended, reduction in hours, transfer or reassign, or terminated the District shall follow a pre-disciplinary procedure as follows:

~~Due Process~~

Due Process

Whenever disciplinary action is being proposed against a unit member, the District must comply with the procedural due process requirements. A unit member shall be given a written notice of discipline, which sets forth the following:

- Notice of the proposed action,
- Cause for the action,
- A statement of the charges signed by the Vice Chancellor of Human Resources or designee setting forth in clear and understandable language the specific act(s), error(s), or omission(s) giving rise to the charges,
- A copy of all materials including statements on which the district relied upon preparing the notice of intent to discipline,
- Copies of any sections of this contract, rules, regulations, or laws which are alleged to have been violated,
- Notice of the right to respond to the charges either verbally or in writing prior to imposed discipline,
- The right to representation at all phases of the disciplinary process, and
- Statement of the employee's right to hearing(s).

~~Appeal and Request for Hearing~~

Appeal and Request for Hearing

Right to a Pre-Disciplinary Meeting (Skelly Conference). The "notice of proposed discipline" shall inform the unit member of his/her right to request a pre-disciplinary meeting (Skelly Conference) prior to the imposition of the discipline. In the event of the unit member's timely request of a pre-disciplinary meeting (Skelly Conference), such a meeting shall be held no sooner than (5) days but within a reasonable period of time of upon the unit member's request. At such a meeting the unit member shall be granted a reasonable opportunity, either in person or in writing, to make any representations the unit member believes are relevant to the case and put forth any information as to why the intended action should not proceed.

If a pre-disciplinary hearing is held, the District shall provide the CSEA President or designee and unit member with a written notification of the Skelly Officer's recommendation to either continue, amend, reduce, or dismiss the proposed discipline within ten (10) days.

Subject to the outcome of the pre-disciplinary hearing (Skelly) referenced above, the discipline will commence following the outcome of that pre-disciplinary hearing (Skelly) or, if no pre-disciplinary hearing (Skelly) is requested, on the sixth calendar day following receipt of this notice. If unit member timely request an evidentiary hearing, as addressed above, such a hearing would occur following the commencement of discipline.

Right to an Evidentiary Hearing. The "Notice of Proposed Discipline" shall inform the unit member of his/her right to request an evidentiary hearing after a decision is provided resulting from the pre-disciplinary meeting (Skelly Conference). Unit members' have the right, upon request, to an evidentiary hearing before the disciplinary action is final.

~~request an evidentiary hearing after a decision is provided resulting from the pre-disciplinary meeting (Skelly Conference). Unit members' have the right, upon request, to an evidentiary hearing before the disciplinary action is final.~~

~~Such request for an evidentiary hearing must be made in writing within five (5) days from receipt of the "Notice of~~

~~Proposed Discipline" and must be actually received by the Vice Chancellor of Human Resources or designee no later~~

~~than five (5) days after notice is delivered. If the unit member requests an evidentiary hearing within the five (5) day~~

~~period, at such hearing the unit member will be provided an opportunity to present oral and/or documentary evidence,~~

~~confront and cross examine witnesses and to represented by a representative of his/her choice. No evidentiary hearing~~

~~shall be held unless written notice is delivered to the Vice Chancellor of Human Resources or designee within five (5)~~

~~days of the date this notice is served on the unit member.~~

~~Failure to file a timely request for an evidentiary hearing waives the unity members' right to an evidentiary~~

~~hearing and~~

~~no hearing will be held.~~

Such request for an evidentiary hearing must be made in writing within five (5) days from receipt of the "Notice of Proposed Discipline" and must be actually received by the Vice Chancellor of Human Resources or designee no later than five (5) days after notice is delivered. If the unit member requests an evidentiary hearing within the five (5) day period, at such hearing the unit member will be provided an opportunity to present oral and/or documentary evidence, confront and cross examine witnesses and to be represented by a representative of his/her choice. No evidentiary hearing shall be held unless written notice is delivered to the Vice Chancellor of Human Resources or designee within five (5) days of the date this notice is served on the unit member. Failure to file a timely request for an evidentiary hearing waives the unit members' right to an evidentiary hearing and no hearing will be held.

Member's Right During an Evidentiary Hearing.

- Evidentiary Hearing: All evidentiary hearings shall be conducted by a neutral hearing officer who shall be mutually agreed upon within twenty (20) days by the District and CSEA Association. In the event the parties are unable to reach an agreement on the hearing officer within twenty (20) days from the date of the request for the hearing, a request for a list of five (5) qualified hearing officers will be submitted to the California Mediation and Conciliation Service by the District. The Hearing Officer will be selected from the aforementioned list by alternate strike off. The first strike off will be determined by chance then each party will strike one name from the list until only one name remains. The remaining hearing officer will conduct the hearing. The hearing shall be conducted under rules of procedure established by the hearing officer which are consistent with the law. Both the District and CSEA Association shall have the right to call witnesses, introduce evidence, cross examine any witness, and make motions or objections to the proceedings. All hearings shall be closed to the public unless the affected unit member specifically requests that the hearing be open to the public.
- Witnesses and Evidence: The hearing officer shall have the authority to compel the production of such witnesses and evidence as may be necessary to ensure that the bargaining unit member's due process rights are protected. The technical rules of evidence shall not apply. Hearsay evidence may be submitted to support direct evidence, but may not be sufficient standing alone to support a finding
- Following the Evidentiary Hearing, the Hearing Officer shall render his or her findings, and decision, which shall be served on both parties. The Hearing Officer's decision is a recommendation only and is not binding.
- Unit member have the right to an evidentiary hearing before a neutral hearing officer; however, the Governing Board's determination of the sufficiency of the cause of disciplinary action shall be conclusive.

~~Decision of the Board to be Final~~

Decision of the Board to be Final

The decision of the Board of Trustees in all cases shall be final. The Board may sustain or reject any or all of the charges filed against the employee. The Board may sustain, reject or modify the disciplinary action invoked against the employee. In those cases where the Board has received a proposed decision from a hearing officer or Administrative Law Judge, the Board may adopt the proposed decision, modify the proposed decision or render a new decision. If the Board recommends reinstatement of the terminated employee, the employee is only entitled to back pay minus the sum the employee has earned during the period of absence.

~~Record Filed~~

Record Filed

When final action is taken, the documents shall be placed in the employee's personnel file.

~~References:~~

References:

Education Code Section 88013; Government Code Sections 3300 et seq.

~~Government Code Sections 3300 et seq.~~

Attachments:

No Attachments



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Policy Area:	<i>Chapter 7 Human Resources</i>
References:	

BP 7370 Political Activity

(Replaces current SBCCD BP 7370)

~~**NOTE:** Current SBCCD BP 7370 parallels the language recommended by the Policy and Procedure Service.~~

- ~~• From current SBCCD BP 7370 titled Political Activity~~

Employees shall not use District funds, services, supplies, or equipment to urge the passage or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the ~~*governing board*~~ **Board of Trustees**Board of Trustees.

This policy prohibits political activity during an employee's working hours, but shall not be construed to prohibit an employee from urging the support or defeat of a ballot measure or candidate during nonworking time.

References:

References:

Education Code Sections 7054, and 7056;
Government Code Section 8314

Attachments:

BP 2716 Political Activity.docx
 BP 7370 Political Activity - Comments
 BP 7370 Political Activity - Legal Citations
 BP7370 -OLD.pdf



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

AP 7370 Political Activity

~~*NOTE: This procedure is legally advised. Local procedure may be inserted, but should comply with these minimum requirements as excerpted from statute.*~~

No restriction shall be placed on the political activities of any employee of the District except as provided in Board policy and these procedures.

No District funds, services, supplies, or equipment may be used to urge the support or defeat of any ballot measure or candidate, including but not limited to any candidate for election to the Board of Trustees.

District resources may be used to provide information to the public about the possible effects of a bond issue or other ballot measure if both the following conditions are met:

- The informational activities are otherwise authorized by the Constitution or laws of the State of California; and
- The information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.

Any administrator or Board member may appear before a citizens' group that requests the appearance to discuss the reasons why the Board called an election to submit to the voters a proposition for the issuance of bonds, and to respond to inquiries from the citizens' group.

An officer or employee of the District may solicit or receive political funds or contributions to promote the support or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of officers or employees of the District. Such activities are prohibited during working hours, and entry into buildings and grounds of the District during working hours is prohibited. Such activities are permitted during nonworking time. "Nonworking time" means time outside an employees' working hours, whether before or after the work day or during the employees' lunch period or other breaks during the day.

References:

References:

Education Code Sections 7050 et seq.

Attachments:

No Attachments



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

AP 7371 Personal Use of Public Resources

~~*NOTE: This procedure is legally required.*~~

No employee or consultant shall use or permit others to use public resources, except that which is incidental and minimal, for personal purposes or any other purpose not authorized by law.

Also see BP 2717 titled Personal Use of Public Resources

~~References:~~

References:

Government Code Section 8314; [Penal Code Section 424](#)

~~[Penal Code Section 424](#)~~

Attachments:

No Attachments



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References:	<i>Legally Required</i>

BP 7400 Travel

(Replaces current SBCCD BP 7400)

The Chancellor is authorized to attend conferences, meetings and other activities that are appropriate to the functions of the District.

The Chancellor shall establish procedures regarding the attendance of other employees at conferences, meetings, or activities. The procedures shall include authorized expenses, advance of funds, and reimbursement.

~~All travel outside the state of California and with expenses over \$1,000 must be approved in advance by the Board.~~

If total estimated travel expenses exceed \$5,000 per person, or travel is outside the contiguous United States, travel must have prior Board approval..

Reference:

Education Code Section 87032; Government Code Section 11139.8

Attachments:

[BP 2735 Board Member Travel.docx](#)
[BP 7400 Travel- Comments](#)
[BP 7400 Travel- Legal Citations](#)
[SBCCD - Overview for Legal Update 31 Final Version.docx](#)



Origination: N/A
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Next Review: N/A
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Policy Area: Chapter 7 Human Resources
References: Legally Advised

AP 7400 Travel

(Replaces current SBCCD AP 7400)

A. Definition

Travel includes:

1. Attendance at workshops, seminars, conventions, conferences, or other meetings of interest to the District; and/or
2. The required use of a personal vehicle in the performance of an employee's duty.

B. Approval

1. Any travel, which involves reimbursable expenses in excess of \$1,000 and all travel outside of California shall be approved by the Board of Trustees prior to the onset of the travel.
2. Travel within the state with reimbursable expenses of \$1,000 or less must be approved by the College President or designee for campus employees, or the Chancellor or designee for District site employees. Travel for the Chancellor must be approved by the Board President or other designated Board member subject to the above conditions.
3. Any exception must be approved by the Chancellor or designee for employees and the Board President or designee for the Chancellor.

C. Request for Conference Attendances

If travel involves costs to the District other than mileage or the employee's salary while absent from work, a "Request for Conference Attendance" Form shall be prepared by the employee and shall include a detailed cost estimate. Upon approval of conference attendance request, a purchase requisition must be prepared at 100% of estimated travel expenses. Travel costs must be fully funded at time of request.

D. Travel Advances

1. A travel advance must be requested on the Travel Form (AC 10) and requires approval by the Chancellor or designee. A travel advance shall not exceed 80% of the anticipated expenses unless conference literature, travel registrations, and hotel brochures indicate actual cost, in which case a request for 100% will be considered, upon written request.
2. If travel requires Board approval, advance request will not be processed until approval by Board of Trustees.
3. All advances must be followed by a resubmission of the Travel Form (AC 10) within thirty (30) days

~~from completion of travel whether or not the claim exceeds the advance. If an advance exceeds actual cost, the claimant shall reimburse the District for the excess within thirty (30) days. Claims submitted to accounts payable after 30 calendar days from completion of travel may be denied.~~

- ~~4. No advance may be allowed if the Travel Form for a previous advance was not filed within the allotted thirty (30) days or if a prior advance has not been resolved.~~

E. Travel Claims

- ~~1. Whenever travel is properly authorized and costs are incurred, a claim may be filed using a Travel Form (AC-10) which shows in detail all expenditures incurred. Itemized receipts for eligible expenses must be attached to the claim form.~~
- ~~2. The claimant shall certify by signing the Travel Form (AC-10) that all amounts claimed were actual and necessary, that the expenses were for the benefit of the claimant only and only allowable expenses are included. Claims shall be filed within thirty (30) calendar days after return from travel. Claims submitted to accounts payable after 30 calendar days may be denied.~~
- ~~3. A receipt may be one of the following:
 - ~~▪ An itemized invoice or bill stamped PAID by the vendor;~~
 - ~~▪ A photocopy of a canceled check showing both front and back may be used provided itemization is attached;~~
 - ~~▪ An itemized receipt or invoice prepared by the party furnishing the material or service, showing the amount of money received.~~~~

F. Mileage

~~Please refer to AP 7450 for mileage rate and calculation.~~

G. Meals

~~Maximum reimbursement shall be based upon flat rate daily per diem rates for the Los Angeles Orange County area as established by the U.S. General Services Administration (www.gsa.gov/perdiem). The applicable GSA daily per diem rates shall apply for full days of travel. For first and last days of travel, 75% of the applicable GSA daily per diem rates will apply. The rates shall be updated in accordance with GSA per diem adjustments, which normally occur annually. Reimbursement shall be based upon actual and necessary meal costs, including tax and gratuity. A maximum acceptable gratuity is 20% of allowable meal expenses and taxes. Itemized receipts are required.~~

H. Lodging

~~Lodging shall be reimbursed for authorized overnight travel. Reimbursement shall not exceed the rate for single occupancy lodging. Itemized bills, showing all charges with proof of payment is required.~~

~~Reimbursable lodging expense include room rental charges, fees and taxes; internet access fees; fax fees and business related phone usage.~~

I. Transportation

~~Private or other mode of transportation shall not exceed the lowest cost of air transportation to the same destination. Streetcar, ferry, taxi and bus fares, bridge and road tolls, mileage for one round trip to nearest airport, or parking charges incurred while on approved travel may be claimed for reimbursement when properly itemized on claim forms. Receipt is required.~~

~~J. Registration/Conference Fees~~

~~Registration fees are authorized. Conference fees for business related events only shall be reimbursed. Receipts are required.~~

~~K. Portorage~~

~~Reasonable portorage or baggage handling costs are allowed. Receipt is required.~~

~~L. Incidentals~~

~~Other incidental minor costs, as claimed, may be approved by the Chancellor, or his designee, provided such other costs are explained in detail and do not include personal expenses, such as toothpaste, razor blades, or laundry. Receipt is required.~~

~~M. Telephone and/or Internet~~

~~Telephone and/or Internet expenses are permitted for college business purposes only. Receipt is required.~~

~~N. Unallowable Travel Expenses~~

~~Travel expenses which are not "actual and necessary" shall not be reimbursed. Examples are alcohol, movie rentals, personal phone calls and fees for social/recreational activities.~~

~~O. Federal Awards Requirements~~

~~The District reimburses expenses for transportation, lodging, and related items incurred by employees who travel on official business of the District. For travel associated with federal awards, costs incurred by employees and officers must be reasonable and otherwise allowable to the extent such costs do not exceed charges normally allowed by the District in its regular operations as the result of the District's written travel policy.~~

~~If the District charges these costs directly to a federal award, documentation justify that participation of the individual is necessary to the federal award, and that costs are reasonable and consistent with District's travel policy.~~

A. Application

This procedure should be followed when travel is for District employees or individual student travelers.

Travel includes:

1. Attendance at workshops, seminars, conventions, conferences, webinars, or other meetings of interest to the District; overnight student travel to conferences; and/or
2. The required use of a personal vehicle in the performance of an employee's duty.

B. Travel Requests

1. Travel for employees or students must be requested using the SBCCD Travel/Conference Request and Claim Form (Section A). Travel must be approved by the appropriate administrators prior to the onset of travel and prior to incurring any travel related expenses.
2. A student traveler must include his or her student ID on the SBCCD Travel Conference Request and

Claim Form (Subsection A.1).

3. The SBCCD Travel/Conference Request and Claim Form, including a detailed cost estimate, must be prepared if travel involves costs other than mileage or the employee's salary while absent from work. All costs must be included, including those on the Cal-card.
4. The traveler or designee must also prepare a purchase requisition(s) in the District's financial system to ensure sufficient funds are encumbered for the trip. The traveler should list the purchase requisition number(s) on the SBCCD Travel/Conference Request and Claim Form (Section A) and then electronically route the form to the appropriate administrator, as defined in this Administrative Procedure, for electronic approval. Before submitting the purchase requisition, the traveler must electronically attach the SBCCD Travel/Conference Request and Claim Form, with Section A approved by the appropriate administrator, to the purchase requisition.

Non-Oracle Users: The traveler or designee must submit purchase requisitions to cover 100% of estimated travel expenses. All estimated expenses reimbursable to the traveler must be on a single purchase requisition. Any estimated expenses that will be charged to the Cal-card must be on a separate purchase requisition. If any expenses will be prepaid by the District consistent with Part D of this procedure, the traveler must prepare a separate PR for each vendor.

Oracle Users: The traveler or designee must submit a single purchase requisition in Oracle that covers 100% of estimated travel expenses, including Cal-card expenses.

5. Once submitted, the purchase requisition is automatically routed to the appropriate Responsibility Center Manager(s) for approval and then to Business Services for final approval. Please note: If Board approval is required, Business Services will not approve travel until Board approval is obtained.
6. A request to travel has been completely approved only if an approved purchase order is in place. The traveler must ensure that approved purchase orders to encumber sufficient funds are in place prior to requesting a travel advance or prepayment of expenses and prior to incurring any travel related expenses.

C. Travel Requests - Required Approvals

Travel requests must be approved by the appropriate administrator and documented on the SBCCD Travel/Conference Request and Claim Form (Section A). The appropriate administrator is:

- For employee travel, the traveler's immediate supervisor
- For student travel, the College President
- For the Chancellor's travel, the Board President or other designated Board Member

Additionally, travel requests must be approved by the Responsibility Center Manager(s) and Business Services. Approvals from the Responsibility Center Manager(s) and Business Services are obtained through the electronic routing of the purchase requisition in the District's financial system.

If total estimated travel expenses exceed \$5,000 per person, or travel is outside the contiguous United States, travel must also have **prior Board approval** in addition to the approvals noted above. Travel approval should be listed under the board agenda conference attendance section.

The Chancellor or designee may approve any exceptions for employees or students. Any exceptions for the Chancellor must be approved by the Board President or designee.

D. District Prepaid Expenses

The following are the only expenses that may be paid in advance by a District check payable to vendors other than the traveler:

- Conference registration for employees or students.
- Hotel for students only.

Requests to pay travel expenses in advance must be listed on the SBCCD Travel/Conference Request and Claim Form (Section A). For processing of prepayment, the SBCCD Travel/Conference Request and Claim Form (Section A) must be submitted to sbccdapd@sbccd.org (Accounts Payable Department) with the corresponding purchase requisition number, approval by the appropriate administrator, and adequate documentation including:

- Conference literature;
- Conference registration form/brochure or confirmation showing fees if requesting prepayment of conference registration;
- Hotel quotes and hotel confirmation if requesting prepayment of student hotel expense;
- Pro forma invoice or invoice provided by vendor if available.

E. Travel Advance Payable to the Traveler

1. A request for a travel advance will only be considered if estimated travel expenses include reimbursable expenses other than mileage and/or meals.
2. **Non-Oracle Users:** Each traveler must request a travel advance on the SBCCD Travel/Conference Request and Claim Form (Section B), electronically sign Section B and attach all required documentation, and email the request to sbccdapd@sbccd.org (Accounts Payable Department). **Oracle Users:** Traveler must request a travel advance through the Oracle Expense Module and electronically attach all required documentation to his or her request.
3. All travel advance requests must be accompanied by the following required documentation:
 - Proper approval to travel and PR number (on the SBCCD Travel/Conference Request and Claim Form, Section A);
 - Conference literature; and
 - Support for all estimated travel-related expenses. This may include conference registration brochure showing registration fees or confirmation; quote for airfare; quote for nightly lodging rate, quote for rental car or shuttle service; MapQuest or Google Maps printout showing total mileage; etc.
4. The travel advance must only be used for reimbursable travel expenses necessary in attending to District business.
5. A travel advance must not exceed 80% of the anticipated expenses unless actual payments have been made and are substantiated in which case a request for 100% will be considered, upon written request.
6. Employees with Cal Cards may not request advances.
7. If travel requires Board approval, no advance request will be processed until approved by the Board of Trustees.
8. All advances must be followed by a resubmission of the SBCCD Travel/Conference Request and

Claim Form or by submitting an Expense Report in Oracle within thirty (30) calendar days of the trip end date. If an advance exceeds actual cost, the claimant must reimburse the District upon submission of the SBCCD Travel/Conference Request and Claim Form.

9. If the trip is cancelled, the requestor will return the advance to Fiscal Services within three (3) business days from the date of cancellation.
10. Employees and students may not have more than two (2) travel advances open at any given time. A travel advance request may be rejected if travel claims from a previous trip have not been submitted in accordance with these procedures.
11. By receiving a travel advance, the requestor authorizes the Payroll Department to automatically deduct the travel advance from the requestor's payroll check or place a hold on the requestor's student records (if applicable) should the requestor fail to return monies owed to the District or fail to submit a completed SBCCD Travel/Conference Request and Claim Form or Expense Report in Oracle in accordance with these procedures.

F. Travel Claims

1. Whenever travel is properly authorized and costs are incurred, a claim must be filed showing in detail all actual expenditures. The claim must be submitted with all required claim support including:
 - Proper approval to travel and the corresponding PR number(s) (Section A of the SBCCD Travel/Conference Request and Claim Form);
 - Conference literature; and
 - Itemized receipts or invoices for all actual and eligible expenses. Mileage must be supported by a MapQuest or Google Maps printout showing total mileage.

Non-Oracle User: Each traveler must file his or her travel claim electronically by resubmitting the SBCCD Travel/Conference Request and Claim Form with all required claim support to sbccdapd@sbccd.org (Accounts Payable Department).

Oracle User: Traveler must file his or her travel claim by submitting an Expense Report and attaching all required claim support in Oracle.
2. The traveler must certify that all amounts claimed were actual and necessary, and that only allowable expenses are included.
3. If the traveler paid for another employee's or student's expenses, and the expense is reimbursable, the traveler must obtain a signed waiver from each person for whom the traveler paid for. The signed waivers must be attached to the SBCCD Travel/Conference Request and Claim Form or the Expense Report when submitted.
4. **Non-Oracle User:** After the traveler has completed the SBCCD Travel/Conference Request and Claim Form, the form must be reviewed and electronically signed by the traveler's supervisor if the traveler is an employee, or the Responsibility Center Manager if the traveler is a student.

Oracle User: Once an Expense Report is submitted, it will be automatically routed for proper approvals.
5. If total travel expenses (including any advances) exceed the approved cost estimate in Section A, a change order must be requested and approved by the Responsibility Center Manager to increase the purchase order.
6. Claims must be filed within thirty (30) calendar days after return from travel. Claims submitted after 30 calendar days may be denied.
7. A receipt must be an itemized bill or invoice from the vendor showing proof of payment (e.g. invoice

stamped PAID or showing the amount of money received). A photocopy of a cancelled check showing both front and back can also be submitted with the vendor's itemized bill or invoice to prove the vendor was paid.

G. Mileage

Please refer to AP 7450 for mileage rate and calculation.

H. Meals and Incidentals

Reimbursement shall be based on per diem rates for the San Francisco area as established by the U.S. General Services Administration (www.gsa.gov/perdiem). The applicable GSA per diem rates shall apply for all days of business travel. The rates shall be updated in accordance with GSA per diem adjustments, which normally occur annually. Meals are not reimbursable if provided at the conference or event. Itemized receipts are not required for meals. Cal-card users will be reimbursed for meal expenses that appear on the Cal-card statement up to the per diem rate. Incidentals include fees and tips given to porters, baggage carriers, and hotel staff.

I. Lodging

Travelers are expected to use lodging that is necessary and reasonable, selecting the lowest standard room rates available. Travelers attending a conference should make reservations early enough to take advantage of conference rates.

Lodging shall be reimbursed for authorized overnight travel. Reimbursement shall not exceed the rate for single occupancy lodging. Itemized bills, showing all charges with proof of payment is required. Reimbursable lodging expense include room rental charges, fees and taxes; internet access fees; fax fees and business related phone usage.

J. Transportation

Private or other mode of transportation shall not exceed the lowest cost of air transportation to the same destination. Purchasing refundable airline tickets is prohibited, unless there is a valid business reason and it is approved by a supervisor.

Streetcar, ferry, taxi and bus fares, bridge and road tolls, mileage for one round trip to nearest airport, or parking charges incurred while on approved travel may be claimed for reimbursement when properly itemized. Receipt is required.

Toll fees only payable by Internet must be paid by the traveler and are reimbursable.

Necessary rental car expenses (including fuel and insurance) are reimbursable, not to exceed the costs of Compact class cars, unless there is a valid business reason and it is approved by a supervisor.

Itemized receipts for all transportation expenses are required.

K. Registration/Conference Fees

Event registration fees will only be reimbursed if the event is related to the traveler's employment at the District and for the benefit of the District. Student travel must serve an educational purpose. Itemized

receipts are required.

Conference literature must be submitted with the SBCCD Travel/Conference Request and Claim Form, or attached to the Expense Report in Oracle. Conference literature must include the cost, dates, location of the event, and the conference agenda, program, or description.

L. Miscellaneous Expenses

Miscellaneous expenses are reimbursable when they are ordinary and necessary to accomplish the official business purpose of a trip. Explanation for these expenses must be attached. Itemized receipts are required. These expenses include reasonable telephone charges, internet charges, and postage, only if necessary for business purposes. These expenses do not include personal expenses such as toothpaste, razor blades, or laundry.

M. Unallowable Travel Expenses

Travel expenses which are not "actual and necessary" shall not be reimbursed. Examples are alcohol; personal domestic ATM/credit card fees; traffic, parking or toll citations; movie rentals; personal phone calls; early check in fees; fees for social/recreational activities; and gratuities in excess of 20%.

No reimbursement for lodging or subsistence shall be paid to an employee for travel to a destination for his/her own convenience in advance of the necessary time of arrival, or if he/she remains at the destination following a meeting/conference.

N. Federal Awards Requirements

The District reimburses expenses for transportation, lodging, and related items incurred by employees who travel on official business of the District. For travel associated with federal awards, costs incurred by employees and officers must be reasonable and otherwise allowable to the extent such costs do not exceed charges normally allowed by the District in its regular operations as the result of the District's written travel policy.

If the District charges these costs directly to a federal award, documentation justify that participation of the individual is necessary to the federal award, and that costs are reasonable and consistent with District's travel policy.

Reference:

Education Code Section 87032

Code of Federal Regulations, Title 2, 200.474

Attachments:

[AP 2735 Board Member Travel.docx](#)

[AP 7400 Travel- Comments](#)

[AP 7400 Travel- Legal Citations](#)

[SBCCD - Overview for Legal Update 31 Final Version.docx](#)



Origination: N/A
 Last Approved: N/A
 Last Revised: N/A
 Next Review: 04/2019
 Owner: *Academic Senates Academic Senates*
 Policy Area: *Chapter 4 Academic Affairs*
 References:

AP 4104 Contract Education

~~The District may contract for instructional classes to be offered at the request of public or private agencies or groups.~~ The District may contract for instructional classes to be offered at the request of public or private agencies or groups.

The purpose of contract education is to help the district build capacity to deliver training and services that enhance businesses, the workforce, and the local economy. The goals for contract education include: increased revenue to the district, increased system support for economic and workforce development, and increased retention of economic and workforce development professionals.

Contract education classes may be offered for credit, noncredit or not-for-credit as requested by the outside agency or group. Credit and non-credit contract education courses may be offered by either college.

No state apportionment shall be requested for classes compensated by another public or private agency, corporation, or other body or person.

An agreement between the district and the identified public or private agency, corporation, or other body or person shall be developed and approved by the Board of Trustees.

The agreement shall identify the classes to be taught and the amount of money to be paid to the district. No general fund money shall be utilized for contract education classes.

The district business and fiscal services department shall invoice the agency for all contract education classes as per the billing cycle delineated in the contract education agreement.

When contract education involves academic credit classes, or noncredit classes faculty appointments will be consistent with minimum qualifications, and curriculum approval processes and registration procedures for all students will be followed.

Reference:

Title 5 Section 55170

Attachments:

No Attachments



Origination:	N/A
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Next Review:	N/A
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References:	Legally Required

AP 4222 Remedial Coursework

(Replaces current SBCCD AP 4222)

A. Course Definition

Remedial coursework refers to non - degree, pre - collegiate, basic skills offered for college credit to include reading, writing, computation, learning skills, study skills, and English as a Second Language designed to ensure acquisition of those skills necessary for successful completion of associate degree, transfer, and occupational courses. A student's need for remedial coursework shall be determined using appropriate assessment instruments, methods, or procedures.

B. Remedial English or Mathematics Coursework

No student shall be required to enroll in remedial English or mathematics coursework that lengthens their time to complete a degree unless placement research that includes consideration of high school grade point average and coursework, shows that those students are highly unlikely to success in transfer-level coursework in English and mathematics. A student may be required to enroll in additional concurrent support, including additional language support for English as a Second Language students, during the same semester that they take a transfer-level English or mathematics course, but only if the college determines the support will increase their likelihood of passing the transfer-level English or mathematics course. The college shall minimize the impact on student financial aid and unit requirements for the degree by exploring embedded and low or noncredit support options.

C. Limits

A student enrolled in remedial coursework as identified above shall not receive credit for more than 30 units of such coursework earned in this District. Remedial coursework earned in another District shall not be counted toward the 30-unit limit. A student who exhausts this unit limitation shall be referred to appropriate adult noncredit education services.

D. Exemptions

All remedial courses taken by students enrolled in English as a Second Language courses and students identified by the District for learning disabled programs are exempted from the limitations imposed above.

E. Waivers

A student who shows significant, measurable progress toward the development of skills appropriate to enrollment in college-level courses may apply for a waiver of the 30-unit limit through the college petitions process. A waiver shall be subject to the following conditions:

1. A student must have been continuously enrolled and have completed at least 24 units of remedial coursework with a grade of C or better.
2. A petition for waiver must have the recommendation of a college counselor.

3. Additional remedial coursework shall be specified in a course list prepared by a college counselor.
4. Additional coursework shall be limited to two additional courses above the 30-unit limit not to exceed eight units.
5. Any coursework approved through the waiver process shall be completed within the semester that immediately follows the reaching of the 30-unit limit.
6. A grade of P (pass) constitutes satisfactory progress.

F. Academic Probation, Dismissal

A student enrolled in remedial coursework is subject to the District standards for academic probation and/or dismissal. In addition, a student who does not attain full eligibility status for college-level work within the 30-unit limit described above shall, unless provided with a waiver, be dismissed and referred to adult noncredit education courses. Students enrolled in remedial coursework shall be notified of unsuccessful progress through the regular college counseling and advising process.

G. Reinstatement

A student may, upon successful completion of appropriate remedial coursework elsewhere, or upon demonstration of skills levels that will reasonably assure success in college-level courses, request reinstatement to proceed with college-level coursework by filing a petition with the Vice-President of Student Services.

H. College Catalog

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

Reference:

Title 5 Section 55035
ACCJC Accreditation Standard II.A.4

Attachments:

[AP 4222 Remedial Courseworks - Comments](#)
[AP 4222 Remedial Courseworks - Legal Citations](#)
[AP4222 -OLD.pdf](#)
[Legal Update 33 Overview Rev. 10-25-18.docx](#)



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 References:

BP 5530 Student Rights and Grievances

(Replaces current SBCCD BP 5530 and BP 5540)

NOTE: *This policy is unique to SBCCD.*

• **From current SBCCD BP 5530 titled Student Grievances**

Students may initiate grievance proceedings against a ~~District~~district employee under the ~~administrative regulations procedures~~procedures provided by the Chancellor.

• **From current SBCCD BP 5540 titled Student Grievances**

~~It is the policy of the San Bernardino Community College. The~~It is the policy of the District ~~that there~~that there shall ~~be provide~~be an appeal process by which a dispute in the assigned final grade received by a student may be resolved in a fair and efficient manner according to State law. (~~See BP and AP 4231 titled Grade Changes~~)See BP and AP 4231 titled Grade Changes)

References:

- Education Code Section 76224(a);
- ~~Title 5~~ Title 5 Section ~~55025 55760(a)~~ *(Title 5 Section 55760 was repealed)*
- ~~Title IX, Education Amendments of 1972~~55025
- Title IX, Education Amendments of 1972

Attachments:

- BP 5530 Student Rights and Grievances - Comments
- BP 5530 Student Rights and Grievances - Legal Citations
- BP5530 -OLD.pdf



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Policy Area:	Chapter 5 Student Services
References:	Legally Required

AP 5530 Student Rights and Grievances

(Replaces current SBCCD AP 5530 and AP 5540)

~~The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances. These procedures shall be available to any student who reasonably believes a college decision or action has adversely affected his or her status, rights or privileges as a student. The procedures shall include, but not be limited to, grievances regarding:~~ The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances. These procedures shall be available to any student who reasonably believes a college decision or action by an instructor, college official, or by another student has adversely affected his or her status, rights or privileges as a student. The procedures shall include, but not be limited to, grievances regarding:

- ~~• Sex discrimination as prohibited by Title IX of the Higher Education Amendments of 1972~~
- ~~• Financial aid~~
- ~~• Course grades, to the extent permitted by Education Code Section 76224(a), which provides: "When grades are given for any course of instruction taught in a community college District, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final." "Mistake" may include, but is not limited to errors made by an instructor in calculating a student's grade and clerical errors.~~
- ~~• The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.~~
- Sex discrimination, in education programs and activities, as prohibited by Title IX of the Higher Education Amendments of 1972. For grievances related to sexual harassment, sexual assault, or illegal discrimination (i.e. age, ancestry, citizenship status, color, disability, ethnic group identification, gender, marital status, medical condition, national origin, parental status, race, religion, sexual orientation, or veteran status), students should contact the Human Resources Department and/or the San Bernardino Community College Police. Staff members in those areas will assist students with the correct processes for resolution. Complaint and investigation procedures related to harassment and discrimination (including sexual assault, sexual violence, dating violence, stalking, and domestic violence) can be found in Administrative Procedure 3435.
- Financial aid (see AP 5130 Financial Aid for appeals relating to financial aid):
- Course grades, to the extent permitted by Education Code Section 76224(a) (see AP 4231 Grade Changes for appeals relating to course grades)
- The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.

In addition to San Bernardino Community College District Procedures, a student may address a grievance directly to the California Community Colleges Chancellor's Office by accessing the following website:

<http://californiacommunitycolleges.cccco.edu/ComplaintsForm.aspx>

~~This procedure does not apply to:~~ This procedure does not apply to:

- ~~Student disciplinary actions, which are covered under separate Board Policies and Administrative Procedures.~~ Student disciplinary actions, which are covered under separate Board Policies and Administrative Procedures.
- ~~Police citations (i.e. "tickets"); complaints about citations must be directed to the County Courthouse in the same way as any traffic violation.~~ Police citations (i.e. "tickets"); complaints about citations must be directed to the County Courthouse in the same way as any traffic violation.

Definitions:

Definitions

~~Party—The student or any persons claimed to have been responsible for the student's alleged grievance, together with their representatives. "Party" shall not include the Grievance Hearing Committee or the College Grievance Officer.~~ Party – The student or any persons claimed to have been responsible for the student's alleged grievance, together with their representatives. "Party" shall not include the Grievance Hearing Committee or the College Grievance Officer.

~~Chancellor—The Chancellor or a designated representative of the Chancellor.~~ Chancellor – The Chancellor or a designated representative of the Chancellor.

~~Student—A currently enrolled student, a person who has filed an application for admission to the college, or a former student. A grievance by an applicant shall be limited to a complaint regarding denial of admission. Former students shall be limited to grievances relating to course grades to the extent permitted by Education Code Section 76224(a).~~ Student – A currently enrolled student, a person who has filed an application for admission to the college, or a former student. A grievance by an applicant shall be limited to a complaint regarding denial of admission. Former students shall be limited to grievances relating to course grades to the extent permitted by Education Code Section 76224(a).

~~Respondent—Any person claimed by a grievant to be responsible for the alleged grievance.~~ Respondent – Any person claimed by a grievant to be responsible for the alleged grievance.

~~Day—Unless otherwise provided, day shall mean a day during which the college is in session and regular classes are held, excluding Saturdays and Sundays.~~ Day – Unless otherwise provided, day shall mean a day during which the college is in session and regular classes are held, excluding Saturdays and Sundays.

Informal Resolution

~~Informal Resolution—Each student who has a grievance shall make a reasonable effort to resolve the matter on an informal basis prior to requesting a grievance hearing, and shall attempt to solve the problem with the person with whom the student has the grievance, that person's immediate supervisor, or the local college administration.~~ Each student who has a grievance shall make a reasonable effort to resolve the matter on an informal basis prior to requesting a grievance hearing, and shall attempt to solve the problem with the person with whom the student has the grievance, that person's immediate

supervisor, or the local college administration.

~~The Chancellor shall appoint an employee who shall assist students in seeking resolution by informal means. This person shall be called the Grievance Officer. The Grievance Officer and the student may also seek the assistance of the Associated Student Organization in attempting to resolve a grievance informally.~~

~~Informal meetings and discussion between persons directly involved in a grievance are essential at the outset of a dispute and should be encouraged at all stages. An equitable solution should be sought before persons directly involved in the case have stated official or public positions that might tend to polarize the dispute and render a solution more difficult. At no time shall any of the persons directly or indirectly involved in the case use the fact of such informal discussion, the fact that a grievance has been filed, or the character of the informal discussion for the purpose of strengthening the case for or against persons directly involved in the dispute or for any purpose other than the settlement of the grievance.~~
Informal meetings and discussion between persons directly involved in a grievance are essential at the outset of a dispute and should be encouraged at all stages. An equitable solution should be sought before persons directly involved in the case have stated official or public positions that might tend to polarize the dispute and render a solution more difficult. At no time shall any of the persons directly or indirectly involved in the case use the fact of such informal discussion, the fact that a grievance has been filed, or the character of the informal discussion for the purpose of strengthening the case for or against persons directly involved in the dispute or for any purpose other than the settlement of the grievance.

~~Any student who believes he/she has a grievance shall file a Statement of Grievance with the Grievance Officer within [number] days of the incident on which the grievance is based, or [number] days after the student learns of the basis for the grievance, whichever is later. The Statement of Grievance must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official. Within two days following receipt of the Statement of Grievance Form, the Grievance Officer shall advise the student of his or her rights and responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance form.~~

~~If at the end of [number] days following the student's first meeting with the Grievance Officer, there is no informal resolution of the complaint which is satisfactory to the student, the student shall have the right to request a grievance hearing.~~

NOTE: The following is—

~~Grievance Hearing Committee: The Chancellor shall at the beginning of each semester, including any summer session, establish a standing panel of [number] members of the college community, including [number] students, [number] faculty members and [number] administrators, from which one or more Grievance Hearing Committees may be appointed. The panel will be established with the advice and assistance of the Associated Students Organization and the Academic Senate, who shall each submit [number] names to the Chancellor for inclusion on the panel. A Grievance Hearing Committee shall be constituted in accordance with the following:~~

- ~~• It shall include [number] students, [number] instructors, and [number] college administrator selected from the panel described above.~~
- ~~• No person shall serve as a member of a Grievance Hearing Committee if that person has been personally involved in any matter giving rise to the grievance, has made any statement on the matters at issue, or could otherwise not act in a neutral manner. Any party to the grievance may~~

~~challenge for cause any member of the hearing committee prior to the beginning of the hearing by addressing a challenge to the Chancellor who shall determine whether cause for disqualification has been shown. If the Chancellor feels that sufficient ground for removal of a member of the committee has been presented, the Chancellor shall remove the challenged member or members and substitute a member or members from the panel described above. This determination is subject to appeal as defined below.~~

- ~~• The Grievance Officer shall sit with the Grievance Hearing Committee but shall not serve as a member nor vote. The Grievance Officer shall coordinate all scheduling of hearings, shall serve to assist all parties and the Hearing Committee to facilitate a full, fair and efficient resolution of the grievance, and shall avoid an adversary role.~~

~~Request for Grievance Hearing — Any request for a grievance hearing shall be filed on a Request for a Grievance Hearing within [number] days after filing the Statement of Grievance as described above.~~

~~Within [number] days following receipt of the request for grievance hearing, the Chancellor shall appoint a Grievance Hearing Committee as described above, and the Grievance Hearing Committee shall meet in private and without the parties present to select a chair and to determine on the basis of the Statement of Grievance whether it presents sufficient grounds for a hearing.~~

Formal Process

If informal resolution through discussion or mediation does not resolve the conflict, the student shall have the right to request a grievance hearing, in writing, to the Vice president of Student Services. The request for a hearing must be made within 180 calendar days of the incident being grieved.

~~The determination of whether the Statement of Grievance presents sufficient grounds for a hearing shall be based on the following:~~ The determination of whether the Statement of Grievance presents sufficient grounds for a hearing shall be based on the following:

- ~~• The statement contains facts which, if true, would constitute a grievance under these procedures;~~ The statement contains facts which, if true, would constitute a grievance under these procedures;
- ~~• The grievant is a student as defined in these procedures, which include applicants and former students;~~ The grievant is a student as defined in these procedures, which include applicants and former students;
- ~~• The grievant is personally and directly affected by the alleged grievance;~~ The grievant is personally and directly affected by the alleged grievance;
- ~~• The grievance was filed in a timely manner;~~ The grievance was filed in a timely manner;
- ~~• The grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment.~~ The grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment.

~~If the grievance does not meet each of the requirements, the Hearing Committee chair shall notify the student in writing of the rejection of the Request for a Grievance Hearing, together with the specific reasons for the rejection and the procedures for appeal. This notice will be provided within [number] days of the date the decision is made by the Grievance Hearing Committee.~~ If the grievance does not meet each of the requirements, the Vice president of Student Services shall notify the student in writing of the rejection of the Request for a Grievance Hearing, together with the specific reasons for the rejection and the procedures for appeal. This notice will be provided within five days of the date the decision is made.

~~If the Request for Grievance Hearing satisfies each of the requirements, the College Grievance Officer~~

~~shall schedule a grievance hearing. The hearing will begin within [number] days following the decision to grant a Grievance Hearing. All parties to the grievance shall be given not less than [number] days notice of the date, time and place of the hearing.~~ If the Request for Grievance Hearing satisfies each of the requirements, the Vice president of Student Services shall schedule a grievance hearing. The hearing will begin within *ten* days following the decision to grant a Grievance Hearing. All parties to the grievance shall be given not less than *five* days notice of the date, time and place of the hearing.

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

~~Hearing Procedure~~

~~The decision of the Grievance Hearing Committee chair shall be final on all matters relating to the conduct of the hearing unless there is a vote of a majority of the other members of the panel to the contrary.~~

Grievance Hearing

The formal grievance hearing will be scheduled within 10 days (during which the college is in session) of receipt of the request.

The grievance hearing committee will be composed of the following:

- One student appointed by the Student Senate president.
- One faculty member appointed by the Academic Senate president if the grievance is against a faculty member.
- One staff member appointed by the Classified Senate president if the grievance is against a staff member.
- Vice president of Student Services, who will chair the committee if the grievance is non-academic, or the Vice president of Instruction if the grievance is academic.

No person shall serve as a member of a Grievance Hearing Committee if that person has been personally involved in any matter giving rise to the grievance, has made any statement on the matters at issue, or could otherwise not act in a neutral manner.

Any party to the grievance may challenge for cause any member of the hearing committee prior to the beginning of the hearing by addressing a challenge to the chair, who shall determine whether cause for disqualification has been shown. If the chair feels that sufficient ground for removal of a member of the committee has been presented, he or she shall remove the challenged member or members and substitute a member or members from the panel described above. This determination is subject to appeal as defined below.

The chair will conduct the hearing. Possible protective measures that may be utilized include, but are not limited to, no-contact orders, remote participation during the hearing (telephone, videoconferencing, use of a privacy screen, etc.), separate waiting areas during hearing, safety escorts, and prohibitions against retaliation.

~~The members of the Grievance Hearing Committee shall be provided with a copy of the grievance and any written response provided by the respondent before the hearing begins.~~ The members of the grievance hearing committee will be provided a copy of the grievance and any written response to the grievance.

~~Each party to the grievance may call witnesses and introduce oral and written testimony relevant to~~

~~the issues of the matter.~~ Each party to the grievance may call witnesses and introduce oral and written testimony. Witnesses unable to be present may submit written statements.

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

~~Unless the Grievance Hearing Committee determines to proceed otherwise, each party to the grievance shall be permitted to make an opening statement. Thereafter, the grievant or grievants shall make the first presentation, followed by the respondent or respondents. The grievant(s) may present rebuttal evidence after the respondent(s)' evidence. The burden shall be on the grievant or grievants to prove by substantial evidence that the facts alleged are true and that a grievance has been established as specified above.~~

~~Each party to the grievance may represent himself/herself, and may also have the right to be represented by a person of his/her choice; except that a party shall not be represented by an attorney unless, in the judgment of the Grievance Hearing Committee, complex legal issues are involved. If a party wishes to be represented by an attorney, a request must be presented not less than {number} days prior to the date of the hearing. If one party is permitted to be represented by an attorney, any other party shall have the right to be represented by an attorney. The hearing committee may also request legal assistance through the Chancellor any legal advisor provided to the hearing committee 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.~~

Although the hearing is formal, rules of evidence do not apply as they would in a court of law.

Each party to the grievance will be permitted to make an opening statement; thereafter, the grievant will present evidence followed by the respondent.

The student may bring an advocate or attorney to the hearing provided the Vice president of Student Services is notified at least five calendar days in advance of the hearing. In the event the student gives notification that he or she will have representation, the respondent has the right to legal counsel and a right to receive notification that the student will have counsel present.

The hearing will be recorded, and the recording shall remain in the custody of the Vice president of Student Services. Any party to the grievance may request a copy of the recording.

~~Hearings shall be closed and confidential unless all parties request that it be open to the public. Any such request must be made no less than {number} days prior to the date of the hearing.~~ Hearings shall be closed and confidential unless all parties request that they be open to the public. Any such request must be made no less than three calendar days prior to the date of the hearing. In a closed hearing, witnesses will testify and be excused.

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

~~The hearing shall be recorded by the Grievance Officer either by tape recording or stenographic recording, and 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 Grievance Hearing Committee 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. The tape recording shall remain in the custody of the District, either at the college or the District office, at all times, unless released to a professional transcribing service. Any party may request a copy of the tape recording.~~

~~All testimony shall be taken under oath; the oath shall be administered by the Grievance Hearing Committee 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 shall be considered to be unavailable.~~

~~Within [number] days following the close of the hearing, the Grievance Hearing Committee shall prepare and send to the Chancellor a written decision. The decision shall include specific factual findings regarding the grievance, and shall include specific conclusions regarding whether a grievance has been established as defined above. The decision shall also include a specific recommendation regarding the relief to be afforded the grievant, 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 grievance, any written response, and the oral and written evidence produced at the hearing.~~
The grievance hearing committee will recommend a resolution of the grievance after listening to all of the participants. The committee will inform the student and the respondent in writing about its recommendation within 10 days of the hearing. 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 grievance, any written response, and the oral and written evidence produced at the hearing.

Within five days following the close of the hearing, the Grievance Hearing Committee shall prepare and send to the President a written decision. The recommendation shall include specific factual findings regarding the grievance. The recommendation shall also include relief afforded to the student, if any.

~~**Chancellor's Decision:** Within [number] days following receipt of the Grievance Hearing Committee's decision and recommendation(s), the Chancellor shall send to all parties his/her written decision, together with the Hearing Committee's decision and recommendations. The Chancellor may accept or reject the findings, decisions and recommendations of the Hearing Committee. The factual findings of the Hearing Committee shall be accorded great weight; and if the Chancellor does not accept the decision or a finding or recommendation of the Hearing Committee, 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, subject only to appeal as provided below.~~
Within five days following receipt of the Grievance Hearing Committee's decision and recommendation(s), the President shall send to all parties his/her written decision, together with the Hearing Committee's decision and recommendations. The Chancellor may accept or reject the findings, decisions and recommendations of the Hearing Committee. The factual findings of the Hearing Committee shall be accorded great weight; and if the President does not accept the decision or a finding or recommendation of the Hearing Committee, the President 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 President shall be final, subject only to appeal as provided below

Appeals

The student may appeal the recommendation of the grievance hearing committee by writing to the president within 10 calendar days of being notified of the grievance hearing committee's recommendation. The president will send the student a final decision in writing within 10 calendar days of receiving the appeal.

~~**Appeal:** Any appeal relating to a Grievance Hearing Committee decision that the Statement of Grievance does not present a grievance as defined in these procedures shall be made in writing to the Chancellor within [number] days of that decision. The Chancellor shall review the Statement of Grievance and Request for Grievance Hearing in accordance with the requirements for a grievance~~

~~provided in these procedures, but shall not consider any other matters. The Chancellor's decision whether or not to grant a grievance hearing shall be final and not subject to further appeal.~~ Any appeal relating to a Grievance Hearing Committee decision that the Statement of Grievance does not present a grievance as defined in these procedures shall be made in writing to the president within five days of that decision. The president shall review the Statement of Grievance and Request for Grievance Hearing in accordance with the requirements for a grievance provided in these procedures, but shall not consider any other matters. The Chancellor's decision whether or not to grant a grievance hearing shall be final and not subject to further appeal.

~~**NOTE: The following section applies only to multi-college Districts.**~~

~~Any party to the grievance may appeal the decision of the Chancellor after a hearing before a Grievance Hearing Committee by filing an appeal with the Chancellor. The Chancellor may designate a District administrator to review the appeal and make a recommendation.~~ Any party to the grievance may appeal the decision of the president after a hearing before a Grievance Hearing Committee by filing an appeal with the Chancellor. The Chancellor may designate a District administrator to review the appeal and make a recommendation.

~~Any such appeal shall be submitted in writing within five days following receipt of the Chancellor's decision and shall state specifically the grounds for appeal.~~ Any such appeal shall be submitted in writing within five days following receipt of the Chancellor's decision and shall state specifically the grounds for appeal.

~~The written appeal shall be sent to all concerned parties. All parties may submit written statements on the appeal.~~ The written appeal shall be sent to all concerned parties. All parties may submit written statements on the appeal.

~~The Chancellor or designee shall review the record of the hearing and the documents submitted in connection with the appeal, but shall not consider any matters outside of the record. Following the review of the record and appeal statements, the Chancellor's designee, if any, shall make a written recommendation to the Chancellor regarding the outcome of the appeal.~~ The Chancellor or designee shall review the record of the hearing and the documents submitted in connection with the appeal, but shall not consider any matters outside of the record. Following the review of the record and appeal statements, the Chancellor's designee, if any, shall make a written recommendation to the Chancellor regarding the outcome of the appeal.

~~The Chancellor may decide to sustain, reverse or modify the decision of the Chancellor's designee. The Chancellor's decision shall be in writing and shall include a statement of reasons for the decision. The Chancellor's decision shall be final.~~

~~The decision on appeal shall be reached within five days after receipt of the appeal documents. Copies of the Chancellor's appeal decision shall be sent to all parties.~~

~~Time Limits:~~

Time Limits

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

- ~~From current SBCCD AP 5530 titled Student Grievances~~

The purpose of this ~~policy procedure~~ is to provide a due process procedure for review and resolution of student grievances.

~~Cause and Filing~~

Student grievance proceedings may be initiated against a District employee or another student for any of the following reasons:

1. Any act or threat of intimidation
2. Any act or threat of physical aggression
3. Any arbitrary action or imposition of sanctions without a proper regard to due process as specified in college procedures.

~~NOTICE:~~

1. Grades are not grievable (see Board Policy 5540)
2. Sexual Harassment complaints are filed in accordance with Board Policy 3430 and are not covered under Student Grievances.
3. Discrimination complaints are filed in accordance with Board Policy 3430 and are not covered under Student Grievances.

~~Who to File a Grievance With?~~

A student may submit a grievance to any manager or employee in any area for delivery to the Vice President of Student Services who will assess which manager or vice president is to oversee the grievance process.

A student grievance is to be handled in the area where the alleged grievance occurred. Examples are:

- Classroom or teacher related issues would go to the vice president or manager in Instruction
- Student service or counselor related issues would go to the vice president or manager in Student Services
- Building, grounds, cashiering, or police related issues would go to the vice president or manager in Administrative Services

~~Time for Filing a Grievance Notice~~

The appropriate vice president, district manager, or designee will accept a formal written student grievance when submitted within 180 calendar days of the event's occurrence and under the provisions specified. A grievance may be denied if the events occurred more than 180 calendar days prior to the date in which the grievance was filed in writing.

~~Student Status for Filing a Grievance~~

Only registered students may file a student grievance. Non-student grievances may be considered by the designated vice president or manager if the grievance is a result of a dispute arising out of the registration or enrollment process and the grievance is filed within thirty (30) calendar days of the alleged incident.

~~Group Grievance~~

If more than one student files a grievance against an individual on the same issue or situation, members of the

group shall select one person to serve as spokesperson/representative for the entire group.

~~Informal Student Complaint Resolution Process (Non-written)~~

~~**Step 1.** Every effort shall be made to resolve a student complaint at the lowest level possible. A student must first attempt to resolve the issue directly. If this is not practical or possible, or due to the nature of the problem, or Failing a resolution the grievance progresses to Step 2.~~

~~**Step 2.** A student who is not satisfied with the Step 1 outcome may next attempt to resolve the alleged problem by conferring with the immediate supervisor of the employee with whom the initial conference was held. If the grievance is alleged against another student, Step 2 would be taken to the Director of Student Life. Upon such a request, the administrator shall inform and confer with any employee or student named by the student. In turn, the administrator shall schedule a meeting with the grievant and if requested, all involved parties, not more than ten (10) school days from the date of the initial request.~~

~~Formal Procedures~~

~~If the alleged problem is not resolved at the Informal Level, the student may request a formal hearing in writing with the appropriate vice president or designee. This written notice shall state the conditions, practice, alleged act, or injustice that is being grieved, the date(s) of the alleged occurrence and should, if possible, include a proposed remedy or resolution to the problem.~~

~~**Step 1:** Within three (3) working days of receipt of the written student grievance notice, the appropriate Vice President or designee, shall determine if the allegations were filed in a timely manner and meet the criteria outlined. If the student grievance notice fails to meet the above criterion, the Vice President shall notify the student of this determination and the grievance shall be terminated. If the student grievance notice is not terminated, the Vice President shall appoint a Student Grievance Hearing Committee within five (5) working days.~~

~~**Step 2:** Any employee who has conferred with a student who requests a hearing shall prepare a written account of the discussion which shall be forwarded to the appropriate Vice President or designee.~~

~~**Step 3:** The student and any college personnel or student involved in the allegations shall be notified of a hearing and the time and place of the hearing in writing. The notice shall include the names of the Hearing Committee and all documentation relating to the allegation(s).~~

~~**Step 4:** The Hearing Committee shall consist of either a maximum of two faculty or two classified staff members, based on the nature of the classification of staff involved, two students, and one administrator to hear the grievance. The administrator where the issue relates shall serve as chairperson of the hearing committee.~~

~~Hearing Procedures~~

- ~~a. The hearing shall convene within ten (10) working days of the receipt of the student grievance notice unless mutually agreed upon for a delay.~~
- ~~b. The hearing shall be closed unless the District employee or student against whom the grievance is brought requests that it be open.~~
- ~~c. The following persons should be present:~~

1. ~~The Hearing Committee~~
 2. ~~The student grievant and non-legal representative/advocate if any;~~
 3. ~~The college employee or student against whom the grievance is brought and a representative of the appropriate bargaining unit, if any;~~
 4. ~~Witnesses, while presenting testimony.~~
- d. ~~Both parties shall notify the appropriate Vice President or designee, in writing within three (3) working days of the hearing if he/she will be accompanied by a representative/advocate. Such notification shall include the name and title of the representative. The Committee Chairperson shall be obligated to immediately notify the parties directly involved.~~
 - e. ~~Although minutes will be taken at the hearing to provide a written record, if all parties agree the hearing may also be tape recorded.~~
 - f. ~~All participants in a hearing shall be advised by the Committee Chairperson that the proceedings are confidential.~~
 - g. ~~Witnesses shall not be required to testify under oath; however, witnesses shall be advised that false testimony will constitute grounds for college disciplinary action.~~
 - h. ~~The proceedings will not be bound by formal rules of evidence nor trial-like procedures. Rather, the procedures will be those upon which reasonable persons would rely in the conduct of serious affairs. The Committee Chairperson shall rule on all procedural issues. If substantive or procedural issues arise during the hearing that require external assistance for resolution, the Hearing Committee Chairperson should recess the hearing and submit the issue to the college president for resolution.~~
 - i. ~~Evidence and/or testimony which may be irrelevant or unduly repetitious may be so noted by the Committee Chairperson.~~
 - j. ~~The burden of proof to sustain a grievance rests with the student.~~
 - k. ~~If the grievant fails to appear at the time and place scheduled for the hearing, and fails to notify the committee of the circumstances the grievance will be considered to have been withdrawn and procedures will be terminated. Depending on the nature of the circumstances, the committee shall determine if the hearing should be rescheduled within a reasonable period of time. It is recommended that the defendant participate in the hearing.~~
 - l. ~~Upon conclusion of the hearing, within five (5) working days, the Committee Chairperson shall submit to the Vice President a written report. The report shall include:~~
 1. ~~A brief summary of evidence submitted;~~
 2. ~~A finding of facts, supported by a preponderance of the evidence;~~
 3. ~~A recommendation that the grievance be sustained or denied; and~~
 4. ~~In the event the recommendation is to sustain the grievance, a recommendation of appropriate corrective action.~~
 - m. ~~Upon review of the Hearing Committee's report, the Vice President or designee shall make a final determination.~~

Notification

Within five (5) working days following receipt of the report of the Hearing Committee chairperson, the Vice President or designee shall provide a written notification to the student/s and to the employee/s directly

involved in the issues as to the final determination.

~~Appeal to College President~~

~~If either the complainant or accused is not satisfied with the final college-level disposition of the grievance, the party may, within ten (10) working days, appeal the decision to the College President. The basis of appeals are: All parties shall be notified by the College President of the appeal. The College President shall provide written notification to the student and to other parties directly involved in the issues as to his/her recommendation within five (5) working days.~~

~~Appeal to the Chancellor~~

~~If either party is not satisfied with the final college-level disposition of the grievance, he/she may, within ten (10) working days, appeal (state the basis of the appeal again) the decision to the Board of Trustees through the District Chancellor. All parties shall be notified by the Chancellor of the appeal. The Chancellor shall report the grievance in closed session to the Board of Trustees for final determination. The Chancellor shall provide written notification to the student and to other parties directly involved in the issues as to his/her recommendation within five (5) working days. The determination of the Board of Trustees is final.~~

~~General Provisions~~

- ~~1. The time limits specified in this procedure may be shortened or extended if there is mutual written concurrence between the parties.~~
- ~~2. At any step of the grievance procedure, the College President may designate a substitute for the designated college officials.~~
- ~~3. Failure of the student grievant to appeal a grievance determination at any step to another step within the specified time limits shall be deemed acceptance of the last determination rendered.~~
- ~~4. It is the intent of this policy that the confidentiality of the discussions, including any documents or written records, be maintained by the participants.~~
- ~~5. It will not be mandatory for any staff member to attend the student grievance meetings nor will the student grievance procedure supersede staff member's contractual rights.~~

- ~~• From current SBCCD AP 5540 titled Student Grade Appeals~~

~~Student Grade Appeals~~

~~BP and AP 4231 titled Grade Changes delineates the process by which grades may be changed.~~

~~Section 76224(a), California Education Code,~~

~~"When grades are given for any course of instruction taught in a community college district, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetence, shall be final."~~

~~Title 5 Section 55025 55760(a), California Code of Regulation~~

~~"In any course of instruction in a community college district for which grades are awarded, the instructor of the course shall determine the grade to be awarded each student in accordance with section 55758 of this chapter. The determination of the student's grade by the instructor shall be final in the absence of mistake, fraud, bad faith, or incompetence. Procedures for the correction of grades given in error shall include expunging the incorrect grade from the record."~~

~~In any course of instruction in a community college district for which grades are awarded, the instructor of the course shall determine the grade to be awarded each student in accordance with this article. The determination of the student's grade by the instructor shall be final in the absence of mistake, fraud, bad faith, or incompetency.~~

~~For purposes of this section, "mistake" may include, but is not limited to, clerical errors and errors made by an instructor in calculating a student's grade.~~

~~Procedures for the correction of grades shall be consistent with Education Code Section 76232 or provide an alternative mechanism which will ensure that students receive a reasonable and objective review of the requested grade change. If the procedure requires the student to first request a grade change from the instructor, provisions shall be made for another faculty member to substitute for the instructor if the instructor is not available, the student has filed a discrimination complaint or the District determines that it is possible there has been gross misconduct by the original instructor.~~

~~Section 55758 California Code of Regulation~~

~~The academic record of a student who remains in a class beyond the time allowed by district policy must reflect a symbol as authorized in Section 55758 of this part, other than a "W." The governing board may by regulation authorize withdrawal from a class or classes in extenuating circumstances after the last day of the fourteenth week (or 75% of the term, whichever is less) upon petition of the student or his or her representative and after consultation with the instructor(s) or appropriate faculty. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student. For purposes of withdrawal policies, the term "appropriate faculty"* means the instructor of each course in question or, in the event the instructor cannot be contacted, the department chair or equivalent faculty officer.~~

~~**Military Withdrawal:** "Military withdrawal" occurs when a student who is a member of an active or reserve United States military service receives orders compelling a withdrawal from courses. Upon verification of such orders, a withdrawal symbol may be assigned at any time after the period established by the governing board during which no notation is made for withdrawals. Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code. This means that no individual at the college has the authority to change a grade unless persuasive evidence is presented indicating mistake, fraud, bad faith or incompetence on the instructor's part.~~

~~INFORMAL PROCESS~~

~~All attempts should be made to resolve the grade dispute at the lowest level possible; however, a student may proceed directly to the formal process.~~

~~**Step 1:** If possible, the student first meets with the faculty member who issued the grade; or, if the faculty member is no longer employed or working at the College, the student then meets with the Department Chair or designee to resolve the grade dispute. If resolved and a grade change is indicated, the instructor or designee completes a Grade Change Form.~~

~~**Step 2:** If unresolved in Step 1, the student then meets with the Department Chair or designee. If resolved and a grade change is indicated, a Grade Change Form is completed. If the dispute is not resolved then a formal appeal process can be initiated.~~

~~According to code, if mistake, fraud, bad faith, or incompetence is the reason for the grade dispute, the burden of proof lies with the student to produce facts that support this allegation, proceeding then to the formal process. If such evidence exists, the student must complete the Grade Appeal Form and make an appointment to see the Dean.~~

~~FORMAL PROCESS~~

~~**STEP 1:** The student meets with the Division Dean who will confer with the faculty member and/or Department Chair or designee, to attempt to resolve the grade dispute. If resolved and a grade change is indicated, the faculty member completes a Grade Change Form.~~

~~**STEP 2: Investigation:** If the matter is not resolved, the student may submit the issue to the Director of Admissions and Records, in consultation with the Vice President of Instruction and appropriate instructional dean, where a full investigation will be conducted within 30 work days of the Step 2 filing date, and a determination made as to status of the grade dispute. During the investigation the student will be able to present evidence of mistake, fraud, bad faith, or incompetence of the instructor. The instructor will be able to provide evidence to support the grade. If the investigation shows fraud, bad faith, or incompetence, the investigative report will be provided to the Vice Chancellor of Human Resources for appropriate action. If a mistake has been made and a grade change is indicated, a Grade Change Form is submitted to Admissions and Records.~~

~~**STEP 3: Hearing:** If the matter is not satisfactorily resolved and a grade change may be warranted because evidence shows fraud, bad faith, or incompetence, the student may request a formal hearing by the Grade Appeal Committee through the Office of Admissions and Records. The committee shall be comprised of the Vice President of Instruction, 2 faculty members, 2 students and one educational administrator (not of the division where the accused faculty member works). A meeting will be convened within five (5) working days (unless mutually agreed upon to delay). The student and instructor, if still employed, will be expected to attend the hearing. All attempts will be made to contact an instructor who is no longer employed by the college regarding the grade dispute. The Grade Appeal Committee will provide a written decision to the student within five (5) working days of the date of the hearing. The decision of the Grade Appeal Committee is final. If resolved, the Change of Grade Form, the Grade Appeal Form, the written summary of the investigation findings, and the written decision of the Grade Appeal Committee are submitted to Admissions and Records.~~

References:

Education Code Section 76224(a);

;Title IX, Education Amendments of 1972;

~~**ACCJC Accreditation Eligibility Requirement 20;**~~

~~**ACCJC Accreditation Standard IV.D** [34 Code of Federal Regulations Parts 106.1 et seq.;](#) [ACCJC Accreditation Eligibility Requirement 20;](#) [ACCJC Accreditation Standard IV.D](#)~~

Attachments:

AP 5530 Student Rights and Grievances -
Comments

AP 5530 Student Rights and Grievances - Legal
Citations

AP5530 -OLD.pdf

SBCCD - Overview for Legal Update 31 Final
Version.docx