



San Bernardino Community College District
 District Assembly General Meeting
 March 02, 2021
 3:00 pm-4:30 pm Pacific Time

Governor Newsom issued Executive Order N-25-20 on March 12, 2020, and Executive Order N-29-20 on March 17, 2020. Portions of these orders relax parts of the Brown Act. In part, the orders allow elected officials to “attend” a meeting via teleconference WITHOUT having to admit members of the public into the location from which they are participating (N-25-20) and orders that "such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment" (N-29-20).

Anyone wishing to participate may do so via the Zoom link which is listed on the agenda. The meetings are also recorded. Public comments will take place at the time designated on the agenda for public comment. Comments must be limited to five (5) minutes per speaker and twenty (20) minutes per topic if there is more than one speaker. Submissions will be considered a public record under the Public Records Act, and are therefore subject to public disclosure. Public comments must be submitted electronically by emailing snikac@sbccd.edu Submissions must be received 24 hours in advance of the meeting. From the comments received, staff will call each speaker to make their public comment.

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) 388-6902 as far in advance of the meeting as possible.

AGENDA
District Assembly General Meeting
March 2, 2021
3:00 - 4:30 p.m.

LOCATION: Zoom Conference:
<https://cccconfer.zoom.us/j/98604464871>
Dial: (669) 900-6833 or (346) 248-7799 - Meeting ID: 986 0446 4871

- I. CALL TO ORDER**
- II. PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS**
Public comments must be submitted electronically by emailing snikac@sbccd.edu Submissions must be received 24 hours in advance of the meeting.
- III. CHANCELLOR'S REPORT**
- IV. APPROVAL OF MINUTES**
 - A. 2021-02-02
- V. CALL FOR NOMINATIONS AND VOTE FOR VICE PRESIDENT**
Article 5, SECTION 4: VACANCIES IN OFFICE
In the event that the Office of President becomes vacant, the Vice President shall assume the duties of President for the remainder of the term and a new Vice President will be elected. In the event of a vacancy in the Office of Vice President the vacant office will be filled by an election at the first regular meeting following the notice of vacancy. A vacancy in the Recorder's position will be filled by the Chancellor, or designee.
- VI. CONSENT AGENDA**
The Consent Agenda is expected to be routine and non-controversial. It will be acted upon by the Assembly at one time without discussion. Any member of the Assembly, staff member, or citizen may request that an item be removed from this section for discussion.
 - A. Approval APs & BPs for 2nd Reading
 - 1. BP 3600 Auxiliary Organizations
 - 2. AP 3600 Auxiliary Organizations
 - 3. BP 6550 Disposal of Property
 - 4. AP 6550 Disposal of Property
 - 5. BP 7100 Commitment to Diversity
 - 6. AP 7100 Commitment to Diversity (No Changes)

7. BP 7265 Management Internship - Suggested Deletion
 8. AP 7265 Management Internship - Suggested Deletion
 9. BP 7270 Student Workers (No Changes)
 10. AP 7270 Student Workers
 11. BP 7335 Health Examinations (No Changes)
 12. AP 7335 Health Examinations
- B. APs & BPs Deemed Academic & Professional submitted by senates for information
1. BP 4105 Distance Education (4th Meeting)
 2. AP 4105 Distance Education (4th Meeting)
 3. BP 4231 Grade Changes (4th Meeting)
 4. AP 4231 Grade Changes (4th Meeting)
- C. APs & BPs intended for information only with simple CCLC Legal Updates, Minor Clerical Revisions, or from Chapter 2
1. BP 4235 Credit for Prior Learning (formerly Credit by Examination)
 2. AP 4235 Credit for Prior Learning (formerly Credit by Examination)
 3. BP 6320 Investments (For Board Annual Review Only - No Changes)
 4. AP 6320 Investments (For Board Annual Review Only - Minor Clerical Edit)

VII. **NEW BUSINESS**

- A. APs & BPs and Other Items Recommended for 1st Reading
To be agendaized for review and feedback from constituent groups.
Any changes should be emailed to Stacey Nikac before the 15th of the month.
1. DA Constitution
 - i. BP 2410 Board Policies & Procedures (No changes)
 - ii. AP 2410 Board Policies & Procedures
 - iii. BP 2510 Participation In Local Decision-Making
 - iv. AP 2510 Participation In Local Decision-Making
 - v. BP 4010 Academic Calendar (No changes)
 - vi. AP 4010 Academic Calendar

2. Approval to Change:
 - Date of General Membership Election to 5/4/21
 - VP to Email Notice of Election & Nomination Form no later than 4/14/21
 - Close Nominations no later than 4/28/21
 - Post & Email Election Results District-wide no later than 5/13/21
 - Notice of Election
 - Nomination Form
3. Social Media Policy
4. BP 3430 Prohibition of Harassment (No Changes)
5. AP 3430 Prohibition of Harassment
6. AP 3435 Discrimination and Harassment Complaints and Resolution Procedures
7. BP 4500 Student News Media (No Changes)
8. AP 4500 Student News Media
9. BP 5040 Student Records, Directory Information and Privacy (No Changes)
10. AP 5040 Student Records, Directory Information and Privacy
11. BP 5050 Student Success and Support Program
12. AP 5050 Student Success and Support Program
13. BP 5055 Enrollment Priorities
14. AP 5055 Enrollment Priorities
15. BP 5500 Standards of Student Conduct
16. AP 5500 Standards of Student Conduct
17. AP 5520 Student Discipline Procedures
18. BP 5700 Intercollegiate Athletics (No Changes)
19. AP 5700 Intercollegiate Athletics
20. BP 6930 Vending Machines
21. AP 6930 Vending Machines
22. BP 7340 Leaves
23. AP 7340 Leaves
24. BP 7400 Travel (No Changes)
25. AP 7400 Travel

VIII. UPDATES & REPORTS

- A. Equity & Diversity Updates (K. Hannon)
- B. TESS Quarterly Update (written report)

C. CHC & SBVC AS, CS, ASG (written reports)

IX. REMINDER TO CONSTITUENT GROUP REPRESENTATIVES:

The success of the mission of the Assembly depends on the effective communication of the Assembly with the various constituencies represented by the membership. In order to accomplish this goal of effective communication, we ask each of you to:

1. Use the attached 2020-2021 AP/BP Review Schedule to plan ahead and agendaize the AP/BPs for review with your constituent groups.
2. Include a standing "District Assembly Report" on your constituent group meeting agenda.
3. Following each DA meeting, email a summary update to your constituents.

X. **ADJOURN**

Future General Meetings:

4/6/21

5/4/21

Dark in June

Dark in July

SAN BERNARDINO COMMUNITY COLLEGE DISTRICT

Meeting Minutes of District Assembly
February 2, 2021
3:00 pm Pacific Time

MEMBERS PRESENT/ABSENT VIA TELECONFERENCE

See attached attendance roster

The following text was presented and all votes were taken.

Governor Newsom issued Executive Order N-25-20 on March 12, 2020, and Executive Order N-29-20 on March 17, 2020. Portions of these orders relax parts of the Brown Act. In part, the orders allow elected officials to "attend" a meeting via teleconference WITHOUT having to admit members of the public into the location from which they are participating (N-25-20) and orders that "such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment" (N-29-20). Anyone wishing to participate may do so via the Zoom link which is listed on the agenda. The meetings are also recorded. Public comments will take place at the time designated on the agenda for public comment. Comments must be limited to five (5) minutes per speaker and twenty (20) minutes per topic if there is more than one speaker. Submissions will be considered a public record under the Public Records Act, and are therefore subject to public disclosure. Public comments must be submitted electronically by emailing snikac@sbccd.edu. Submissions must be received 24 hours in advance of the meeting. From the comments received, staff will call each speaker to make their public comment. 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) 388-6902 as far in advance of the meeting as possible.

I. CALL TO ORDER

K. Hannon called the meeting to order at 3:02pm.

II. PUBLIC COMMENTS

None.

III. CHANCELLOR'S REPORT

Interim Chancellor Torres congratulated both campuses for having accreditation reaffirmed. COVID vaccine update and encouraged to education tier to open this week.

IV. APPROVAL OF MINUTES

A. 2020-11-03

K. Wurtz moved to approve 11/3/20 minutes. R. Carlos seconded the motion. Unanimous approval.

V. OLD BUSINESS

A. Approval APs & BPs for 2nd Reading: *2nd read may be pulled for discussion, debate and/or revision recommendations prior to approval. Chancellor forwards the BPs to the Board of Trustees for action and the APs as information items.*

1. BP 2510 Collegial Consultation [Participation In Local Decision-Making]
2. AP 2510 Collegial Consultation [Participation In Local Decision-Making]
3. BP 3515 Reporting of Crimes (No Changes)
4. AP 3515 Reporting of Crimes
5. AP 6360 Contracts - Electronic Systems & Materials - Suggested Deletion
6. AP 6370 Contracts - Personal Services
7. AP 6380 Vendors - Suggested Deletion
8. BP 7100 Commitment to Diversity (No Changes) – *item pulled*
9. AP 7100 Commitment to Diversity (No Changes) – *item pulled*
10. BP 7130 Compensation (No Changes)
11. AP 7130 Compensation - Suggested Deletion
12. BP 7150 Evaluation
13. AP 7150 Evaluation


 SAN BERNARDINO COMMUNITY COLLEGE DISTRICT

14. AP 7231 Seniority - Suggested Deletion
15. AP 7235 Probationary Period - Classified Employees -Suggested Deletion
16. AP 7237 Layoffs - Suggested Deletion
17. BP 7260 Classified Supervisors- Managers and Administrators – item pulled and later approved as presented
18. AP 7260 Classified Supervisors- Managers and Administrators – item pulled and later approved as presented
19. BP 7270 Student Workers (No Changes) – item pulled
20. AP 7270 Student Workers – item pulled
21. AP 7342 Holidays - Suggested Deletion
22. BP 7350 Resignations (No Changes)
23. AP 7350 Resignations - Suggested Deletion
24. AP 7366 Reinstatement - Suggested Deletion

K. Wurtz moved to approve AP/BP for second reading, with the exception of AP/BP 7100 Commitment to Diversity, AP/BP 7260 Classified Supervisors- Managers and Administrators, and AP/BP 7270 Student Workers TL Brink seconded the motion. Unanimous approval.

ITEMS PULLED FOR SEPARATE ACTION/DISCUSSION

- **AP/BP 7100 Commitment to Diversity**
K. Wurtz noted the second paragraph in BP 7100 should come first. D. Peters noted the order of the bullets in the AP should be changed. Davena and Keith will revise and bring back for next meeting.
 - **AP/BP 7260 Classified Supervisors- Managers and Administrators**
R. Carlos moved to approve AP/BP as presented. K. Wurtz seconded the motion. Unanimous approval.
 - **AP/BP 7270 Student Workers**
It was noted that Part F of the AP needs clarification of who the supervisor will be. K. Hannon confirmed the Supervisor is the manager on record. It was also requested to change “student worker” to “student employee”. Kristina will revise the language and bring back for next meeting.
- B. Deemed Academic & Professional (pending Academic Senate review and recommendation within four consecutive Academic Senate meetings, beginning with the date the BP/AP is presented at District Assembly. Those listed below serve as a reminder that review is still needed.
1. AP 4022 Course Approval (3rd Meeting)
 2. BP 4105 Distance Education (3rd Meeting) – item pulled
 3. AP 4105 Distance Education (3rd Meeting) – item pulled
 4. BP 4220 Standards of Scholarship - Delegation (3rd Meeting)
 5. AP 4220 Standards of Scholarship - Delegation (3rd Meeting)
 6. BP 4231 Grade Changes (3rd Meeting) – item pulled
 7. AP 4231 Grade Changes (3rd Meeting) – item pulled

K. Wurtz moved to approve item B, with the exception of AP/BP 4105 Distance Education and AP/BP 4231 Grade Changes. C. Luke seconded the motion. Unanimous approval.

ITEMS PULLED FOR SEPARATE ACTION/DISCUSSION

- **AP/BP 4105 Distance Education**
It was noted the AP and BP do not reflect each other, further delegation should be built into the AP, and the suggested language received by the Senates should be added. Academic Senates to review and bring back to DA with recommended language.
- **AP/BP 4231 Grade Changes**
It was noted senates need additional time to review. K. Wurtz suggested review of the stricken language as it may imply there is no time limit to when someone could change their grades. The Senates will bring recommended language back to DA once reviewed.

SAN BERNARDINO COMMUNITY COLLEGE DISTRICT

VI. NEW BUSINESS

A. Social Media Policy

Kristina presented the new policy to allow everyone an opportunity to review and distribute to their constituent groups and provide feedback. The policy is not intended to be punitive. It is more of a process and procedure for how we handle social media on campus, use of district property, and representing the district appropriately. Kristina will begin to have further discussion and feedback with bargaining units and Title IX coordinators. Members of the Assembly were asked to take the policy to their constituency groups for review, feedback, and to provide recommended language.

- B. CCLC Bi-Annual Update Offered in partnership with the law firm of Liebert Cassidy Whitmore, the update reflects new templates, statutes, regulations, and legal opinions.
 - 1. CCLC Legal Update #37 (fall 2020)
- C. APs & BPs Recommended for 1st Reading To be agendized for review and feedback from constituent groups. Any changes should be emailed to Stacey Nikac before the 15th of the month.
 - 1. BP 3600 Auxiliary Organizations
 - 2. AP 3600 Auxiliary Organizations
 - 3. BP 6550 Disposal of Property
 - 4. AP 6550 Disposal of Property
 - 5. BP 7265 Management Internship - Suggested Deletion
 - 6. BP 7335 Health Examinations (No Changes)
 - 7. AP 7265 Management Internship - Suggested Deletion
 - 8. AP 7335 Health Examinations

Items 6 B & C were shared. K. Hannon noted AP/BP recommended for 1st reading should follow the process by taking back to constituency groups for review/feedback and sending recommended language revisions to Stacey by the 15th of the month.

VII. INFORMATION ITEMS

- A. APs & BPs with simple CCLC Legal Updates, Minor Clerical Revisions, or from Chapter 2
 - 1. BP 2435 Evaluation of the Chancellor
 - 2. AP 2435 Evaluation of the Chancellor
 - 3. BP 3518 Child Abuse Reporting
 - 4. AP 3518 Child Abuse Reporting
 - 5. BP 3725 Information and Communications Technology Accessibility & Acceptable Use (No Changes)
 - 6. AP 3725 Information and Communications Technology Accessibility & Acceptable Use
 - 7. BP 5030 Fees
 - 8. AP 5030 Fees
 - 9. BP 5035 Withholding of Student Records
 - 10. AP 5035 Withholding of Student Records
 - 11. BP 7330 Communicable Disease
 - 12. AP 7330 Communicable Disease (No Changes)
 - 13. AP 7348 Accommodations
- B. APs & BPs Deemed Academic & Professional
 - 1. BP 4235 Credit for Prior Learning (formerly Credit by Examination) – item pulled
 - 2. AP 4235 Credit for Prior Learning (formerly Credit by Examination) – item pulled

K. Wurtz recommended changes for AP/BP 4235 Credit for Prior Learning. 2nd bullet on determination of eligibility. K. Wurtz will make recommended changes for consideration next month.

VIII. UPDATES & REPORTS

A. Equity & Diversity Updates (K. Hannon)

K. Hannon reported the EEO Committee is analyzing the EEO Plan and are working with the Senates on AP 7210 (academic hiring AP). More to follow next month.

SAN BERNARDINO COMMUNITY COLLEGE DISTRICT

B. Budget Update (J. Buysse)

J. Buysse reported the State is in a better position than anticipated and the budget will be more definitive with the May Revise. Jim will send out a budget summary of what is included in the budget that will include a link to the joint analysis by the state chancellor's office. Points of interest:

- 1.5% COLA for us next year. We don't get COLA this year.
- 3.84% COLA for K-12 is two years' worth (this year and next year)
- COLA has the stipulation that we have to draft an equity plan.
- Governor's Office did not assume federal funding in the development of the budget and SBCCD will receive appx \$18.4M
- Enrollment growth factor of 5%
- Hold harmless used this year continued to next year?
- Approx \$326M of \$1.4B deferrals will be paid – most will be paid next year.
- Pension cost relief – PERS reduced from 16.15% to 15.92% next year. CALPERS reduced from 24.9 to 23%.
- Workforce Development funds available. Stay tuned.

C. Campus COVID-19 Safety Plan (C. Thomas)

Kristina reported Chancellor's Cabinet decided to review all plans to ensure they were in alignment before sending forward for board approval. Michael Nguyen addressed updates to the plan. Cal OSHA issued a temporary standards in late November that requires all employers to have a COVID-19 prevention plan. The plan will return to DA next month for discussion.

D. Vested/Advocacy Group Reports

Confidential Group (written report)
Management Association (written report)

Written reports were provided.

E. TESS Quarterly Update (written report)

Written report was provided.

F. CHC & SBVC AS, CS, ASG (written reports)

No reports.

IX. REMINDER TO CONSTITUENT GROUP REPRESENTATIVES: The success of the mission of the Assembly depends on the effective communication of the Assembly with the various constituencies represented by the membership. In order to accomplish this goal of effective communication, we ask each of you to:

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X. ADJOURN

The next meeting of District Assembly: Zoom Conference <https://cccconfer.zoom.us/j/98604464871>

Future General Meetings:

3/2/21

4/6/21

5/4/21

Dark in June

Dark in July

K. Hannon adjourned the meeting at 4:04pm.

District Assembly Attendance Roster 2/2/21

First Name	Last Name	Attendance
Brandi	Bailes	Yes
T.L.	Brink	Yes
Keynasia	Buffong	Yes Proxy
Davena	Burns-Peters	Yes
Raymond	Carlos	Yes
Lucas	Cuny	Yes
Taylor	DeBenedictis	No
John	Feist	Yes
Colleen	Gamboa	Yes
Edward	Gomez	No
Laurie	Green	Yes
Kristina	Hannon	Yes
Kevin	Horan	Yes
Alex	Jaco	Yes
Rhiannon	Lares	Yes
Craig	Luke	Yes
Meridyth	McLaren	Yes
Stacey	Nikac	Yes
Diana	Rodriguez	No
Cyndie	St. Jean	Yes
Bethany	Tasaka	Yes
Cassandra	Thomas	No
Jose	Torres	Yes
Jonathan	Townsend	Yes
Keith	Wurtz	Yes

Current Status: *Draft*

PolicyStat ID: 8971607



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

BP 3600 Auxiliary Organizations

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

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

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

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

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

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

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

References:

Education Code Sections 72670, et seq.;
Title 5, Sections 59250, et seq.

Attachments

- [BP 3600 Auxiliary Organization - Comments](#)
- [BP 3600 Auxiliary Organization - Legal Citations](#)
- [BP 3600 Auxiliary Organizations - Lipton's version](#)
- [BP3600 -OLD.pdf](#)

Draft saved by Goodrich, Kelly

12/8/2020, 1:07PM EST

Comment by Goodrich, Kelly

12/8/2020, 1:08PM EST

2021-02-02 DA 1st Read

Comment by Goodrich, Kelly

2/22/2021, 10:31AM EST

3/2/2021 DA 2nd Read

DRAFT

Current Status: *Draft*

PolicyStat ID: 8879387



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

AP 3600 Auxiliary Organizations

AP 3600 Auxiliary Organizations

NOTE: This procedure is **legally required**. Local practice may be inserted. The following complies with all requirements of statute and Title 5. This procedure template reflects a set of implementing procedures for auxiliary organizations, under the Education Code and Title 5. Local practices should be inserted, if the District adopts AP 3600 as its auxiliary implementing procedures. After inserting local practice, the District must submit AP 3600 to the California Community Colleges Chancellor's Office for approval as the District's auxiliary implementing procedures.

DEFINITIONS

Board of Directors: The term board of directors as used herein means the governing board of an auxiliary organization.

Board of Trustees: The term Board of Trustees as used herein means the Board of Trustees of the District.

Board of Governors: The term Board of Governors as used herein means the Board of Governors of the California Community Colleges.

CEO:Chancellor: The term ~~CEO (chief executive officer)~~Chancellor as used herein means the Chancellor ~~or Superintendent~~ of the District or designee.

District: The term District as used herein means the ~~[name of District]~~San Bernardino Community College District.

Associated Student Body: The terms Associated Student Body, Associated Student Organization, Student Association, Student Organization, or ASB as used herein means an organization formed by any group of students from a College of the District in accordance with the provisions of Education Code Section 76060. All clubs and organizations recognized by an Associated Student Body or Organization shall be included in any auxiliary organization established by the Student Body or Organization.

Recognition and Establishment of Auxiliary Organizations

The ~~[CEO]~~Chancellor shall submit a recommendation to the Board of Trustees to establish an auxiliary organization when the organization will serve the District. The recommendation includes, but is not limited to, the following:

- The purpose(s) for which the auxiliary organization is to be established;
- Whether the proposed auxiliary organization will primarily serve the District or a particular college;
- The functions which the auxiliary organization is intended to perform;

- The proposed bylaws and articles of incorporation for the auxiliary organization, including the size and composition of the board of directors; and
- The proposed written agreement between the auxiliary organization and the District addressing, among other things, all of the requirements of Title 5 Section 59257 subdivision (j).

The process of recognition shall be as follows:

- When the ~~{CEO}~~Chancellor receives a request to establish an auxiliary organization, the ~~{CEO}~~Chancellor shall submit a recommendation concerning the establishment of the organization to the Board of Trustees within three months.
- The Board of Trustees shall hold a public hearing on each recommendation concerning the establishment of an auxiliary organization.

At a subsequent scheduled meeting after the public hearing, the board shall announce its decision concerning the establishment of the organization, and, if approved, authorize the functions it may perform, identify the number and category or categories of the board of directors and approve contractual arrangements.

At such time as the District recognizes an auxiliary organization, it shall submit to the California Community Colleges Chancellor's Office any written agreements with the auxiliary organization, as well as the articles of incorporation, bylaws, or other governing instruments.

Recognized Services, Programs, and Functions

Auxiliary organizations may be recognized and established by the Board of Trustees to perform services, programs and functions which are an integral part of the community college educational programs. The following supportive services and specified programs have been determined to be appropriate:

- Student association or organization activities;
- Bookstores;
- Food and campus services;
- Student union programs;
- Facilities and equipment, including parking;
- Loans, scholarships, grants-in-aid;
- Workshops, conferences, institutes and federal and specially funded projects;
- Alumni activities;
- Supplementary health services;
- Gifts, bequests, devises, endowments and trusts; and
- Public relations programs.

This section shall not be construed to prohibit an auxiliary organization from taking actions essential to satisfy the non-profit corporation or tax laws of the State of California or the Federal tax laws.

Operations of commercial services on a campus shall be self supporting when operated by an auxiliary organization.

Authority and Responsibility of Auxiliary Organizations

All services, programs, and activities that may be undertaken by an auxiliary organization must be for the purposes of providing activities that are an integral part of the community college educational programs. For example, upon Board of Trustees approval, an auxiliary organization may assume any of the services, programs, and activities listed in these procedures in order:

- To provide the fiscal means and the management procedures that allow the District to carry on

educationally related activities not normally funded by State apportionment;

- To eliminate the undue difficulty that would otherwise arise under the usual governmental budgetary, purchasing and other fiscal controls except as expressly prohibited by the Education Code or Title 5, or the District's procedures; or
- To provide fiscal procedures and management systems that allow effective coordination of the auxiliary activities with the District in accordance with sound business practices.

Composition of Boards of Directors

The board of directors of each auxiliary organization shall have the following composition:

Student Associations or Organizations: The board of directors shall consist primarily of students. The ~~§ designate position~~ **Director of Student Life** may attend and participate in meetings of the board of directors in order to advise on policy and to provide for the control and regulation required by Education Code Section 76060.

Other Auxiliary Organizations: Any other District approved auxiliary organization that is established pursuant to Education Code Sections 72670 et seq. shall have a board of directors appointed in accordance with the organization's articles of incorporation or bylaws and consisting of voting membership from one or more of the following categories: administration, staff; members of the community; students.

The size of the board of directors of an auxiliary organization shall be at least large enough to accommodate the one or more categories from which board members are selected.

The board of directors shall have the advice and counsel of at least one attorney admitted to practice in California and at least one certified public accountant. Upon being notified of the certified public accountant selected by an auxiliary organization, the District shall forward the applicable auditing and reporting procedures to the selected certified public accountant.

Conduct of Boards of Directors

No member of the board of directors of an auxiliary organization shall be financially interested in any contract or other transaction entered into by the board of which he/she is a member. Any contract or transaction entered into in violation of this section is void.

No contract or other transaction entered into by the board of directors of an auxiliary organization is void under the provisions of Education Code Section 72677; nor shall any member of such board be disqualified or deemed guilty of misconduct in office under such provisions, if pursuant to Education Code Section 72678 both of the following conditions are met:

- The fact of such financial interest is disclosed or known to the board of directors and noted in the minutes, and the board thereafter authorizes, approves, or ratifies the contract or transaction in good faith by a vote sufficient for the purpose without counting the vote or votes of such financially interested member or members.
- The contract or transaction is just and reasonable as to the auxiliary organization at the time it is authorized or approved.

The provisions of Education Code Section 72678 shall not be applicable if any of the following conditions are met:

- The contract or transaction is between an auxiliary organization and a member of the board of directors of that auxiliary organization.
- The contract or transaction is between an auxiliary organization and a partnership or unincorporated

association of which any member of the governing board of that auxiliary organization is a partner or in which he/she is the owner or holder, directly or indirectly, of a proprietorship interest.

- The contract or transaction is between an auxiliary organization and a corporation in which any member of the board of directors of that auxiliary organization is the owner or holder, directly or indirectly, of five percent or more of the outstanding common stock.
- A member of the board of directors of an auxiliary organization is interested in a contract or transaction within the meaning of Education Code Section 72677 and without first disclosing such interest to the governing board at a public meeting of the board, influences or attempts to influence another member or members of the board to enter into the contract or transaction.

It is unlawful for any person to utilize any information, not a matter of public record, which is received by the person by reason of his/her membership on the board of directors of an auxiliary organization, for personal pecuniary gain, regardless of whether he/she is or is not a member of the board at the time such gain is realized.

To help ensure compliance with these provisions, the Board of Directors of any auxiliary organization should adopt a conflict of interest policy. Each director must review and acknowledge the conflict of interest policy annually. The conflict of interest policy may address, among other things, the following: appropriate board conduct, gifts, confidentiality, fiduciary responsibilities, and conflicts of interest.

Bylaws

The bylaws of an auxiliary organization shall include, but not be limited to, specifying:

- The number of members of the board of directors, the categories from which members shall be selected and the method by which they shall be selected.
- The size of the board of directors.
- That at least one public business meeting will be held each quarter.
- The time table for the preparation and adoption of its program and annual budget and the submission of both for review to the ~~CEO~~ Chancellor.
- That an attorney admitted to practice in this state and a licensed certified public accountant shall be selected to provide advice and counsel to the board of directors. Each shall have experience appropriate to the responsibility and shall have no financial interest in any contract or other transaction entered into by the board which he/she serves. Neither the attorney nor the certified public accountant needs to be a member of the board of directors.
- The procedures for approving expenditures.
- The procedures for accepting gifts, donations, bequests, trusts, and specially funded grants and other income.

Master Agreement between District and Auxiliary Organizations

In the recognition and establishment of an auxiliary organization, there shall be a written agreement between the District and the auxiliary organization which sets forth the purposes of the auxiliary organization as permitted under this Regulation, and Title 5 Section 59259.

Should an auxiliary organization provide more than one service, program or function, such service, program or function may be authorized in one of more written contracts with the District. Such services, programs and functions thereby performed by an auxiliary organization may also be part of a joint powers agreement in accordance with Education Code Section 72671 and Government Code Sections 6500 et seq.

An auxiliary organization shall provide only those services, programs or functions authorized by a written agreement. No other service, program or function shall be permitted or performed unless a written agreement

between the District and the auxiliary organization is amended to provide otherwise.

The agreement shall include, but is not limited to, the following provisions:

- The services, programs, or functions the auxiliary organization is to manage, operate or administer.
- A statement of the reasons for administration of the functions by the auxiliary organization instead of by the District under usual District procedures.
- The areas of authority and responsibility of the auxiliary organization and the District or College.
- The facilities and services to be made available by the District to permit the auxiliary organization to perform the services, programs or functions specified in the written agreement.
- The charge or rental to be paid to the District by the auxiliary organization for the facilities used or services provided in connection with the performance of its function. The charge or rental specified shall be identified in sufficient time before it is incurred so that the organization may determine to what extent it is liable.
- Full reimbursement to the District for services performed by the District or by District employees in support of the auxiliary organization. No more than 50% of the reimbursement may be made in the form of non-monetary benefits that the auxiliary organization provides to the District, such as increased community awareness or other such benefits that are agreed upon by authorized District officials and the auxiliary organization. The District shall assign a good-faith reimbursement value to such non-monetary benefits. Student body auxiliary organizations may be exempt from reimbursing all or any portion of the costs for such services, unless the organization was established as an "auxiliary organization" pursuant to Education Code Sections 72670 et seq.
- Simple and equitable methods of proration where services are performed by District employees for the organization shall be mutually determined.
- A simple and stable mutually agreed upon method of determining in advance to what extent the organization shall be liable for indirect costs relating to specially funded programs (including federally sponsored programs).
- The responsibility for maintenance and payment of operating expenses.
- Proposed expenditures for public relations or other purposes which would serve to augment District appropriations for operation of the District. With respect to these expenditures, the auxiliary organization may expend funds in such amount and for such purposes as are approved by the board of directors of the auxiliary organization. The board of directors shall file with the ~~CEO~~ Chancellor, a statement of such policy on accumulation and use of public relations funds. The statement shall include the policy and procedure on solicitation of funds, source of funds, amounts, and purpose for which the funds will be used, allowable expenditures, and procedures of control.
- The disposition to be made of net earnings derived from the operation of the auxiliary organization, including earnings derived from facilities owned or leased by the auxiliary organization, and provisions for reserves.
- The disposition to be made of net assets and liabilities on dissolution of the auxiliary organization or cessation of the operations under the agreement.
- The covenant of the auxiliary organization to maintain its organization and to operate in accordance with Education Code Sections 72670-72682 and with Title 5 Sections 59250 et seq. as well as board policy and these procedures.
- The understanding that the auxiliary organization shall obtain the services and counsel of an attorney admitted to practice in the State of California whenever the need arises.
- The understanding that the auxiliary organization shall not enter into any contract or other business arrangement involving real property either by lease involving payments of more than \$25,000 per annum and duration terms of more than one year, or by purchase without prior notification and consultation with

the ~~CEO~~ Chancellor.

Personnel

Each auxiliary organization shall develop general regulations to govern its operations, including policies and regulations concerning the salaries, working conditions and benefits of its employees.

The aforesaid regulations shall not conflict with the implementing policies adopted by the Board of Trustees or with these procedures.

Except as otherwise provided in any board rules, the board of directors of each auxiliary organization shall, pursuant to Education Code Section 72672, provide salaries, working conditions and benefits for its full-time employees that are comparable to those provided District employees performing substantially similar services. For those full-time employees who perform services that are not substantially similar to the services performed by District employees, the salaries established shall be at least equal to the salaries prevailing in other educational institutions in the area or commercial operations of like nature.

Regular District employees may be employed by the auxiliary organization. District employees must resign or request a personal leave of absence from the District in order to accept employment with the auxiliary organization. District officers and employees who are required by the District's Conflict of Interest Code (AP 2712) to file disclosure of financial information are responsible to determine whether they are eligible to accept employment with the auxiliary organization immediately upon resignation from the District.

- **Educational Administrators or other Management Employees** may be granted a personal leave of absence for two semesters, which may be extended to a maximum of ten consecutive semesters
- **Classified management employees** may be granted a personal leave of absence for up to one year. This leave may not be extended beyond one year without the employee first having returned to active duty.
- **Academic (faculty) employees** may be granted personal leave of absence for two semesters. The leave may be extended for not more than six consecutive semesters.
- **Classified employees** may be granted a personal leave of absence for up to one year. This leave may not be extended beyond one year without the employee first having returned to active duty.

The board of directors of each auxiliary organization may provide retirement benefits different from those provided comparable District employees and may withhold retirement benefits or permanent status benefits or both from temporary employees and executive employees. For the purposes of this procedure, a "temporary employee" is:

- An employee employed for a specific research project, workshop, institute or other special project funded by any grant, contract or gift; or
- An employee whose contract of employment is for a fixed term not exceeding three years.

For the purposes of this procedure, an "executive employee" is any management employee with responsibility for the development and execution of the auxiliary organization's policies and includes, but is not limited to, general managers, business managers, directors and the like, as determined by the board of directors of each auxiliary organization.

Should retirement benefits be provided, they may but need not be provided by the Public Employees' Retirement System. Any newly created auxiliary organization is exempted from the requirement of providing retirement benefits for a period not to exceed three years from the date on which the Board of Trustees recognizes the establishment of such auxiliary organization.

An auxiliary organization may contract with the District for the services of a District employee and reimburse

the District for that portion of the employee's full-time assignment (and corresponding benefits) that is spent in providing services.

Accounting and Reporting for Auxiliary Organizations

The fiscal year of the auxiliary organization shall coincide with that of the District.

Each auxiliary organization shall develop an accounting system that is in accordance with generally accepted accounting principles.

The auxiliary organization shall implement financial practices that will assure its fiscal viability. Such standards shall include professional management, adequate working capital, adequate reserve funds for current operations, capital replacements, contingencies and adequate provisions for new business requirements.

Each auxiliary organization serving the District shall submit its programs and budgets for review at a time and in a manner specified by the ~~{CEO}~~Chancellor.

Funds derived from indirect cost payments shall only be appropriated with the specific approval of the ~~{CEO}~~Chancellor. All uses of such funds shall be regularly reported to the District's governing board.

Should the ~~{CEO}~~Chancellor determine that any program or appropriation planned by an auxiliary organization is not consistent with District policy, the program or appropriation shall not be implemented. Further, should a program or appropriation which has received approval, upon review, be determined by the ~~{CEO}~~Chancellor to be operating outside the acceptable policy of the Board of Governors or the District, then that program or appropriation shall be discontinued by direction of the ~~{CEO}~~Chancellor until further review is accomplished and an appropriate adjustment is made.

The board of directors of an auxiliary organization shall approve all expenditure authorizations.

~~**NOTE: The following language applies only if auxiliary organizations receive or accrue in any fiscal year gross revenues of \$2 million or more.**~~

If the auxiliary organization receives or accrues in any fiscal year gross revenue of two million dollars (\$2,000,000) or more, it shall also include in its bylaws an audit committee appointed by the board of directors. The audit committee may include persons who are not members of the board of directors, but the member or members of the audit committee shall not include any members of the staff, including the president or chief executive officer and the treasurer or chief financial officer. If the auxiliary committee has a finance committee, it must be separate from the audit committee.

Members of the audit committee shall not receive any compensation from the auxiliary in excess of the compensation, if any, received by members of the board of directors for service on the board and shall not have a material financial interest in any entity doing business with the auxiliary. Subject to the supervision of the board of directors, the audit committee shall be responsible for recommending to the board of directors the retention and termination of the independent auditor and may negotiate the independent auditor's compensation, on behalf of the board of directors.

The auxiliary organization must also make its annual audited financial statements available to the public in the same manner prescribed by IRS for Form 990 and no later than nine months after the close of the fiscal year to which the statements relate.

The board of directors, or an authorized committee of the board, shall review and approve the compensation, including benefits, of the President or Chief Executive Officer and the Treasurer or Chief Financial Officer to assure that it is just and reasonable. This review and approval shall occur initially upon the hiring of the officer,

whenever the term of employment, if any, of the officer is renewed or extended, and whenever the officer's compensation is modified. Separate review and approval shall not be required if a modification of compensation extends to substantially all employees.

Records and Annual Report of Auxiliary Organizations

Personnel and payroll records shall be maintained as permanent records by each auxiliary organization.

Adequate records of all other transactions of an auxiliary organization shall be maintained for a minimum of five years, or as otherwise prescribed by any document retention policy adopted by the organization, which may set different retention periods. Transactions of the organization include, but are not limited to, purchases, disbursements, and investments.

An annual report shall be submitted to the Board of directors of the auxiliary organization and to the ~~CEO~~ Chancellor by September 15. The report shall include, but is not limited to:

- All financial statements required to be filed with the California Community Colleges Chancellor's Office
- A comparison of budgeted and actual expenditures
- A description of major accomplishments of the organization
- A description of improvements proposed for operation of the organization.

Records maintained by an auxiliary organization shall be available to the public to inspect or copy at all times during the office hours of the auxiliary organization, pursuant to and with the exceptions provided in Education Code Sections 72690 et seq.

Annual Audit

Each auxiliary organization shall have an annual fiscal audit of any and all funds. The audit shall be performed by a certified public accountant in accordance with procedures prescribed by the Chancellor. Copies of the annual audit report shall be submitted to the Board of Trustees and to the California Community Colleges Chancellor's Office within 30 days after it is received by the auxiliary organization. Thereafter, it shall be a public record, except as otherwise provided by law. Such audits may be conducted as part of a fiscal audit of the District itself.

Auxiliary organizations shall annually publish an audited statement of their financial condition, which shall be disseminated as widely as feasible and be available to any person on request. A reasonable fee may be charged to cover the costs of providing a copy. An auxiliary organization shall comply with this requirement by:

- Publishing the audited financial statement in a campus newspaper; or
- Publishing a notice in a campus newspaper indicating the on-campus location where copies of the financial statement may be obtained or reviewed; or
- Publishing or noticing the audited statement in a campus bulletin or other appropriate medium if a campus newspaper is unavailable.

The audited financial statements shall also be available for inspection by the Attorney General and shall be made available to members of the public in the same manner prescribed by IRS for Form 990 and no later than nine months after the close of the fiscal year to which the statements relate.

Insurance

An auxiliary organization shall secure and maintain insurance adequate to protect its operations from catastrophic losses and as required by law, including but not limited to, the following:

- Comprehensive general liability;

- Property and extended coverage, when applicable;
- All risks, money and securities;
- Fidelity and performance bonds covering its chief fiscal officer;
- Automotive liability when applicable; and
- Workers' Compensation

In any insurance policy secured by the auxiliary organization, the District shall be named as additional insured.

A copy of each policy or endorsement or insurance certificates setting forth the coverage and limits shall be provided to the District within 30 days from the receipt of the document.

In obtaining the insurance coverage, the auxiliary organization may secure the insurance directly through its own broker or through the District.

Auxiliary Organizations: Use of Facilities

Facilities may be made available by the District to an auxiliary organization to perform the functions specified in these regulations or in an agreement, under the following circumstances:

- The auxiliary organization may occupy, operate, and use such District facilities as are mutually identified as appropriate for the functions or activities that have been undertaken by the auxiliary organization.
- The auxiliary organization shall pay to the District a charge or rental for the District facilities used by it in connection with the performance of its function or functions.
- The charge or rental to be paid by the auxiliary organization shall not require involved methods of computation, and shall be identified by the District and the auxiliary organization in sufficient time before it is incurred so that the auxiliary organization may determine to what extent it shall be liable.
- The charge or rental to be incurred by an auxiliary organization for use of District facilities shall be incorporated into the agreement between the parties.
- An auxiliary organization shall provide full reimbursement to the District for any services performed by District employees under the direction of the auxiliary organization. Methods of proration where services are performed by District employees for the auxiliary organization shall be simple and equitable.

List of Auxiliary Organizations in Good Standing

Each year, the ~~{CEO}~~Chancellor shall provide to the Board of Trustees a list of all auxiliary organizations in good standing. All auxiliary organizations which, after periodic review in the manner specified hereinafter in these regulations, are found to be in compliance with applicable laws, policies and regulations shall be included in the list.

When the ~~{CEO}~~Chancellor has reason to believe that a particular organization should be removed from the list of auxiliary organizations in good standing, a conference shall be held to determine whether such grounds for removal do in fact exist. The ~~{CEO}~~Chancellor shall be present at the conference, along with other appropriate District representatives, as determined by the ~~{CEO}~~Chancellor. The District shall give the auxiliary organization Board of Directors reasonable notice that such conference will be held, and representatives of the Board shall be entitled to be present at the conference, and to be heard. The board of directors of such organization shall be entitled to participate in this conference and shall have a minimum of one month's notice to prepare response to the issues which have been raised.

Based upon such conference, the ~~{CEO}~~Chancellor shall recommend to the District's governing board whether the particular organization shall be removed from the list of auxiliary organizations in good standing. The District's governing board may, in its sole discretion, remove such an auxiliary organization from the list, and may make such other provisions consistent with law as may be appropriate with respect to an auxiliary

organization not included on the list.

An organization so removed shall not be permitted to do any of the following:

- Use the name of the District;
- Have as a director any official in the District acting in his/her official capacity;
- Operate a commercial service for the benefit of the District or any of its Colleges; and
- Receive gifts, property, or funds to be used for the benefit of the District or any of its colleges.

If the auxiliary organization is dissolved or ceases operations upon removal from the list of organizations in good standing, its net assets and liabilities shall be distributed according to the terms of the written agreement between the organization and the District.

Limitation on Transfer of Funds to Auxiliary Organizations

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

Compliance Review by ~~{the Chancellor-CEO}~~

All auxiliary organization procedures and practices shall be reviewed to determine compliance with Education Code Sections 72670 et seq., and the policies, rules and regulations of the Board of Governors, and of the District. The **[CEO]** shall designate the individual to conduct this review, which shall be conducted at the end of the first complete fiscal year after its establishment and at least once every three years thereafter.

When the **[CEO]Chancellor's** designee determines, after inspection and review, that certain auxiliary organization procedures and practices are not in compliance with policies, rules, and regulations of the Board of Governors and the District, a recommendation concerning the items of noncompliance shall be communicated in writing to the **[CEO]Chancellor** and to the board of directors of the auxiliary organization. The board of directors shall reply in writing within one month, either describing the actions which will be taken, including time table, to bring procedures and practices into compliance; or describing the reasons why the board considers the procedures already to be in compliance.

If the **[CEO]Chancellor's** designee considers the proposed corrective actions to be acceptable, the auxiliary organization shall be so informed. A second compliance review shall be held at the end of the time agreed to and the results communicated in writing to the **[CEO]Chancellor** and to the board of directors.

When the auxiliary organization fails to provide an acceptable proposal for corrective actions or fails to implement successful corrective actions within the agreed upon time, the **[CEO]Chancellor** shall inform the board of directors of such further action as he/she considers appropriate, which may include a recommendation to the Board of Trustees for termination of the contract.

Revision of Rules and Procedures and Reports to the California Community Colleges Chancellor's Office

Rules and procedures for the administration of auxiliary organizations may be revised as necessary by the **[CEO]Chancellor** or designee. The board of directors of each auxiliary organization in good standing shall be promptly notified in writing of such revisions and be informed of the date by which any changes in the organization's procedures must be accomplished.

Any such revisions shall be submitted to the California Community Colleges Chancellor's Office for approval. The District shall report, as may be required from time to time, on the operation of its auxiliary organizations.

References:

Education Code Sections 72670 et seq. ;
Government Code Sections 12580 et seq. ;
Title 5 Sections 59250 et seq.

Attachments

No Attachments

Comment by Stat, Policy

12/2/2020, 4:22PM EST

12/2/20 Chancellor's Cabinet agreed the Director of Student Life is the designated position to attend and participate in meetings of the board of directors in order to advise on policy and to provide for the control and regulation required by Education Code Section 76060.

Comment by Goodrich, Kelly

12/8/2020, 1:04PM EST

2021-02-02 DA First Read

Comment by Goodrich, Kelly

2/22/2021, 10:36AM EST

3/2/2021 DA 2nd Read



Current Status: *Draft*

PolicyStat ID: 8880249



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Business & Fiscal Services
 Policy Area: *Chapter 6 Business & Fiscal Services*
 References: *Legally Required*

BP 6550 Disposal of Property

~~(Replaces current SBCCD BP 6550)~~

~~**NOTE:** The language in current SBCCD BP 6550 parallels the language recommended by the Policy and Procedure Service.~~

- ~~**From current SBCCD BP 6550 titled Disposal of Property**~~

The Chancellor is delegated authority by the Board ~~of Trustees~~ of Trustees to declare as surplus such personal property of the District as is no longer useful for District purposes, and shall establish procedures to dispose of such property in accordance with applicable law. All sales of surplus personal property shall be reported to the Board on a periodic basis. This policy shall not be construed as authorizing any representative of the District to dispose of surplus real property at any time.

References:

Education Code Sections 70902 subdivision (b)(6), ~~81383, 81384, 81452 81360 et seq., and 81450 et seq.~~ 81360 et seq., and 81450 et seq.

Attachments

[BP 6550 Disposal of Property - Comments](#)
[BP 6550 Disposal of Property - Legal Citations](#)
[BP6550 -OLD.pdf](#)

Comment by Goodrich, Kelly

11/13/2020, 1:25PM EST

Minor updates as part of regularly scheduled review.

Comment by Goodrich, Kelly

11/16/2020, 4:26PM EST

12/01/2020 DA 1st Read

Comment by Goodrich, Kelly

2/22/2021, 9:26AM EST

2/2/2021 Repeat DA 1st Read

3/2/2021 DA 2nd Read

DRAFT

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References:	<i>Legally Advised</i>

AP 6550 Disposal of Property

~~(Replaces current SBCCD AP 6550)~~

~~**NOTE:** This procedure is . Local practice may be inserted, but should include :~~

- ~~• Delegation by the Chancellor to appropriate administrator(s) of authority to dispose of property to highest bidder after payment has been received by the District~~
- ~~• Schedule for disposal of personal property (e.g., library books, theatre props)~~
- ~~• Schedule for disposal of equipment (e.g., computers, copiers, vehicles)~~
- ~~• Authority to dispose of property in lots~~
- ~~• Requirement for posting in at least three public places in the District for not less than two weeks, or publication at least once a week for a period of not less than two weeks in a District newspaper~~
- ~~• Provision that staff may dispense with posting/publication and sale to the highest bidder if:~~
- ~~• the surplus property is exchanged with, sold, or donated to a school district, community college district, or other public entity; or~~
- ~~• the proceeds from sale or lease are expended for capital outlay purposes related to qualified community college facilities and the District complies with specified conditions~~
- ~~• Schedule for reporting to Board (e.g., annually, quarterly)~~
- ~~• Provision, if the District chooses to include it, that District employees may not buy property declared to be surplus (this is an element of conflict of interest)~~
- ~~• Provision for Board action for disposal of property under \$5,000.~~

~~**NOTE:** The following is an example.~~

~~The District may sell for cash any District personal property if the property is not required for District purposes, or if it should be disposed of for the purpose of replacement, or if it is unsatisfactory or not suitable for use.~~ The District may sell for cash any District personal property if the property is not required for District purposes, or if it should be disposed of for the purpose of replacement, or if it is unsatisfactory or not suitable for use.

- ~~• From current SBCCD AP 6550 titled Disposal of Property~~

Disposal of assets shall be in accordance with Education Code guidelines. When items are determined to be no longer of use, the department is to complete a Property Change Request form and forward with the asset to the applicable Warehouse for processing. The Warehouse Technician or Purchasing staff will "Retire" the asset in the Fixed Asset Property database and note the Date Retired as the Board Meeting Date to which the assets will be placed on the agenda. Otherwise, the retired date is the most appropriate date of transfer. Assets that are delivered to the Warehouse without an accompanying Property Change Request form will be

returned to the respective department.

~~Property cannot be sold until notice has been given. Notice must be posted in at least three public places in the district for not less than two weeks; notice can also be by publication for at least once a week for a period of not less than two weeks in a newspaper published in the district and having a general circulation. If there is no such newspaper, then notice can be published in a newspaper having a general circulation in the District; or if there is no such newspaper, then in a newspaper having a general circulation in the county in which the District or any part thereof is situated.~~
Property cannot be sold until notice has been given. Notice must be posted in at least three public places in the District for not less than two weeks; notice can also be by publication for at least once a week for a period of not less than two weeks in a newspaper published in the District and having a general circulation. If there is no such newspaper, then notice can be published in a newspaper having a general circulation in the District; or if there is no such newspaper, then in a newspaper having a general circulation in the county in which the District or any part thereof is situated.

~~The *[insert designee]* shall sell the property to the highest responsible bidder, or shall reject all bids.~~
The Business Manager shall sell the property to the highest responsible bidder, or shall reject all bids.

~~Personal property authorized for sale as surplus may also be disposed of by means of a public auction conducted by employees of the District, or by other public agencies, or by contract with a private auction firm. The personal property shall be sold or transferred to the highest responsible bidder upon completion of the auction and after payment has been received by the District.~~
Personal property authorized for sale as surplus may also be disposed of by means of a public auction conducted by employees of the District, or by other public agencies, or by contract with a private auction firm. The personal property shall be sold or transferred to the highest responsible bidder upon completion of the auction and after payment has been received by the District or auction firm.

~~The District can also exchange for value, sell for cash, or donate any personal property belonging to the District without complying with the preceding procedures if all of the following criteria are met:~~
The District can also exchange for value, sell for cash, or donate any personal property belonging to the District without complying with the preceding procedures if all of the following criteria are met:

- a. ~~The District determines that the property is not required for District purposes, that it should be disposed of for the purpose of replacement, or that it is unsatisfactory or not suitable for school use.~~
The District determines that the property is not required for District purposes, that it should be disposed of for the purpose of replacement, or that it is unsatisfactory or not suitable for school use.
- b. ~~The property is exchanged with, or sold or donated to, a school district, community college district, or other public entity that has had an opportunity to examine the property proposed to be exchanged, sold, or donated.~~
The property is exchanged with, or sold or donated to, a school district, community college district, or other public entity that has had an opportunity to examine the property proposed to be exchanged, sold, or donated.
- c. ~~The receipt of the property by a school district or community college district will not be inconsistent with any applicable district wide or school site technology plan of the recipient district.~~
The receipt of the property by a school district or community college district will not be inconsistent with any applicable district wide or school site technology plan of the recipient district.

~~If the Board, by a unanimous vote of those members present, finds that the property, whether one or more items, does not exceed in value the sum of \$5,000, the property may be sold by *[insert designee]* at private sale without advertising.~~
If the Board, by a unanimous vote of those members present, finds that

the property, whether one or more items, does not exceed in value the sum of \$5,000, the property may be sold, auctioned, or exchanged for value by the Business Manager at private sale without advertising.

~~Any item or items of property having previously been offered for sale as provided in Education Code Section 81450, but for which no qualified bid was received, may be sold by [insert designee] at private sale without advertising.~~Any item or items of property having previously been offered for sale as provided in Education Code Section 81450, but for which no qualified bid was received, may be sold by the Business Manager at private sale without advertising.

~~In addition, the Board may sell or lease real property belonging to the District under the following conditions:~~In addition, the Board may sell or lease real property belonging to the District under the following conditions:

~~If the District has received only one sealed proposal from a responsible bidder that conforms with the standard rate or rates for the lease of its real property established by a majority vote of the Board, the Board may by majority vote delegate to an officer or employee the power to enter into leases, for and in behalf of the District, of any real property of the District.~~If the District has received only one sealed proposal from a responsible bidder that conforms with the standard rate or rates for the lease of its real property established by a majority vote of the Board, the Board may by majority vote delegate to an officer or employee the power to enter into leases, for and in behalf of the District, of any real property of the District.

~~Generally, the funds derived from the sale or from a lease with an option to purchase shall be used for capital outlay or deferred maintenance. However, the proceeds of property sold or leased that was first offered for park or recreational purposes where applicable and then offered for sale or lease with an option to purchase at fair market value may be deposited in the general fund of the District if, prior to the sale or lease, the Board has determined that the district has no anticipated need for additional sites or building construction for the five-year period following the sale or lease.~~Generally, the funds derived from the sale or from a lease with an option to purchase shall be used for capital outlay or deferred maintenance. However, the proceeds of property sold or leased that was first offered for park or recreational purposes where applicable and then offered for sale or lease with an option to purchase at fair market value may be deposited in the general fund of the District if, prior to the sale or lease, the Board has determined that the district has no anticipated need for additional sites or building construction for the five-year period following the sale or lease.

References:

Education Code ~~Sections~~Sections 70902 subdivision (b)(6);, ~~81360 et seq., and~~ 81360 et seq., and 81450 ~~et seq.~~ 81450.5 et seq.

Attachments

AP 6550 Disposal of Property - Comments
AP 6550 Disposal of Property - Legal Citations
AP6550 -OLD.pdf

Comment by Goodrich, Kelly

11/13/2020, 1:22PM EST

Revised per feedback from Business Manager.

Comment by Goodrich, Kelly

11/16/2020, 4:25PM EST

12/01/2020 DA 1st Read

Comment by Goodrich, Kelly

2/22/2021, 9:21AM EST

2/2/2021 Repeat DA 1st Read

3/2/2021 DA 2nd Read

DRAFT

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

BP 7100 Commitment to Diversity

(Replaces current SBCCD BP 7100)

The District commits to equitable treatment and elimination of discrimination in all its forms at all organizational levels and throughout all programs. The District recognizes the rights of all individuals to mutual respect; acceptance of others without biases based on differences of any kind. The District makes a commitment to individual and organizational efforts to build respect, dignity, fairness, caring, equality, and self-esteem. The District acknowledges and honors the fundamental value of all individuals and pledges to create and maintain an environment that respects diverse traditions, heritages, and experiences.

The District is committed to employing qualified administrators, faculty, and staff members who are dedicated to student success. The Board of Trustees recognizes that diversity in the academic environment fosters cultural awareness, promotes mutual understanding and respect, and provides suitable role models for all students. The Board is committed to hiring and staff development processes that support the goals of equal opportunity and diversity, and provide equal consideration for all qualified candidates.

~~The District commits to equitable treatment and elimination of discrimination in all its forms at all organizational levels and throughout all programs. The District recognizes the rights of all individuals to mutual respect; acceptance of others without biases based on differences of any kind. The District makes a commitment to individual and organizational efforts to build respect, dignity, fairness, caring, equality, and self-esteem. The District acknowledges and honors the fundamental value of all individuals and pledges to create and maintain an environment that respects diverse traditions, heritages, and experiences.~~

This policy is consistent with the requirements and objectives set forth by the President's Order #11246 as amended by 11275 and 11478 by Revised Order Number 5 and amended, Title IX of the Education Amendment of 1972 and other Federal and State laws.

References:

Education Code Sections 87100 et seq.;
Title 5 Sections 53000 et seq.

Attachments

[BP 7100 Commitment to Diversity- Comment](#)
[BP 7100 Commitment to Diversity- Legal Citations](#)

Comment by Stat, Policy

10/16/2018, 3:56PM EDT

5/1/18 DA approved 2nd reading

Comment by Stat, Policy

10/16/2018, 7:19PM EDT

7/12/18 Board approved 2nd reading

Comment by Goodrich, Kelly

9/21/2020, 7:17PM EDT

10-06-2020 DA 2nd Read

Comment by Goodrich, Kelly

10/21/2020, 7PM EDT

11-03-2020 Pulled at October DA; repeat 2nd Read.

Comment by Goodrich, Kelly

11/13/2020, 2:29PM EST

Pulled at November DA; repeat 2nd Read

Draft saved by Goodrich, Kelly

2/19/2021, 4:44PM EST

Comment by Goodrich, Kelly

2/19/2021, 4:44PM EST

Updated per direction of VPI Wurtz to transpose the first and second paragraphs.

Comment by Goodrich, Kelly

2/22/2021, 9:33AM EST

3/2/2021 DA 2nd Read

Comment by Goodrich, Kelly

2/22/2021, 10:21AM EST

2/2/2021 DA Minutes - K. Wurtz noted the second paragraph in BP 7100 should come first. D. Peters noted the order of the bullets in the AP should be changed. Davena and Keith will revise and bring back for next meeting.

3/2/2021 DA 2nd Read

Current Status: *Active*

PolicyStat ID: 4567592



Origination: 08/2016
Last Approved: 07/2018
Last Revised: 08/2016
Next Review: 07/2024
Owner: *Human Resources Human Resources*
Policy Area: *Chapter 7 Human Resources*
References: *Good Practice/Optional*

AP 7100 Commitment to Diversity

The District demonstrates its commitment to diversity by:

- Complying with all federal, state, and local laws and regulations regarding equal employment and discrimination in employment.
- Maintaining and abiding by the provisions of the District Equal Employment Opportunity Plan.
- Maintaining and abiding by the provisions of the Student Equity Plan.
- Employing qualified administrators, faculty and staff who are dedicated to student success across a diverse study body.
- Recruiting and retaining faculty and staff that reflect the diversity of the communities within the District.
- Fostering participation and respect for differences.
- Providing professional development opportunities for faculty and staff, related to equity, inclusion, and diversity.
- Designating specific persons within the District who are given positional authority and responsibility for consultation, oversight, and decision-making with regard to equity, inclusion, and diversity.
- Identifying and correcting barriers within organizational systems.
- Facilitating opportunities that result in effective and meaningful participation.
- Creating ideas and solutions built on a range of perspectives.

References:

Education Code Sections 87100 et seq.

Title 5 Sections 53000 et seq.

Attachments

No Attachments

Approval Signatures

Step Description	Approver	Date
	Stacey Nikac: Administrator	07/2018

Step Description	Approver	Date
	Stacey Nikac: Administrator	07/2018
	Stacey Nikac: Administrator	07/2018
	Stacey Nikac: Administrator	07/2018
	Stacey Nikac: Administrator	07/2018
Chapter owners are notified	Kristina Hannon	03/2018

Sent for re-approval by Hannon, Kristina

2/6/2018, 11:27AM EST

No changes

Last Approved by Hannon, Kristina

2/6/2018, 11:27AM EST

Sent for re-approval by Hannon, Kristina

2/26/2018, 1:38PM EST

Reviewed

Last Approved by Hannon, Kristina

2/26/2018, 1:38PM EST

Approval flow updated in place by Stat, Policy

3/6/2018, 12:13PM EST

Sent for re-approval by Hannon, Kristina

3/8/2018, 10:59AM EST

No changes

Last Approved by Hannon, Kristina

3/8/2018, 10:59AM EST

Comment by Torres, Jose: Document Owner - Chapter 6

3/19/2018, 10:01AM EDT

UPDATED BY HR AND READY FOR SUBMISSION FOR 1ST READ BY DISTRICT ASSEMBLY ON 4/6/18

Last Approved by Stat, Policy

7/13/2018, 4:28PM EDT

see comments for actual approval dates

Last Approved by Stat, Policy

7/13/2018, 4:28PM EDT

see comments for actual approval dates

Last Approved by Stat, Policy

7/13/2018, 4:29PM EDT

see comments for actual approval dates

Last Approved by Stat, Policy

7/13/2018, 4:29PM EDT

see comments for actual approval dates

Last Approved by Stat, Policy

7/13/2018, 4:29PM EDT

see comments for actual approval dates

Activated

7/13/2018, 4:29PM EDT

Comment by Stat, Policy

10/16/2018, 3:55PM EDT

5/1/18 DA approved 2nd reading

Comment by Stat, Policy

10/16/2018, 7:19PM EDT

7/12/18 Board approved 2nd reading

Administrator override by Stat, Policy

8/5/2019, 12:07PM EDT

Changed to BOT Approved workflow and 10-year review cycle to 3650 days

Reference changed by Stat, Policy

9/5/2019, 7:46PM EDT

Comment by Goodrich, Kelly

9/21/2020, 7:16PM EDT

10-06-2020 DA 2nd Read

Comment by Goodrich, Kelly

10/21/2020, 6:59PM EDT

11-03-2020 Pulled at October DA; repeat 2nd Read.

Administrator override by Stat, Policy

10/28/2020, 7:40PM EDT

Deleted approval workflow: "BOT Approved"

Comment by Goodrich, Kelly

11/13/2020, 2:28PM EST

Pulled at November DA; repeat 2nd Read

Comment by Goodrich, Kelly

2/22/2021, 9:31AM EST

3/2/2021 2nd Read

Comment by Goodrich, Kelly

2/22/2021, 10:20AM EST

2/2/2021 DA Minutes - K. Wurtz noted the second paragraph in BP 7100 should come first. D. Peters noted the order of the bullets in the AP should be changed. Davena and Keith will revise and bring back for next meeting.

3/2/2021 DA 2nd Read

Current Status: Pending **PolicyStat ID:** 9125464



Origination: 06/2004
Last Approved: N/A
Last Revised: 01/2021
Next Review: 10 years after approval
Owner: Human Resources Human Resources
Policy Area: Chapter 7 Human Resources
References: Legally Required

BP 7265 Management Internship

~~(Replaces current SBCCD BP 7270)~~

~~The District shall establish a management internship program to create opportunities for faculty/staff to acquire on-the-job management experience and create a pool of management candidates from within existing ranks.~~

Reference:

No references

Attachments

- [BP 7265 Management Internship - Comments](#)
- [BP 7265 Management Internship - Legal Citations](#)
- [BP7265-OLD.pdf](#)

Comment by Quinones, Brooke

1/14/2021, 9:19AM EST

As this BP is optional (not legally required) it is being recommended for deletion./bq

Edited by Quinones, Brooke

1/14/2021, 9:19AM EST

Policy Deletion

Comment by Goodrich, Kelly

2/22/2021, 9:35AM EST

3/2/2021 DA 2nd Read

Current Status: Pending

PolicyStat ID: 3915510



Origination: 04/1992
 Last Approved: N/A
 Last Revised: 01/2021
 Next Review: 05/2019
 Owner: *Human Resources Human Resources*
 Policy Area: *Chapter 7 Human Resources*
 References:

AP 7265 Management Internship

~~(Replaces current SBCCD AP 7270)~~

- ~~A. The District's management internship program shall create opportunities for faculty/staff to acquire on-the-job management experience and create a pool of management candidates from within existing ranks.~~
- ~~B. Specific goals and objectives of the program are to:~~
- ~~1. Create a career path/ladder within the District organization that will provide encouragement and support for employees wanting to obtain experience in management functions.~~
 - ~~2. Identify and train a pool of potential management personnel.~~
 - ~~3. Maximize the utilization of existing human resources within the District by allowing managers to delegate selected projects to interns under the auspices of a mutually beneficial program.~~
 - ~~4. Provide work experience training in management skills related to program administration, personnel relations, planning, coordination and research.~~
 - ~~5. Create a formal procedure by which the specialized training and knowledge of individual faculty and staff may be applied to specific District operations and projects.~~
 - ~~6. Allow current managers to strengthen their own skills in planning, directing, controlling, and coordinating by serving as mentors to interns.~~
 - ~~7. Foster a broader understanding among faculty and staff of the management role, thereby enhancing faculty/staff attitudes and perceptions relative to the management process.~~
- ~~C. The only officers eligible to have interns shall be:~~
- ~~1. Chancellor~~
 - ~~2. District Officer~~
 - ~~3. College Presidents~~
 - ~~4. Full Deans~~
- ~~D. The manager shall serve as supervisor of the intern. The prospective intern and manager shall work together to define projects, duties and responsibilities.~~
- ~~E. Proposed intern positions shall be submitted in writing to the Chancellor in November. The proposal shall include:~~
- ~~1. Statement of need~~
 - ~~2. Job description~~

~~3. Benefit to the District~~

~~4. Time needed, if any~~

~~5. Method of evaluation, etc.~~

~~F. Intern proposals shall be reviewed by the Chancellor and the Chancellor's Cabinet. Approved positions that require no reassignment or major expenditure may be forwarded to the Board for approval upon the Chancellor's recommendation. Approved positions that require reassignment or major expenditures shall be advertised internally and shall go through the regular hiring process. The name of the successful candidate shall be submitted to the Board for approval in February.~~

~~G. An internship shall not exceed two years or be less than three months in length. Interns may serve without release time and, in some cases, may be hired as paid consultants for a short-term project.~~

~~H. Approved internships should carry management intern titles and interns should be provided with office space and a telephone.~~

~~I. Management interns shall be treated as managers thereby allowing them to attend appropriate management meetings, etc. Furthermore, experience as an intern should be awarded FTE credit in management for job application purposes.~~

~~J. Opportunities to attend conferences and workshops should be provided interns as a means of providing further professional growth.~~

~~K. The Management Internship Program shall be subject to Affirmative Action guidelines.~~

~~L. Interns involved in internship of six months duration or longer shall be evaluated under current performance evaluation procedures for management personnel. Interns who are engaged in internships of less than six months shall prepare a self-evaluation in narrative form in consultation with his/her internship supervisor.~~

Reference:

No references

Attachments

[AP 7265 Management Internship - Comments](#)

[AP 7265 Management Internship - Legal Citations](#)

[AP7265-OLD.pdf](#)

Sent for re-approval by BeDell, Susann

8/7/2017, 4:42PM EDT

Administrator override by Torres, Maria

8/24/2017, 7:29PM EDT

updated next review date

Administrator override by Stat, Policy

8/29/2017, 1:01PM EDT

updated workflow

Approval flow updated in place by Stat, Policy

8/29/2017, 2:32PM EDT

Approval flow updated in place by Stat, Policy

3/6/2018, 12:13PM EST

Administrator override by Stat, Policy

10/28/2020, 7:41PM EDT

Deleted approval workflow: "Non-Academic & Professional - Chapter 7"

Draft saved by Quinones, Brooke

1/14/2021, 9:20AM EST

Comment by Quinones, Brooke

1/14/2021, 9:21AM EST

As this AP is optional (not legally required) it is being recommended for deletion./bq

Edited by Quinones, Brooke

1/14/2021, 9:21AM EST

Policy deletion

Comment by Goodrich, Kelly

2/22/2021, 9:34AM EST

3/2/2021 DA 2nd Read

COPY

Current Status: <i>Active</i>	PolicyStat ID: 7916909														
	<table style="width: 100%; border: none;"> <tr> <td style="padding: 2px 0;">Origination:</td> <td style="text-align: right; padding: 2px 0;">06/2004</td> </tr> <tr> <td style="padding: 2px 0;">Last Approved:</td> <td style="text-align: right; padding: 2px 0;">04/2020</td> </tr> <tr> <td style="padding: 2px 0;">Last Revised:</td> <td style="text-align: right; padding: 2px 0;">06/2004</td> </tr> <tr> <td style="padding: 2px 0;">Next Review:</td> <td style="text-align: right; padding: 2px 0;">04/2030</td> </tr> <tr> <td style="padding: 2px 0;">Owner:</td> <td style="padding: 2px 0;"><i>Human Resources Human Resources</i></td> </tr> <tr> <td style="padding: 2px 0;">Policy Area:</td> <td style="padding: 2px 0;"><i>Chapter 7 Human Resources</i></td> </tr> <tr> <td style="padding: 2px 0;">References:</td> <td style="padding: 2px 0;"><i>Legally Required</i></td> </tr> </table>	Origination:	06/2004	Last Approved:	04/2020	Last Revised:	06/2004	Next Review:	04/2030	Owner:	<i>Human Resources Human Resources</i>	Policy Area:	<i>Chapter 7 Human Resources</i>	References:	<i>Legally Required</i>
Origination:	06/2004														
Last Approved:	04/2020														
Last Revised:	06/2004														
Next Review:	04/2030														
Owner:	<i>Human Resources Human Resources</i>														
Policy Area:	<i>Chapter 7 Human Resources</i>														
References:	<i>Legally Required</i>														

BP 7270 Student Workers

(Replaces current SBCCD BP 7240)

The District shall provide employment opportunities for its students through various federal, state, and locally funded programs.

Reference:

Education Code Sections 69960(f) and 88003

Attachments

- [BP 7270 Student Workers - Comments](#)
- [BP 7270 Student Workers - Legal Citation](#)
- [BP7270-OLD.pdf](#)

Approval Signatures

Step Description	Approver	Date
	Policy Stat	04/2020
	Policy Stat	04/2020

Sent for re-approval by Stat, Policy

4/13/2020, 1:39PM EDT

4/9/20 BOT Approved

Last Approved by Stat, Policy

4/13/2020, 1:40PM EDT

Last Approved by Stat, Policy

4/13/2020, 1:40PM EDT

Activated

4/13/2020, 1:40PM EDT

Comment by Goodrich, Kelly

9/18/2020, 6:30PM EDT

10-06-2020 DA 2nd Read - FYI Only - No Changes

Comment by Goodrich, Kelly

10/22/2020, 1:52PM EDT

11-03-2020 Repeat DA 2nd Read - FYI Only - No Change (pulled from October 6 agenda)

Administrator override by Stat, Policy

10/28/2020, 7:40PM EDT

Deleted approval workflow: "BOT Approved"

Comment by Goodrich, Kelly

11/13/2020, 3:12PM EST

12-01-2020 Pulled from November DA Agenda; Repeat 2nd Read - FYI Only - No Changes

Comment by Goodrich, Kelly

2/22/2021, 9:37AM EST

3/2/2021 DA 2nd Reading (No Changes)

COPY

Current Status: *Pending*

PolicyStat ID: 8378851



Origination: 06/1999
Last Approved: N/A
Last Revised: 02/2021
Next Review: 10 years after approval
Owner: *Human Resources Human Resources*
Policy Area: *Chapter 7 Human Resources*
References: *Good Practice/Optional*

AP 7270 Student Workers

(Replaces current SBCCD AP 7240)

- Education Code Section 88003 allows part-time employment of students outside the classified service.
- Limit(s) on hours that a student may work when enrolled in classes.
- Processes for hiring student workers.
- The District provides employment opportunities for its students through various federal, state, and locally funded programs related to FWS work-study, work experience, and CalWORKs/welfare to work, veterans, international students, and student workers.

Only students who demonstrate current enrollment within the San Bernardino Community College District can be employed as student workers. Student workers may only be employed as student assistants hired by specific departments or placed in particular departments/offices through the work-study program while enrolled in classes.

Full and part-time students in the District shall only be employed part-time regardless of funding source and shall not be a part of the classified service (see education code 88003) nor perform tasks commensurate with an established classified position. Student workers are hired to gain work experience and develop new skills. Tuberculosis tests are required for all student workers. Additional clearances (e.g., fingerprinting, etc.) may be required based on the work location and assigned responsibilities. Student workers can only work in one capacity (i.e., cannot work as a student worker and a short-term or professional expert or substitute).

~~Specific procedures governing hiring processes, applications, and eligibility requirements for student workers can be found in the District's Short Term and Student Worker Information Booklet available on the Human Resources website.~~

A student employed by the college on a part-time basis and meeting the relevant enrollment criteria below is defined as a student worker. Student workers shall not be part of the classified service and do not earn benefits; however, student workers are covered by Worker's Compensation for injuries or death incurred while performing services for the District. Student workers must meet all human resources employment criteria prior to beginning employment as a student worker.

Fall and Spring Semester Employment

In order to be employed as a student worker during the fall and/or spring semester(s), a student must be enrolled at least half time (six units). Enrolled student workers may work up to 20 hours per week except as outlined below.

A. Intersession Employment

Student workers may be permitted to work up to 40 hours per week when classes are not in session as follows:

1. Between spring semester and summer session, if enrolled at least half time during the spring semester and for the summer session. (Note: To be considered half time for a nonstandard term, such as summer session, generally requires an enrollment period of at least six weeks and at least two units.)
2. Between summer session and fall semester, if enrolled at least half time during the spring semester or the summer session and enrolled at least half time for the fall semester.
3. Between fall and spring semesters, if enrolled at least half time during both the fall and spring semesters.
4. During spring break, if enrolled at least half time during the spring semester.
5. If adequate funding is available to cover the student wage, student employees may continue employment in the summer if they have been employed in spring, enrolled at least half time for the spring semester, and are enrolled at least half time for the fall semester.

B. Summer Employment

District-funded student workers may continue employment in the summer if they have been enrolled at least half time for the spring semester and have an enrollment record for at least half time for the summer session or fall semester, whichever occurs next on the calendar. Depending on the funding source, some student workers not enrolled for summer classes may be permitted to work up to 40 hours per week; however, federal work-study students must be enrolled

C. New Students

Students newly enrolled at the college may begin their work assignment two weeks prior to the start of the semester for training purposes. (Flex week signifies the start of each semester.)

D. Pre-hire Requirements

In order for student workers to begin employment and be paid, they must complete a hiring packet within the department hiring the student, CalWORKS, veterans, etc. Any department completing the hiring packets must submit the hiring packets to Human Resources. No student worker can begin employment until Human Resources provides an approval start date.

E. Breaks

Student workers may not work for longer than 5.5 hours without an unpaid lunch break of at least 30 minutes. Student workers are also entitled to one ten minute break after four hours of work, up to a maximum of two breaks in an eight-hour period.

F. Classified Hourly Time Sheets

Classified Hourly Time Sheets must be completed at the end of each pay period, signed by both the student worker and the supervisor, and submitted to the Payroll Department (see payroll time sheet deadlines <https://wiki.sbccd.org/FiscalServices/Payroll/Pages/Payroll.aspx>).

G. Other Funding Sources and Student Populations

Regulations may vary depending on the funding source or student program (i.e. federal work-study, CalWORKs, veterans, international students). Please contact the appropriate program staff for the most up-to-date information.

A student employed by the college on a part-time basis and meeting the relevant enrollment criteria below is defined as a student worker. Student workers shall not be part of the classified service and do not earn benefits; however, student workers are covered by Worker's Compensation for injuries or death incurred while

performing services for the District. Student workers are limited to work a maximum of 195 days per fiscal year. Student workers must be at least 18 years of age to be employed by the District, unless student has graduated high school or obtained GED.

~~Fall and Spring Semester Employment~~

~~In order to be employed as a student worker during the fall and/or spring semester(s), a student must be enrolled at least half time (six units). Enrolled student workers may work up to 19.5 hours per week in all combined assignments, except as outlined below.~~

~~A. Intersession Employment~~

~~Student workers may be permitted to work up to 40 hours per week when classes are not in session as follows:~~

- ~~1. Between spring semester and summer session, if enrolled at least half time during the spring semester and for the summer session. (Note: To be considered half time for a nonstandard term, such as summer session, generally requires an enrollment period of at least six weeks and at least two units.)~~
- ~~2. Between summer session and fall semester, if enrolled at least half time during the spring semester or the summer session and enrolled at least half time for the fall semester.~~
- ~~3. Between fall and spring semesters, if enrolled at least half time during both the fall and spring semester.~~
- ~~4. During spring break, if enrolled at least half time during the spring semester.~~
- ~~5. If adequate funding is available to cover the student salary, student workers may continue employment in the summer if they have been enrolled at least half time for the spring semester and have an enrollment record for at least half time for the summer session or fall semester, whichever occurs next on the calendar. Depending on the funding source, some student workers not enrolled for summer classes may be permitted to work up to 40 hours per week.~~

~~B. Summer Employment~~

~~Student workers may continue employment in the summer if they have been enrolled at least half time for the spring semester and have an enrollment record for at least half time for the summer session or fall semester, whichever occurs next on the calendar. Depending on the funding source, some student workers not enrolled for summer classes may be permitted to work up to 40 hours per week. Additional policies and regulations apply and should be obtained from the appropriate office (financial aid, CalWORKS, international students, veterans, etc.).~~

~~C. New Students~~

~~Students newly enrolled at the college may begin their work assignment two weeks prior to the start of the semester for training purposes. (Flex week signifies the start of each semester.)~~

~~D. Pre-hire Requirements~~

~~In order for student workers to begin employment and be paid, they must complete a hiring packet within the department hiring the student, CalWORKS, veterans, etc. Any department completing the hiring packets must submit the hiring packets to human resources. No student worker can begin employment until human resources provides an approval start date.~~

~~E. Breaks~~

~~Student workers may not work for longer than 5.5 hours without an unpaid lunch break of at least 30 minutes. Student workers are also entitled to one ten minute break after four hours of work, up to a~~

~~maximum of two breaks in an eight hour period.~~

~~F. Time Cards~~

~~Time cards must be completed at the end of each pay period, signed by both the student worker and the supervisor, and submitted to the Payroll Department (see payroll time sheet deadlines <https://wiki.sbccd.org/FiscalServices/Payroll/Pages/Payroll.aspx>).~~

~~G. Other Funding Sources and Student Populations~~

~~Regulations may vary depending on the funding source or student program (i.e. federal work study, CalWORKs, veterans, international students). Please contact the appropriate program staff for the most up to date information.~~

1. In no case will a student perform services which supplant work being accomplished by any district permanent employee.
2. Students dropping below the required units per semester shall be disqualified from student employment for the remainder of the semester (additional policies and regulations apply and should be obtained from the appropriate office (CalWORKS, veterans, international students)).

Federal Work-Study Program

The Federal Work-Study Program is for students who have been determined, through the Financial Aid application process, to have financial eligibility and who are in need of earnings to pursue a course of study at the District. A secondary purpose of the program is intended to broaden the range of worthwhile job opportunities for qualified students.

- ~~From current SBCCD AP 7240 titled Student Employees~~

EMPLOYMENT OPPORTUNITIES

A. Enrollment

A student must be continuously enrolled in six (6) or more units of credit classes during a regular session, or three (3) or more units during a summer session in a college of the District in order to qualify for employment. Enrollment must be maintained at or above the minimum level throughout the period of employment. Units that are "challenged" for credit do not count toward meeting the minimum.

B. Benefits

Student workers do not qualify for District-paid health and welfare benefits, social security, Medicare, or retirement benefits, nor are they paid a shift differential.

CALWORKS STUDENTS

A. Definition

CalWORKs students are required, by the county, to participate in an approved activity which could be a combination of school and work totaling up to thirty-two (32) hours per week.

B. Authorization

The Chancellor or his/her designee must approve CalWORKs employment before any pay warrant is issued. Authorization for employment is obtained through the CalWORKS Department at SBVC and the Campus Business Office at CHC. All authorizations expire at the end of the fiscal year on June 30 and must be renewed if the student works into the new fiscal year.

C. Limits

A CalWORKs student may be employed on work-study for as many hours a week as is needed to meet their weekly work requirement as determined by the County Welfare Office.

Comment by Goodrich, Kelly

11/13/2020, 3:11PM EST

12-01-2020 Pulled from November DA Agenda; Repeat 2nd Read

Comment by Quinones, Brooke

2/8/2021, 10:31AM EST

Per 2/2/21 email from SN, changes were made to AP 7270 for March DA. (BQ)

Draft saved by Quinones, Brooke

2/8/2021, 10:32AM EST

Edited by Quinones, Brooke

2/8/2021, 10:33AM EST

Recommended language to drive early student enrollment for Fall. DA 1st read 03/21

Comment by Goodrich, Kelly

2/22/2021, 9:36AM EST

3/2/2021 DA 2nd Read

COPY

Current Status: *Draft*

PolicyStat ID: 8394282



Origination:	N/A
Last Approved:	N/A
Last Revised:	N/A
Next Review:	N/A
Owner:	<i>Human Resources Human Resources</i>
Policy Area:	<i>Chapter 7 Human Resources</i>
References:	<i>Legally Advised</i>

BP 7335 Health Examinations

The Chancellor may require medical examinations of candidates for appropriate positions prior to assuming the duties of the position. Such pre-employment medical examinations may only be required after a conditional job offer has been made, and shall be required of any candidate for a position for which a pre-employment medical examination has been deemed appropriate. No candidate shall be required to participate in such an examination on the basis of the candidate's age or disability.

The Board of Trustees authorizes the Chancellor to require any employee to undergo a physical or mental examination at any time it appears to be in the District's interest to obtain verification of an employee's fitness for duty. Such medical examinations shall be at the District's expense and shall be conducted by a physician chosen by the District.

References:

Government Code Section 12940;
42 U.S. Code Section 12112;
29 Code of Federal Regulations, Part 1630

Attachments

[BP 7335 Health Examinations- Comments](#)
[BP 7335 Health Examinations- Legal Citations](#)

Administrator override by Stat, Policy

10/28/2020, 7:40PM EDT

Deleted approval workflow: "BOT Approved"

Comment by Goodrich, Kelly

11/16/2020, 4:36PM EST

12/01/2020 DA 1st Read - FYI Only (No Changes)

Comment by Goodrich, Kelly

2/22/2021, 9:40AM EST

2/2/2021 DA 1st Read

3/2/2021 DA 2nd Read (No Changes)

Current Status: Pending

PolicyStat ID: 3915541



Origination:	11/2016
Last Approved:	N/A
Last Revised:	11/2020
Next Review:	09/2019
Owner:	Human Resources Human Resources
Policy Area:	Chapter 7 Human Resources
References:	Good Practice/Optional

AP 7335 Health Examinations

~~NOTE: This procedure is optional. Statute requires districts to certify that employees are free from any communicable disease that makes the applicant unfit to instruct or associate with students (see BP/AP 7330 titled Communicable Disease and AP 7336 titled Certification of Freedom from Tuberculosis). Procedures that require further health examinations in accordance with BP 7335 titled Health Examinations, if any, should be included here.~~

~~Sample from another District~~

~~The primary purpose of the pre-placement physical is to provide a safe work environment for all District employees under the District's legal obligation. It results in a healthier employee population, improved morale, and may avoid unnecessary injuries. An offer of employment to the person selected for a position is contingent upon successful completion of a pre-placement physical exam at District expense. No candidate shall be required to participate in such an examination solely on the basis of the candidate's age or disability.~~

~~A candidate or employee must be able to do the essential job functions stated in the job description with or without accommodations. The Americans with Disabilities Act (ADA) requires that an individual with a disability is evaluated in relation to the job's essential job functions. An accommodation is any modification or adjustment to a job or work environment that will enable a qualified applicant, candidate, or employee with a disability to participate in the application process or perform essential job functions. These adjustments are made to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities. The District will only look at the position the candidate was hired for and not for another position in the District for which the person may be suited.~~

~~Physical Examination of Employees~~

~~All candidates who have successfully completed the selection process and have been offered employment for regular positions shall be required to complete a pre-placement physical examination in order to determine their ability to perform the essential job functions.~~

~~Candidates will execute an authorization or release of medical information for this examination only after an offer of employment has been made (post-offer) and as a condition of employment. These examinations will be at the District's expense. Applicants for temporary positions designated as "high risk" or "moderate risk" may be required to complete a physical examination to determine their ability to perform the essential job functions without risk to themselves or others. Physical agility testing for a high level of physical work may be included in the physical examination.~~

~~Campus Police officers are required under the Peace Officer Standards and Training (P.O.S.T.) to complete the Medical Examination Report (POST2-253), which will be more extensive and thorough than the pre placement physical examination mentioned above.~~

~~Reasonable accommodation of disabled applicants and employees will be provided in accordance with federal (ADA and Section 504 of the Rehabilitation Act) and state (FEHA) mandates.~~

~~The District may require a "fitness-for duty" health examination of any regular or substitute employee where doubt exists as to the ability to continue to perform the essential job functions of the position. Such examination will be conducted by any of the licensed physicians authorized to conduct health examinations for the District at no expense to the employee.~~

~~Mental Health Screenings~~

~~The District may require an employee to obtain a psychiatric clearance whenever, in the judgment of the District, such employee shows evidence of deviation from normal mental health of such a degree as to render the employee incompetent to perform the essential job functions and "Emotional Effort" as identified in the job description. The selection of the physician and the cost of the examination shall be the responsibility of the District.~~

~~Appeal Process~~

~~If, as a result of such examination or screening, the candidate/employee is determined to be unable to perform the essential job functions of his/her position, an evaluation by the designated physician will be conducted to determine whether his/her needs can reasonably be accommodated on either a temporary and/or permanent basis.~~

~~The District must conduct an interactive process meeting with the candidate/employee, the employee's immediate supervisor, the appropriate division head, and the District's Director of Risk Management/ADA Coordinator, with input from the examining medical/mental health provider, to review the physical abilities and restrictions of the person, and determine if the position for which the person has been selected can be modified in order to accommodate his/her restrictions. The candidate must sign an authorization form for Use of Disclosure of Protected Health Information to permit the medical facility to release the information regarding physical/mental limitations. If the candidate does not release the information regarding these limitations or if it is determined the candidate cannot perform the essential job functions with or without reasonable accommodations, the employment may be denied. If the candidate has any questions on the results, he/she is free to contact the medical facility and the physician after he/she receives the results from the District.~~

~~Sample from another District~~

~~The following positions are designated for pre-employment medical examinations (clerical positions in these departments are excluded):~~

- ~~• Operations~~
- ~~• Grounds~~
- ~~• Maintenance~~
- ~~• Police and Security~~
- ~~• IT Instructional Support Techs~~
- ~~• Mechanics~~
- ~~• Warehouse/Shipping/Receiving Clerks~~

- ~~Mailroom staff~~

~~Sample from another District~~

~~Certain jobs in departments within the District may require a prospective employee to submit to a pre-employment physical examination (that can include x rays) after a conditional offer of employment, but prior to assuming the duties of the position. Those departments are, but are not limited to: Campus Police Services, Safety and Security and Grounds and Custodial.~~ Specific positions in departments within the District may require a prospective employee to submit to a pre-employment physical examination after a conditional offer of employment, but prior to assuming the duties of the position. Those departments are, but are not limited to: District Police Department.

~~Upon receipt of a conditional offer of employment, the prospective employee will be given an order for a physical examination to be performed at a clinic location of the District's choosing and at the District's expense. The clinic will be given a copy of the job description for the prospective employee.~~ Upon receipt of a conditional offer of employment, the prospective employee will be given an order for a physical examination to be performed at a clinic location of the District's choosing and at the District's expense. The clinic will be given a copy of the job description for the prospective employee.

~~Once the examination is completed the results will be transmitted to the Human Resources office via fax, email, or U.S. Mail. Said results will indicate whether the prospective employee has a disability or condition that poses a direct threat to health or safety, based on the essential job functions.~~ Once the examination is completed the results will be transmitted to the Human Resources office. Said results will indicate whether the prospective employee has a disability or health condition that poses a direct threat to health or safety, based on the essential job functions.

~~If the prospective employee is cleared to perform the essential job functions, he/she will be notified and may begin work as soon as he/she has been cleared.~~ If the prospective employee is cleared to perform the essential job functions, he/she will be notified and may begin work as soon as he/she has been cleared.

~~If the prospective employee is not cleared by the pre-employment physical examination to perform the essential job functions, the Human Resources Department will notify the prospective employee, by phone, of the results and inform the prospective employee that he/she does not qualify for the position based on the results. The applicant may get a second opinion, at his/her own expense, from his/her personal physician, which will be taken into consideration. If requested, the District will give the prospective employee a copy of the report showing the results of the pre-employment physical examination.~~ If the prospective employee is not cleared by the pre-employment physical examination to perform the essential job functions, the Human Resources Department will notify the prospective employee, that he/she does not qualify for the position based on the results. The applicant may get a second opinion, at his/her own expense, from his/her personal physician, which will be taken into consideration. If requested, the District will give the prospective employee a copy of the report showing the results of the pre-employment physical examination.

~~Also see BP/AP 7330 titled Communicable Disease and AP 7336 titled Certification of Freedom from Tuberculosis~~ Also see BP/AP 7330 titled Communicable Disease and AP 7336 titled Certification of Freedom from Tuberculosis

References:

Government Code Section 12940;
42 U.S. Code Section 12112;
29 Code of Federal Regulations, Part 1630

Attachments

No Attachments

Sent for re-approval by BeDell, Susann

8/7/2017, 4:42PM EDT

Administrator override by Torres, Maria

8/24/2017, 7:34PM EDT

updated next review date

Administrator override by Stat, Policy

8/29/2017, 1:03PM EDT

updated workflow

Approval flow updated in place by Stat, Policy

8/29/2017, 2:32PM EDT

Approval flow updated in place by Stat, Policy

3/6/2018, 12:13PM EST

Reference changed by Stat, Policy

9/5/2019, 7:46PM EDT

Administrator override by Stat, Policy

10/28/2020, 7:41PM EDT

Deleted approval workflow: "Non-Academic & Professional - Chapter 7"

Draft saved by Quinones, Brooke

11/12/2020, 9:31AM EST

Edited by Quinones, Brooke

11/12/2020, 9:32AM EST

Implementation of AP 7335 in accordance with BP 7335 Health Examinations. As a new policy, the District reviewed sample language from other districts, keeping what is applicable to SBCCD.

Comment by Goodrich, Kelly

11/16/2020, 4:34PM EST

12/01/2020 DA 1st Read

Comment by Goodrich, Kelly

2/22/2021, 9:39AM EST

2/2/2021 DA 1st Read

3/2/2021 DA 2nd Read

Current Status: *Draft*

PolicyStat ID: 9325359



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 4 Academic Affairs</i>
References:	<i>Legally Required</i>

BP 4105 Distance Education

(Replaces current SBCCD BP 4108)

In order to expand access and provide greater flexibility, the Chancellor is responsible for establishing standards shared governance procedures for distance education programs. ~~These programs will utilize current and new technologies to deliver quality educational opportunities and will facilitate the attainment of students' personal and academic goals.~~

All distance education programs will adhere to the same programmatic requirements as ~~traditional~~ in-person classroom programs.

References:

Title 5 Sections 55200 et seq.

Attachments

[BP 4105 Distance Education - Comments](#)
[BP 4105 Distance Education - Legal Citations](#)
[BP4105-OLD.pdf](#)

Comment by Goodrich, Kelly

2/22/2021, 9:58AM EST

Updated Per Academic Senate President Bailes;
 3/2/2021 DA Info

Comment by Goodrich, Kelly

2/22/2021, 10:14AM EST

2/2/2021 DA Minutes

It was noted the AP and BP do not reflect each other, further delegation should be built into the AP, and the suggested language received by the Senates should be added. Academic Senates to review and bring back to DA with recommended language.

3/2/2021 DA Info Only

Current Status: *Draft*

PolicyStat ID: 7667507



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 4 Academic Affairs</i>
References:	<i>Legally Required</i>

AP 4105 Distance Education

(Replaces current SBCCD AP 4108)

The Federal Regulations require districts to have processes in place to ensure that the student who registers in a distance education ~~or correspondence education~~ course or program is the same student who participates in and completes the program and receives academic credit. A district will meet this requirement if it follows the language below. Note that the Federal Regulations do not require districts to charge students fees associated with the verification of the student's identify. However, any district that does charge a fee, must notify the student in writing of the estimated amount of those fees in addition to a statement of the processes used to protect the student's privacy.

Consistent with federal regulations pertaining to federal financial aid eligibility, the District must authenticate or verify that the student who registers in a distance education or correspondence education courses is the same student who participates in and completes the course or program and receives the academic credit. The District will provide to each student at the time of registration, a statement of the process in place to protect student privacy and estimated additional student charges associated with verification of student identity, if any.

The District shall utilize secure credentialing/login and password to authenticate or verify the student's identity.

~~The District~~ Technology & Educational Coordinating Committee Support Services (DECGTESS) shall establish procedures for providing a statement of the process in place to protect student privacy and estimated additional student charges associated with verification of student identity, if any, to each student at the time of registration.

Definition: The colleges may mark courses in which the instructor and student are separated by distance and interact through the assistance of communication technology as Distance Education ~~means instruction in which the instructor and student are separated by distance and interact through the assistance of communication technology.~~

Course Approval: Each proposed or existing course offered by distance education shall be reviewed and approved separately. Separate approval is mandatory if any portion of the instruction in a course or a course section is designed to be provided through distance education.

The review and approval of new and existing distance education courses shall follow the curriculum approval procedures outlined in Administrative Procedure 4020, Program and Curriculum Development. Distance education courses shall be approved under the same conditions and criteria as all other courses.

Certification: When approving distance education courses, the Board of Trustees will certify the following:

- **Course Quality Standards:** The same standards of course quality are applied to the distance education

courses as are applied to ~~traditional classroom courses~~ in-person classes.

- **Course Quality Determinations:** Determinations and judgments about the quality of the distance education course were made with the full involvement of the curriculum committee approval procedures.
- **Instructor Contact:** Each section of the course that is delivered through distance education will include regular effective contact between instructor and students, as well as among students, either synchronously or asynchronously.
- **Addendum to Course Outline:** An addendum to the official course outline of record shall be made if any portion of the instruction of a new or existing course is provided through distance education. The addendum must be approved according to the District's curriculum approval procedures. The addendum must address the following:
 - Course outcomes;
 - Regular and effective contact between instructors and students; and
 - Requirements of the Americans with Disabilities Act (ADA) and Section 508 of the Rehabilitation Act of 1973.
- **Duration of Approval:** Courses will be reviewed following the 6-year curriculum review process. Outside of the 6-year review process. All distance education courses approved under this procedure will continue to be in effect unless there are substantive changes of the course outline.

References:

Title 5 Sections 55200 et seq.

34 CF Section 602.17 (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. II.A.1

Attachments

- [AP 4105 Distance Education - Comments](#)
- [AP 4105 Distance Education - Legal Citations](#)
- [AP 4105 Update #30.pdf](#)
- [AP4105-OLD.pdf](#)
- [Update 35 Overview.docx](#)

Comment by Gilbert, Jeremiah

2/14/2020, 7:31PM EST

Language added comes from Legal Update #35.

Comment by Goodrich, Kelly

9/18/2020, 2:31PM EDT

10-06-2020 DA 1st Read

Comment by Goodrich, Kelly

10/12/2020, 6:04PM EDT

11/03/2020 DA 1st Read (2nd Month)

Comment by Stat, Policy

10/28/2020, 7:32PM EDT

10/19/20 CCC Legal Opinion 2020-12: Online Class Cameras-On Requirements

Those details are best codified in the District's Distance Education Protocols (or Guidelines or Manual or Requirements -- whichever title the District uses).

The Policy & Procedure Service currently has a template for AP 4105 Distance Education that addresses more general overall issues related to distance education to reflect language in the law.

Further distance education specifics (and there should be many at every district in the State) should be defined and enumerated in the District's Distance Education support documents (as referenced above). Those support documents flow from the District's AP 4105.

It may prove beneficial to cross reference between the different documents; so, readers will be aware of other related resources. At the end of AP 4105 Distance Education, consider including language such as "Also see the District's Distance Education Protocols/Requirements/Manual/Handbook available via a link on the District's Distance Education Web Page." On the District's Distance Education Web Page, it might be beneficial to add a phrase such as "Also see AP 4105 Distance Education."

Administrator override by Stat, Policy

10/28/2020, 7:40PM EDT

Deleted approval workflow: "BOT Approved"

Comment by Goodrich, Kelly

11/16/2020, 12:41PM EST

12/01/2020 DA Agenda - Academic & Professional Review (3rd Month)

Comment by Goodrich, Kelly

2/22/2021, 9:47AM EST

3/2/2021 DA Info Only for Legal Update 35 - This procedure was updated to reflect revisions to Title 5 regulations governing distance education programs and includes language to address addendums to course outlines consistent with the new requirements of Title 5 Section 55206.

Comment by Goodrich, Kelly

2/22/2021, 10:13AM EST

2/2/2021 DA Minutes

It was noted the AP and BP do not reflect each other, further delegation should be built into the AP, and the suggested language received by the Senates should be added. Academic Senates to review and bring back to DA with recommended language.

3/2/2021 DA Info Only

Current Status: *Draft*

PolicyStat ID: 8598882



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 4 Academic Affairs</i>
References:	<i>Legally Required</i>

BP 4231 Grade Changes

(Replaces current SBCCD BP 4234)

NOTE: *The language in current SBCCD BP 4234 reflects the **legally required***

• **From current SBCCD BP 4234 titled Grade Changes**

The Chancellor shall implement procedures to assure the accuracy and integrity of all grades awarded by faculty. The procedures shall include, but not necessarily be limited to, the following:

- Assurance that in the absence of mistake, bad faith, fraud, or incompetence, the grades awarded by faculty shall be final.
- Procedures for students to challenge the correctness of a grade.
- The installation of security measures to protect grade records and grade storage systems from unauthorized access.
- Limitations on access to grade records and grade storage systems.
- Discipline for students or staff who are found to have gained access to grade records without proper authorization or to have changed grades without proper authorization.
- Notice to students, faculty, transfer institutions, accreditation agencies, and law enforcement agencies if unauthorized access to grade records and grade storage systems is discovered to have occurred.

Also see BP 3310 titled Records Retention and Destruction, AP ~~4234~~~~4234~~4231 titled Grade Changes, ~~and~~ BP/AP 5040 titled Student Records and BP/AP 5530 titled Student Rights and Grievances.

References:

Education Code Sections 76224 and 76232;
Title 5, Section 55025

Attachments

[BP 4231 Grade Changes - Comments](#)
[BP 4231 Grade Changes - Legal Citations](#)
[BP4231-OLD.pdf](#)

Comment by Goodrich, Kelly

9/15/2020, 6:10PM EDT

Minor clerical update and addition of reference to BP/AP 5530.

Comment by Goodrich, Kelly

9/18/2020, 5:03PM EDT

10-06-2020 District Assembly 1st Read

Comment by Goodrich, Kelly

10/12/2020, 6:34PM EDT

11/03/2020 DA 1st Read (2nd Month)

Administrator override by Stat, Policy

10/28/2020, 7:40PM EDT

Deleted approval workflow: "BOT Approved"

Comment by Goodrich, Kelly

11/16/2020, 12:46PM EST

12/01/2020 DA Agenda - Academic & Professional Review (3rd Month)

Comment by Goodrich, Kelly

2/22/2021, 10:11AM EST

2/2/2021 DA

It was noted senates need additional time to review. K. Wurtz suggested review of the stricken language as it may imply there is no time limit to when someone could change their grades. The Senates will bring recommended language back to DA once reviewed.

3/2/2021 DA Info Only

DRAFT

Current Status: *Draft*

PolicyStat ID: 8598873



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 4 Academic Affairs</i>
References:	<i>Legally Required</i>

AP 4231 Grade Changes

~~(Replaces current SBCCD AP 4234)~~

- ~~From current SBCCD AP 4234 titled Grade Changes~~

Changing Grades

~~The instructor of the course shall determine the grade to be awarded to each student. The determination of the student's grade by the instructor is final in the absence of mistake, fraud, bad faith, or incompetence.~~ The instructor of the course shall determine the grade to be awarded to each student. The determination of the student's grade by the instructor is final in the absence of mistake, fraud, bad faith, or incompetence.

No individual or group, whether acting on a grievance or in some other manner, has the authority to change a grade determined by an instructor unless persuasive evidence is presented by the student in accordance with the provisions as outlined in the law.

Accordingly, students are advised not to initiate an appeal involving grades unless it is accompanied by persuasive evidence of mistake, fraud, bad faith, or incompetence. "Mistake" may include, but is not limited to errors made by an instructor in calculating a student's grade and clerical errors. "Fraud" may include, but is not limited to, inaccurate recording or change of a grade by any person who gains access to grade records without authorization. Procedures for the correction of grades given in error shall include expunging the incorrect grade from the record.

The removal or change of an incorrect grade from a student's record shall only be done pursuant to Education Code SectionSection 76232 or by an alternative method that ensures that each student shall be afforded an objective and reasonable review of the requested grade change.

If the procedure requires that a student first request a grade change from the instructor, provisions shall be made to allow another faculty member to substitute for the instructor if the student has filed a discrimination complaint, if the instructor is not available or where the ~~D~~istrict determines that it is possible that there may have been gross misconduct by the original instructor.

In the case of fraud, bad faith, or incompetency, the final determination concerning removal or change of grade will be made by the College President after consultation with the President of the Academic Senate or his/her designee.

In all cases, the instructor who first awarded the grade will be given written notice of the change.

Grades will not be changed for any reason or under any circumstances after 36 months from the end of the

term in which the grade was assigned.

Security of Grade Records

The District shall implement security measures for student records that assure no person may obtain access to student grade records without proper authorization. These measures shall be installed as part of any computerized grade data storage system.

The measures implemented by the District shall include, but not necessarily be limited to, password protection for all student grade databases, locking mechanisms for computer stations from which student grade databases can be viewed, and strict limits on the number of persons who are authorized to change student grades.

Persons authorized to change grades shall be designated by the Vice President of Student Services. No more than five District employees may be authorized to change student grades. Only regular full-time employees of the District may be authorized to change grades. Student workers shall not have access to grade records, and student workers may not change grades at any time.

Any person who discovers that grades have been changed by someone other than the persons authorized to do so shall notify the Vice President of Student Services immediately. The Vice President of Student Services shall immediately take steps to lock the grade storage system entirely while an investigation is conducted.

If any student's grade record is found to have been changed without proper authorization, the District will notify 1) the student; 2) the instructor who originally awarded the grade; 3) any educational institution to which the student has transferred; 4) the accreditation agency; and 5) appropriate local law enforcement authorities.

Whenever a grade is changed for any reason, corrected transcripts will be sent to any educational institution to which a student has transferred.

Any student or employee who is found to have gained access to grade recording systems without proper authorization, or who is found to have changed any grade without proper authority to do so, shall be subject to discipline in accordance with District policies and procedures.

Any person who is found to have gained access to grade recording systems without proper authorization, or who is found to have changed any grade without proper authority to do so, shall be reported to the appropriate law enforcement agency having jurisdiction over the college where the incident occurred.

~~NOTE: The District may insert procedures related to processes for seeking grade changes, time limits, if any, and appeals to the Chancellor. Suggested procedures for doing so are contained in AP 5530 titled Student Grievance Procedures.~~

Also see BP 3310: ~~titled~~titled Records Retention and Destruction ~~and~~ BP/~~AR~~AP AP 5040: ~~titled~~ titled Student Records and BP/AP 5530 titled Student Grievance Procedures..

References:

Education Code Sections 76224, ~~and~~and 76232;
Title 5, Section 55025

Attachments

[AP 4231 Grade Changes - Comments](#)
[AP 4231 Grade Changes - Legal Citations](#)
[AP4231-OLD.pdf](#)

Comment by Goodrich, Kelly

9/15/2020, 6:11PM EDT

Updated to match CCLC language; added reference to BP/AP 5530 Student Rights and Grievances.

Comment by Goodrich, Kelly

10/12/2020, 6:33PM EDT

11/03/2020 DA 1st Read (2nd Month)

Administrator override by Stat, Policy

10/28/2020, 7:40PM EDT

Deleted approval workflow: "BOT Approved"

Comment by Goodrich, Kelly

11/16/2020, 12:45PM EST

12/01/2020 DA Agenda - Academic & Professional Review (3rd Month)

Comment by Goodrich, Kelly

2/22/2021, 10:09AM EST

2/2/2021 DA

It was noted senates need additional time to review. K. Wurtz suggested review of the stricken language as it may imply there is no time limit to when someone could change their grades. The Senates will bring recommended language back to DA once reviewed.

3/2/2021 DA Info Only

Current Status: *Draft*

PolicyStat ID: 9129226



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 4 Academic Affairs</i>
References:	<i>Legally Required</i>

BP 4235 Credit for Prior Learning

~~(Replaces current SBCCD BP 4235)~~

~~Credit may be earned by students who satisfactorily pass authorized examinations. The Chancellor is responsible for establishing administrative regulations to implement this policy.~~

Credit for prior learning may be earned for eligible courses approved by the district for students who satisfactorily pass an authorized assessment. Authorized assessments may include the evaluation of approved external standardized examinations, joint services transcripts, student-created portfolios, and credit by examination. The Chancellor shall establish administrative procedures to implement this policy. The Chancellor is responsible for establishing administrative regulations to implement this policy.

Reference:

Title 5 Section 55050

Attachments

[BP 4235 Credit by Examination - Comments](#)
[BP 4235 Credit by Examination - Legal Citations](#)
[BP4235 -OLD.pdf](#)

Comment by Stat, Policy

2/19/2019, 7:08PM EST

11/8/18 BOT 1st reading
 12/13/18 BOT 2nd reading

Draft saved by Stat, Policy

9/9/2020, 9:29PM EDT

Draft saved by Goodrich, Kelly

1/14/2021, 3:19PM EST

Draft discarded by Goodrich, Kelly

1/14/2021, 3:19PM EST

Draft saved by Goodrich, Kelly

1/14/2021, 3:22PM EST

Comment by Goodrich, Kelly

1/14/2021, 3:28PM EST

Comment by Stat, Policy 9/9/2020, 9:28PM EDT

Legal Update #36

This policy was updated and re-titled to "Credit for Prior Learning" to reflect changes in Title 5 Section 55050.

10+1 Review 2020-09 DA

2020-10 DA 2nd Month

2020-11 DA 3rd Month

Instructed by VPI Wurtz to move to DA 1st Read at 2020-02-02 since there is a December 2020 State deadline.

Comment by Goodrich, Kelly

2/22/2021, 10:18AM EST

2/2/2021 DA Minutes: K. Wurtz recommended changes for AP/BP 4235 Credit for Prior Learning. 2nd bullet on determination of eligibility. K. Wurtz will ake recommended changes for consideration next month.

3/2/2021 DA Info Only

DRAFT



Current Status: Draft

PolicyStat ID: 8570184



Origination:	N/A
Last Approved:	N/A
Last Revised:	N/A
Next Review:	N/A
Owner:	Academic Senates Academic Senates
Policy Area:	Chapter 4 Academic Affairs
References:	Good Practice/Optional

AP 4235 Credit for Prior Learning

~~(Replaces current SBCCD AP 4235)~~

~~Credit by Examination may be obtained by one of the following methods:~~

Students may demonstrate proficiency in a course eligible for Credit for Prior Learning and receive college credit through the approved alternative methods for awarding credit listed below:

- Achievement of a score of 3 or higher on an Advanced Placement Examination administered by the College Entrance Examination Board.
- Achievement of a score that qualifies for credit by examination in the College Level Examination Program (CLEP).
- Evaluation of joint service transcript (JST) that considers the credit recommendations of the American Council on Education pursuant to Education Code 66025.71.
- Evaluation of industry-recognized credential documentation.
- Evaluation of student-created portfolios.
- Credit by satisfactory completion of an examination administered by the college in lieu of completion of a course listed in the college catalog.
- Achievement of an examination administered by other agencies approved by the college.
- Assessment approved or conducted by proper authorities of the college.

Determination of Eligibility ~~to Take the Examination~~ for Credit for Prior Learning:

- ~~• The student must be currently registered in the college and in good standing.~~
- ~~• The student must have completed 12 units at the college.~~
- ~~• The course is listed in the college catalog.~~
- ~~• Credits acquired by examination are not applicable to meeting of such unit load requirements as Selective Service deferment, Veteran's or Social Security benefits.~~
- The student must be currently registered in the college and in good standing.
- The student must have previously earned credit or noncredit from the college or be currently registered in the college.
- Current students must have an education plan on file.

Credits acquired by examination shall not be counted in determining the 12 semester hours of credit in residence required for an ~~Associate~~ associate's degree.

Eligibility

~~The Credit by Examination option is available to students who are currently enrolled and have completed 12 units or more at the college where the credit is to be earned. This requirement may be waived for permanent employees of the District. Eligibility for credit by examination is determined by faculty in the appropriate discipline and the appropriate administrator(s).~~

~~A. Administration~~

~~Upon filing of the application, the student will be directed to the appropriate instructor who will determine and administer the examination(s). The grade(s) earned on the examination(s) will be the final grade reported for the course. Such grade will be consistent with the grading system of the college.~~

~~B. Notation to Record~~

~~The student's permanent record shall be clearly annotated to reflect that credit was earned by examination.~~

~~C. Financial Aid~~

~~Credits earned through credit by examination are not eligible for financial aid.~~

~~D. Waivers~~

~~The 12-unit residency rule may be waived by the Vice-President of Instruction for special circumstances on a case-by-case basis. A specific request and review of the circumstances must be presented in writing by the person(s) requesting the waiver.~~

~~In the case of Tech Prep students who are requesting credit for an approved, articulated high school course, the 12-unit residency rule is waived.~~

- A fee may be charged for administering an examination provided that the fee does not exceed the enrollment fee which would be associated with enrollment in the course for which the student seeks credit by examination.

The student's academic record shall be clearly annotated to reflect that credit was earned by assessment of prior learning.

Upon a student's demonstration of sufficient mastery through an examination or assessment, an award of credit should be made, if possible, to:

- California Intersegmental General Education Transfer Curriculum (IGETC).
- California State University General Education (CSUGE) Breadth.
- The college's general education requirements or requirements for a student's chosen program, or
- Electives for students who do not require additional general education or program credits to meet their goals.

Grading shall be according to the regular grading system approved by the governing board, except that students shall be offered a "pass-no pass" option if that option is ordinarily available for the course.

The SBCCD Board of Trustees will review the credit for prior learning policy every three years and report the findings to the California Community College Chancellor's Office that include the following:

- The number of students who received credit for prior learning.
- The number of credits awarded per student.
- Retention and persistence rates of students earning credit for prior learning.
- Completion data (for certificate, degree, and transfer) for students earning credit for prior learning, and
- Qualitative assessments by students of the policies and procedures.

Reference:

Education Code Section 79500; Title 5 Sections 55050 and 55052

Attachments

[AP 4235 Credit By Examination - Comments](#)
[AP 4235 Credit By Examination - Legal Citations](#)
[AP4235 -OLD.pdf](#)
[Legal Update 36.docx](#)
[SBCCD - Overview for Legal Update 31 Final Version.docx](#)

Comment by Stat, Policy

2/19/2019, 7:03PM EST

11/8/18 BOT 1st reading
12/13/18 BOT 2nd reading

Draft saved by Stat, Policy

9/9/2020, 9:25PM EDT

Comment by Stat, Policy

9/9/2020, 9:27PM EDT

Legal Update #36

This procedure was updated and retitled to "Credit for Prior Learning" to reflect changes in Title 5 Section 55050. This procedure also identifies new local procedures that must be added to meet credit for prior learning requirements.

Comment by Goodrich, Kelly

9/18/2020, 5:26PM EDT

10-06-2020 DA 2nd Read

Comment by Goodrich, Kelly

10/22/2020, 3:47PM EDT

11-03-2020 DA 1st Read (3rd Month)

Administrator override by Stat, Policy

10/28/2020, 7:40PM EDT

Deleted approval workflow: "BOT Approved"

Comment by Goodrich, Kelly

11/16/2020, 12:53PM EST

12/01/2020 DA Agenda - Academic & Professional Review (4th Month)

Comment by Goodrich, Kelly

1/14/2021, 3:47PM EST

Directed by VPI Wurtz to move BP/AP 4235 forward to DA 1st Read on 2/2/2021 as this was due to the State in December 2020

Draft saved by Goodrich, Kelly

2/17/2021, 1:55PM EST

Comment by Goodrich, Kelly

2/17/2021, 2:02PM EST

Minor clerical update based on feedback from VPI Wurtz

Comment by Goodrich, Kelly

2/22/2021, 10:17AM EST

2/2/2021 DA Minutes: K. Wurtz recommended changes for AP/BP 4235 Credit for Prior Learning. 2nd bullet on determination of eligibility. K. Wurtz will make recommended changes for consideration next month.

3/2/2021 DA Info Only

Comment by Stat, Policy

2/23/2021, 5:43PM EST

2/2/21 VPI Wurtz submitted changes to the Determination of Eligibility section and removed/edited the bullet points underneath the section.

Draft saved by Stat, Policy

2/24/2021, 3:57PM EST

DRAFT

Current Status: *Draft*

PolicyStat ID: 9081316



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Last Revised:	N/A
Next Review:	N/A
Owner:	<i>Business & Fiscal Services</i> <i>Business & Fiscal Services</i>
Policy Area:	<i>Chapter 6 Business & Fiscal Services</i>
References:	<i>Legally Required</i>

BP 6320 Investments

(Replaces current SBCCD BP 6320)

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

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

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

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

Investments shall be made based on the following criteria:

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

This Policy applies to all funds of the District.

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

District funds may be invested in any of the following:

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

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

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

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

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

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

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

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

1. SAFETY

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

2. LIQUIDITY

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

3. RETURN ON INVESTMENT

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

References:

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

Attachments

[BP 6320 Investments - Comments](#)

[BP 6320 Investments - Legal Citations](#)

Comment by Goodrich, Kelly

1/5/2021, 2:36PM EST

2021-01-05 Reviewed by Director of Fiscal Larry Strong; recommend no changes; will forward to March DA as FYI.

Draft saved by Goodrich, Kelly

1/5/2021, 2:36PM EST

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Owner:	<i>Business & Fiscal Services</i> <i>Business & Fiscal Services</i>
Policy Area:	<i>Chapter 6 Business & Fiscal Services</i>
References:	<i>Legally Required</i>

AP 6320 Investments

(Replaces current SBCCD AP 6320)

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

Ethics and Conflict of Interest

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

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

Acceptable and Prohibited Investments

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

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

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

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

Authorized Personnel

The Chancellor, Executive Vice Chancellor, or designee shall request approval from the Board to

~~investment~~invest surplus funds.

Both the Chancellor or designee and the Executive Vice Chancellor must jointly authorize investment decisions such as:

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

Safekeeping and Custody

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

Recording and Reconciliation

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

References:

Government Code Sections 53600 et seq., 87200

Attachments

No Attachments

Draft saved by Goodrich, Kelly

1/5/2021, 2:37PM EST

Comment by Goodrich, Kelly

1/5/2021, 2:38PM EST

2021-01-05 minor clerical edit to be moved forward to March DA as Info Only.

Comment by Goodrich, Kelly

2/22/2021, 9:42AM EST

3/2/2021 DA Info Only (Minor Clerical Change)



Chancellor's Council

ARTICLE 1: NAME

This organization shall be known as the Chancellor's Council of the San Bernardino Community College District.

ARTICLE 2: PURPOSE

The Chancellor's Council (CC) is the primary district-wide, participatory governance leadership team that advises the chancellor on institutional planning, budgeting, and governance policies and procedures affecting the educational programs and services of the San Bernardino Community College District. CC members serve as a conduit for cross-district communication on these issues, soliciting feedback from and disseminating reports and updates to constituency groups.

ARTICLE 3: INTENTION

Members of the CC advise and make recommendations to the chancellor regarding district goals and priorities that are of major importance to the district in providing opportunity and promoting quality, integrity, accountability and sustainability in carrying out the mission and goals of the district.

ARTICLE 4: MEMBERSHIP

The Membership shall be made up of the individuals or their respective designee whose position in the collegiate structure of the District makes their presence on the Council essential to the successful completion of its goals.

1. The Chancellor of the District, Chair
2. Vice Chancellor of Human Resources & Police Services
3. Executive Vice Chancellor
4. Vice Chancellor of Educational Services
5. President of Crafton Hills College
6. President of San Bernardino Valley College
7. President of the CHC Academic Senate
8. President of the SBVC Academic Senate
9. President of the CHC Classified Senate
10. President of the SBVC Classified Senate
11. President of the CHC Student Body Assoc.
12. President of the SBVC Student Body Assoc.
13. President of Black Faculty & Staff
14. President of the Latino Faculty & Staff
15. President of CTA
16. President of CSEA



Chancellor's Council

17. President of Management Association
18. President of Confidential Association
19. President of Police Officers Association

ARTICLE 5: REPRESENTATION

- Members will maintain and promote a focus that is based on district strategic priorities rather than personal, constituency or college interests.
- Members will represent their constituency with accuracy and truthfulness, presenting data as completely as possible and not selectively withholding information.
- Members will communicate a clear understanding of the issues and any CC recommendations to their constituency.
- Members will solicit input from and disseminate information to their respective constituency group.
- Members will base their interpersonal behavior on the assumption that we are all people of goodwill, ensuring that interactions within and outside the CC meetings are consistent with expectations of discretion and respect for individual and institutional integrity.
- Members will honor and acknowledge the contributions of individuals as well as the accomplishments of the whole team, regardless of the level of controversy in the discussion or its outcome.

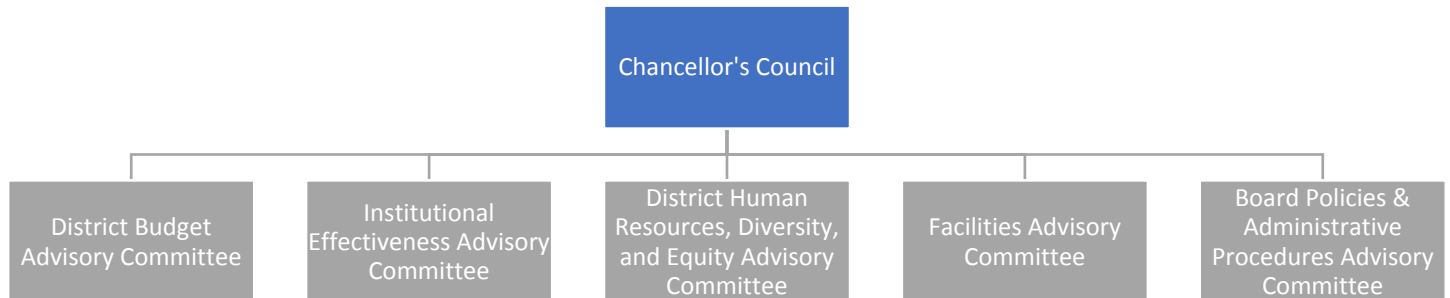
ARTICLE 6: MEETINGS

Meetings are held at 3:00pm on the first Tuesday of each month, except in January, June, July, and August unless otherwise specified.

- Members will honor the agenda and be prepared to participate in the entire meeting.
- Members will keep the discussion focused on the issues, not on the person presenting them, nor on items not immediately relevant to the topic.
- Members will encourage full and open participation by all CC members and make a concerted effort to avoid discussions that are dominated by a few people.
- Members will welcome and solicit diverse opinions and viewpoints, remembering that disagreements are acceptable, often leading to good decision-making.
- Members will practice active listening skills in order to avoid pre-formulated responses, interruptions and sidebar conversations.



Chancellor's Council



Committees and Chairs:

1. Chancellor's Council: Chancellor
2. District Budget Advisory Committee: Executive Vice Chancellor
3. Institutional Effectiveness Advisory Committee: Vice Chancellor of Education Services
 - a. Includes District Program Review, Technology, and Academic Calendar Taskforce
4. District Human Resources, Diversity, and Equity Advisory Committee: Vice Chancellor of Human Resources & Police Services
 - a. Includes Benefits, Equivalency, Sabbatical, EEO, and HSI
5. Facilities Advisory Committee: Sr. Facilities Director
 - a. Includes Facilities, Safety, Energy, and Sustainability
6. Board Policies & Administrative Procedures Advisory Committee: Co-Chairs - Executive Vice Chancellor & Vice Chancellor of Human Resources & Police Services

Existing Committees to be placed under new Committee format:

- District Assembly (Changed to Chancellor's Council)
- District Services Planning and Program Review Committee
- TESS Committees
- Academic Calendar Committee
- District Benefits Committee
- District Equivalency Committee
- District Sabbatical Leave Committee
- District Sites Safety Committee
- Districtwide Safety Committee
- Equal Employment Opportunity (EEO) Committee
- Hispanic-Serving Institution (HSI) Advisory Committee

Current Status: *Active*

PolicyStat ID: 9081944



Origination: 10/2010
Last Approved: 01/2021
Last Revised: 06/2019
Next Review: 01/2031
Owner: *BOT Board of Trustees:*
Policy Area: *Chapter 2 Board of Trustees*
References: *Good Practice/Optional*

BP 2410 Board Policies and Administrative Procedures

(Replaces SBCCD BP 2045)

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

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

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

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

Board policies and administrative procedures are to be reviewed as per the schedule specified in AP 2410.

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

Reference:

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

Attachments

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

Approval Signatures

Step Description	Approver	Date
	Kelly Goodrich	01/2021
	Kelly Goodrich	01/2021

Current Status: *Draft*

PolicyStat ID: 9332841



Origination:	N/A
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Last Revised:	N/A
Next Review:	N/A
Owner:	<i>BOT Board of Trustees:</i>
Policy Area:	<i>Chapter 2 Board of Trustees</i>
References:	<i>Good Practice/Optional</i>

AP 2410 Board Policies and Administrative Procedures

(Replaces SBCCD AP 2045)

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

The Chancellor, through the collegial consultation process, has the authority to propose new board policies and administrative procedures.

The annual review of the board policies and administrative procedures shall begin in the fall of each academic year. Each year, at least ten percent (10%) of the SBCCD policies and procedures will be identified for review. At the beginning of each academic year, the Chancellor's designee will notify the appropriate parties of the specific BPs or APs identified for review.

Responsibility for the review process is as follows:

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

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

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

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

Chapter 4: Chancellor's designee and Academic Senate Presidents

Chapter 5: Chancellor's designee and Academic Senate Presidents

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

Chapter 7: Vice Chancellor of Human Resources and Police Services (lead)

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

Annual Review Process

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

Review of Policies and Procedures Deemed Academic and Professional

Prior to finalizing the annual review list, Chancellor's designee will meet with the Academic Senate Presidents to determine which BPs & APs are academic and Professional. These BPs & APs will be noted as such on the annual review timeline.

Policies and procedures that fall under the 10+1 (an Academic and Professional matter within the meaning of Section 53200(c) of Title 5 of the California Code of Regulations) will be submitted for consideration to the Academic Senates on both campuses as per the agreed upon timeline. BP/AP revision recommendations will be completed by up to four consecutive Academic Senate meetings, beginning with the date the BP/AP is presented at ~~District Assembly~~Chancellor's Council.

- A. The Academic Senates will then submit the revised BPs/APs to ~~the District Assembly~~Chancellor's Council as an information item.
- B. As per BP 2410, the Chancellor will review the recommendations from the Academic Senate and will forward the BPs to the Board of Trustees for action and the APs as information items.

Review of Policies and Procedures Not on the Annual Review List

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

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

Updates to APs and BPs are reviewed by the Chancellor's designee when forwarded from the Community College League of California (CCLC) in Fall and Spring.

All updates from the CCLC will be reviewed by the chapter leads and SBCCD Chancellor's designee. The chapter leads will make a recommendation as to whether each update is either simple or requires review and revisions. *(Note: If the Last Reviewed and Last Approved dates get reset, then these all may require a thorough review.)*

- A. Simple updates (revisions to legal references) will be revised by the policy lead and, when ready, will be added to the ~~District Assembly~~Chancellor's Council agenda as an information item.
- B. New BPs & APs and/or those requiring review and revision:
 1. New BPS & APs that are legally advised or optional will be reviewed by the chapter lead to determine if the BP/AP is needed.
 - a. If yes, then the BP/AP will be forwarded to ~~the District Assembly~~Chancellor's Council with a recommendation to adopt and, if approved by the ~~District Assembly~~Council, will be added to the review timeline as per the recommendation of the chapter lead;
 - b. If no, then the BP/AP will be forwarded to ~~the District Assembly~~Chancellor's Council with a recommendation to not adopt.
 2. New "Required" BPs & APs, as well as those requiring content review and revisions, will be added to the annual review timeline as per the recommendation of the chapter leads.
 3. The revised timeline including the CCLC BPs & APs (notated with the legal update #) will be posted on the ~~District Assembly~~Chancellor's Council webpage.

References:

Education Code Section 70902;

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

Attachments

[AP 2410 Board Policies & Admin Procedures - Comments](#)

AP 2410 Board Policies & Admin Procedures - Legal Citations

AP 2410 Board Policies & Admin Procedures - revised.docx

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

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

Current Status: *Draft*

PolicyStat ID: 5556909



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Last Revised:	N/A
Next Review:	N/A
Owner:	<i>BOT Board of Trustees:</i>
Policy Area:	<i>Chapter 2 Board of Trustees</i>
References:	

BP 2510 Participation In Local Decision-Making

~~(Replaces current SBCCD BP 2225)~~

~~The Board embraces the concept of collegial consultation and to establish procedures to ensure faculty, management, classified staff, and students the right to participate effectively in collegial consultation in particular areas where they have their responsibility and expertise as specified in Title 5 regulations, while retaining its own right and responsibilities in all areas defined by state laws and regulations.~~

The Board is the ultimate decision-maker in those areas assigned to it by state and federal laws and regulations. In executing that responsibility, the Board is committed to its obligation to ensure that appropriate members of the District participate in developing recommended policies for Board action and administrative procedures for ~~Chancellor~~ action under which the District is governed and administered.

~~Each of the following shall participate as required by law in the decision-making processes of the District:~~

Academic Senate(s) (Title 5 Sections 53200-53206)

The Board or its designees will consult collegially with the Academic Senate, as duly constituted with respect to academic and professional matters, as defined by law. Procedures to implement this section are developed collegially with the Academic Senate.

~~The Board of Trustees recognizes the definition of "academic and professional matters" as stated in the Title 5 regulations:~~

- ~~1. Curriculum including establishing prerequisites and placing courses within disciplines;~~
- ~~2. Degree and certificate requirements;~~
- ~~3. Grading policies;~~
- ~~4. Education program development;~~
- ~~5. Standards or policies regarding student preparation and success;~~
- ~~6. District and college consultation structures, as related to faculty roles;~~
- ~~7. Faculty roles and involvement in accreditation processes, including self-study and annual reports;~~
- ~~8. Policies for faculty professional development activities;~~
- ~~9. Processes for program review;~~
- ~~10. Process for institutional planning and budget development; and~~
- ~~11. Other academic and professional matters as mutually agreed upon between the Governing Board and the Academic Senate.~~

~~The Board also recognizes its obligation, under Title 5 Regulations, to "consult collegially" with the Academic Senate on these "academic and professional matters." Additional academic and professional matters may be added as specified in #11 only through formal resolution of the Board.~~

~~The Board further recognizes that, under Title 5, it may choose to "consult collegially" through the option of "mutual agreement" on policy issues, or the option of "relying primarily on the advice and judgment of the senate" when adopting policies and procedures on "academic and professional matters."~~

~~The Board of Trustees shall have the final responsibility for developing all policies governing the community college district, including academic and professional matters. For purposes of academic and professional matters, the Board shall rely primarily on the advice of the Academic Senate. If the Board has a compelling reason for not accepting the advice of the Academic Senate, it shall provide that reason in writing upon request of the Academic Senate. The decision of the Board on all policy shall be final.~~

Classified Staff (Title 5 Section 51023.5)

Staff shall be provided with opportunities to participate in the formulation and development of District policies and procedures that have a significant effect on staff. The opinions and recommendations of the **classified staff** [Classified Senate and Management Association](#) will be given every reasonable consideration.

Associated Students (Title 5 Section 51023.7)

The Associated Students shall be given an opportunity to participate effectively in the formulation and development of Board policies and administrative procedures that have a significant effect on students, as defined by law. The recommendations and positions of the Associated Students will be given every reasonable consideration. The selection of student representatives to serve on District committees or task forces shall be made after consultation with the Associated Students.

Except for unforeseeable emergency situations, the Board shall not take any action on matters subject to this policy until the appropriate constituent group or groups have been provided the opportunity to participate.

Nothing in this policy will be construed to interfere with the formation or administration of employee organizations or with the exercise of rights guaranteed under the Educational Employment Relations Act, Government Code Sections 3540 et seq.

References:

Education Code Section 70902(b)(7);

Attachments

- [BP 2510 Collegial Consultaion - Comments](#)
- [BP 2510 Collegial Consultaion - Legal Citations](#)
- [BP 2510 Collegial Consultation_2014-10-09.pdf](#)



Current Status: Draft

PolicyStat ID: 4828399



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

AP 2510 Participation In Local Decision-Making

(Replaces current SBCCD AP-2225)

~~MISSION STATEMENT~~

~~Collegial Consultation~~ Participation in local decision-making is a process involving faculty, staff, students, and administrators, ~~classified staff and students in deliberations in discussions~~ regarding certain specific day-to-day and long-range planning and policies for the colleges and the District ~~and the colleges~~. These deliberations discussions lead to recommendations that to the Chancellor which the Chancellor carries forward to the Board of Trustees ~~for, with his/her recommendations, for discussion and potential~~ final approval. In ~~issues related to academic and professional matters the Board will rely primarily on the Academic Senate.~~ Other areas of decision-making in regard to Board Policy will be mutually agreed upon between the Governing Board, the Academic Senate, administration, staff and students.

~~PHILOSOPHY OF COLLEGIAL CONSULTATION~~

~~Collegial Consultation is the democratic process utilized on campus in decision-making procedures. Successful Consultation creates an environment of awareness throughout the District by having each constituency represented throughout the process. To be effective, collegial Consultation must exhibit the following characteristics:~~

- ~~• Capacity to establish directions and goals~~
- ~~• React to internal and external stimuli~~
- ~~• Move with diligence and timeliness~~
- ~~• Provide the campus community with an annual cycle of planning and budgeting~~

~~The process is designed to establish the goals, priorities, and objectives of the college. The exercise of administrative prerogatives must reflect these aims in order to perpetuate an environment of mutuality and trust.~~

~~DISTRICT ASSEMBLY~~

~~Charge~~

~~District Assembly is the primary district-wide body ensuring that each appropriate constituent group participates in the decision-making process. Members of the Assembly advise and make recommendations to the Chancellor regarding district-wide governance, institutional planning, budgeting, and policies and~~

~~procedures that promote the educational mission and goals of the San Bernardino Community College District.~~

The Chancellor's Council (CC) is the primary district-wide, participatory governance leadership team that advises the chancellor on institutional planning, budgeting, and governance policies and procedures affecting the educational programs and services of the San Bernardino Community College District. CC members serve as a conduit for cross-district communication on these issues, soliciting feedback from and disseminating reports and updates to constituency groups.

Members of the CC advise and make recommendations to the chancellor regarding district goals and priorities that are of major importance to the district in providing opportunity and promoting quality, integrity, accountability and sustainability in carrying out the mission and goals of the district.

CHANCELLOR'S COUNCIL MEMBERSHIP (or their respective designee)

- A. The Chancellor of the District, Chair
- B. Vice Chancellor of Human Resources & Police Services
- C. Executive Vice Chancellor
- D. Vice Chancellor of Educational Services
- E. President of Crafton Hills College
- F. President of San Bernardino Valley College
- G. President of the CHC Academic Senate
- H. President of the SBVC Academic Senate
- I. President of the CHC Classified Senate
- J. President of the SBVC Classified Senate
- K. President of the CHC Student Body Assoc.
- L. President of the SBVC Student Body Assoc.
- M. President of Black Faculty & Staff
- N. President of the Latino Faculty & Staff
- O. President of CTA
- P. President of CSEA
- Q. President of Management Association
- R. President of Confidential Association
- S. President of Police Officers Association

See the District website for additional web links regarding participation in local decision- making
[http://www.sbccd.org/District Faculty ,-a-, Staff Information-Forms/District Committee Minutes](http://www.sbccd.org/District_Faculty_-a-,_Staff_Information-Forms/District_Committee_Minutes)

See the Crafton Hills College organizational handbook and college website for additional web links regarding participation in local decision-making
<http://www.craftonhills.edu/faculty-and-staff/committees/index.php>

See the San Bernardino Valley College organizational handbook and college website for additional web links regarding participation in local decision-making
<https://www.valleycollege.edu/about-sbvc/campus-committees/index.php>

References:

~~Education Code Section 70902(b)(7);~~

~~Title 5 Sections 53200 et seq., 51023.5, and 51023.7;~~

~~ACCJC Accreditation Standards IV.A and IV.D.7 (formerly IV.A.2, IV.A.5)~~ [Education Code Section 70902\(b\)\(7\);](#)

[Title 5 Sections 53200 et seq., 51023.5, and 51023.7;](#)

[ACCJC Accreditation Standards IV.A and IV.D.7 \(formerly IV.A.2, IV.A.5\)](#)

Attachments

[AP 2510 Collegial Consultation - Comments](#)

[AP 2510 Collegial Consultation - Legal Citations](#)

[Board of Trustees](#)



[Image 01](#)



[Image 02](#)

[Organizational Chart](#)

Current Status: *Active*

PolicyStat ID: 3406632



Origination: 05/2004
Last Approved: 05/2018
Last Revised: 05/2018
Next Review: 05/2024
Owner: [Academic Senates Academic Senates](#)
Policy Area: [Chapter 4 Academic Affairs](#)
References: [Legally Required](#)

BP 4010 Academic Calendar

(Replaces current SBCCD BP 4010)

The Chancellor shall, in consultation with the appropriate groups, develop an annual academic calendar.

Reference:

Education Code Section 70902(b)(12)

Attachments

[BP 4010 Academic Calendar - Comments](#)
[BP 4010 Academic Calendar - Legal Citations](#)
[BP4010 -OLD.pdf](#)

Approval Signatures

Step Description	Approver	Date
	Stacey Nikac: Administrator	07/2018
	Stacey Nikac: Administrator	07/2018
	Stacey Nikac: Administrator	07/2018
	Stacey Nikac: Administrator	07/2018
Chancellor's Cabinet	Chancellor's Cabinet Chancellor's Cabinet: [SN]	08/2017
Chapter owners are notified	Chancellor's Cabinet Chancellor's Cabinet: [SN]	03/2017

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PolicyStat ID: 9333369



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Last Approved:	N/A
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Next Review:	N/A
Owner:	<i>Academic Senates Academic Senates</i>
Policy Area:	<i>Chapter 4 Academic Affairs</i>
References:	<i>Legally Required</i>

AP 4010 Academic Calendar

(Replaces current SBCCD BP 4010)

The traditional academic calendar is composed of at least 170 scheduled days of instruction and evaluation. Mandated holidays are determined by the State Chancellor's Office. The Board of Trustees may declare other days to be holidays and close the colleges and offices when good reason exists.

A ~~District-wide committee~~ Task Force meets to coordinate the academic calendar for the District. The deliberations from ~~this committee~~ the task force will be reported to ~~District Assembly~~ the Institutional Effectiveness Advisory Committee, where a recommendation will be made to the Chancellor's Council and Chancellor for Board Action on any calendar.

Holidays, which include:

New Year's Day (January 1)
 Dr. Martin Luther King, Jr. Day (Third Monday in January)
 Lincoln Day (February 12 or see Note below)
 Washington Day (Third Monday in February)
 Memorial Day (Last Monday in May)
 Independence Day (July 4)
 Labor Day (First Monday in September)
 Veterans Day (November 11)
 Thanksgiving Day (Fourth Thursday in November)
 Christmas Day (December 25)

Cesar Chavez Day and Native American Day are local options if collectively bargained (Education Code Sections 79020(k) and 79020(l))

Lincoln Day is selected from the dates provided by the State Chancellor's Office.

Other Holidays – The Board of Trustees may declare other days to be holidays and close the colleges and offices when good reason exists. (These holidays traditionally have been New Year's Eve day, the day after Thanksgiving, and Christmas Eve day.)

References:

Education Code Section 79020;
 Title 5 Sections 55700 et seq. and Section 58142

SAN BERNARDINO COMMUNITY COLLEGE DISTRICT

NOTICE OF GENERAL MEMBERSHIP ELECTION

NOTICE IS HEREBY GIVEN that a District Assembly general membership election will be held at the District Assembly Meeting at 3pm, on Tuesday, the 4th of May 2021, for the following members:

Crafton Hills College, MANAGEMENT, number to be elected - 1
 Crafton Hills College, FACULTY, number to be elected - 1

San Bernardino Valley College, CLASSIFIED, number to be appointed by CSEA - 1
 San Bernardino Valley College, FACULTY, number to be elected - 1

The term of office for the general membership shall be two (2) years. Terms will commence on Tuesday, September 7, 2021.

The qualifications required to be a candidate for the above offices are:

1. Any full-time (50% or more) employee of the District can be nominated for General Membership.
2. Each nominated candidate must agree to serve before the District Assembly Nomination Form is submitted.
3. Nomination Forms must be received by the District Assembly Vice President no later than April 28, 2021.

If by 5:00 p.m. on April 28, 2021, only one person has been nominated that person will represent its respective group at their respective site.

If by 5:00 p.m. on April 28, 2021, no persons have been nominated for the above membership, appointment(s) will be made by the respective group at their respective site.

If by 5:00 p.m. on April 28, 2021, multiple nominations are received, a Doodle poll vote will be emailed to contract members (50% or more) of the respective group at their respective site.

Date: April 14, 2021
 KRISTINA HANNON
 Vice President, District Assembly
 By: Stacey Nikac
 Recorder, District Assembly



District Assembly General Membership Nomination Form
Two-Year Terms: 09/07/21 - 05/02/23

Nominations due before 5pm on 4/28/21 khannon@sbccd.edu

District Assembly General Membership Nomination Form

The following positions are open for nomination. The membership shall be elected from the recognized constituent groups as defined below (and in the [Constitution](#))

<u>Crafton Hills College Operations</u>	<u>San Bernardino Valley College</u>	<u>District</u>	<u>Support</u>
One (1) Management	One (1) Classified <i>to be appointed by CSEA</i>	No vacancies	
One (1) Faculty	One (1) Faculty		

The District Assembly of the San Bernardino Community College District is seeking nominees for the Assembly. District Assembly is the primary district-wide body ensuring that each appropriate constituent group participates in the decision-making process. Members of the Assembly advise and make recommendations to the Chancellor regarding district-wide governance, institutional planning, budgeting, and policies and procedures that promote the educational mission and goals of the San Bernardino Community College District. Any full time (50% or more) employee of the District can be nominated for General Membership by the written application of three peers. Each nominated candidate must agree to serve before being appointed/elected by their constituency group. The term of office for the general membership shall be two (2) years. The term of office for vested membership shall be one (1) year. All terms commence on September 7, 2021.

For more information in District Assembly, see our webpage at http://www.sbccd.org/District_Faculty_-a-,_Staff_Information-Forms/District_Committee_Minutes/District_Assembly

Name of candidate _____

Candidate signature _____

Candidate Site _____

Three signatures from candidate's constituency:

1. Name _____

Signature _____

2. Name _____

Signature _____

3. Name _____

Signature _____

SOCIAL MEDIA POLICY

DEFINITION

For the purpose of this policy, Social Media is defined as Internet or Mobile digital tools and systems used to share and/or receive information or conversation.

Nothing contained in this Policy shall be construed as denying employees their civil or political liberties as guaranteed by the United States and California Constitutions.

OFFICIAL USE OF SOCIAL MEDIA

Unless specifically authorized by _____ (Marketing Department?), no District employee may create an official District presence on any form of Social Media, now in existence, or created in the future, or represent themselves as a spokesperson or authorized representative of the District.

Some employees of the District may be required to use Social Media as a part of their employment responsibilities. If so, such status will be clearly stated in an employee's work responsibilities and will be approved in advance by the _____ (District Administration/Department?).

_____ (District Administration/Department?) may utilize Social Media to present information and content to the public and receive feedback from the public and the District. Content and information released on Social Media is equivalent to content and information released to the press and the public in any other format, including press release, letter to the media, open letter to the public, and related forms of media. Care must be taken that content and information released to the public over Social Media is accurate, does not violate applicable laws or District policy.

Official District Social Media may allow members of the public to comment or react to posted content and information. Individuals, including employees of the District acting in their personal capacity, may post or comment anonymously or identifiably.

In general, the District invites discussion of important ideas and issues through Social Media. However, the District reserves the right to remove posts or comments that are obscene, defamatory, offensive, contain threats of violence, abusive, spam or advertising, or unrelated to the content or information. The District also reserves the right to remove posts or comments that violate applicable laws including, but not limited to copyright and trademark or those that violate the use policies promulgated by the applicable Social Media provider.

PROHIBITED CONTENT

Employees of the District shall not use:

- Profane language or content;

- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- Sexual content or links to sexual content;
- Conduct or encouragement of illegal activity;
- Information that may tend to compromise the safety or security of the public or public systems;
- Content that violates a legal ownership interest of any other party;
- Images and/or video from incidents which have not been cleared for usage by the department.”

USE OF SOCIAL MEDIA ON DISTRICT TIME

Personal use of Social Media on College time is governed by Federal State and Local laws.

Community participation and engagement is encouraged; follow, like, share, comment, write reviews and opinions on District social media platforms.

As a representative of the college, participation must reflect the mission and goals of the institution. Any material that contradicts the values of the institution and is discriminatory, offensive or inappropriate as according to the definitions provided by the following policies, has the potential to have a negative impact on an individual’s employment or student relationship with the District (Policy 3420 Equal Opportunity Employment; Policy 3430 & 3433 Sexual Harassment; and Policy 5500 Standards of Student Conduct).

When using District Social Media, please be mindful of the following:

1. Honest about who you are
2. Clarity that your opinions are your own
3. Respect and humility in all communication
4. Good judgement in sharing only public information – including financial data
5. Awareness that what you say is permanent

USE OF SOCIAL MEDIA ON PERSONAL TIME

Personal use of Social Media on personal time is not governed by this policy, however individuals may not make statements or take actions at any time on Social Media that violate applicable law or District policy. Violating actions or statements over Social Media with a nexus to public employment may be governed by District policy or law.

All employees are reminded that they are accountable for their conduct while on duty and are accountable for off duty conduct when it could reasonably be expected to be disruptive of the

workplace or District operations; bring the District into disrepute and/or adversely and negatively impact the efficiency interests of the District as a public employer.

The District expects all employees to honor our values on diversity, equity and inclusion and will not tolerate discrimination including age, sex, race, color, creed, religion, ethnicity, sexual orientation, gender identity, national origin, citizenship, disability or marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.

Current Status: *Active*

PolicyStat ID: 8858512



Origination:	08/1991
Last Approved:	11/2020
Last Revised:	11/2020
Next Review:	11/2030
Owner:	<i>Chancellor's Cabinet</i> <i>Chancellor's Cabinet:</i>
Policy Area:	<i>Chapter 3 General Institution</i>
References:	

BP 3430 Prohibition of Harassment

Prohibition of Harassment (Replaces current SBCCD BP 3430)

This policy prohibits District employees, students, and student organizations from engaging in unlawful discrimination and harassment including sexual misconduct. Allegations that an employee, student or student organization has violated the Discrimination and Harassment Policy will be resolved consistent with AP 3430: Prohibition of Harassment.

All forms of harassment are contrary to basic standards of conduct between individuals. State and federal law; and this policy prohibit harassment, and the District will not tolerate harassment. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of unlawful discrimination and harassment, including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, pregnancy, gender, gender identity, gender expression, age, sexual orientation, military and veteran status, or because an individual is perceived to have one or more of the foregoing characteristics. Sexual violence (e.g.: non-consensual sexual intercourse and non-consensual sexual contact) and interpersonal/relationship violence are always violations of the sex and gender-based discrimination and harassment policies and stalking often can be as well.

The District seeks to foster an environment in which all employees, students, unpaid interns, and volunteers feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of discrimination or harassment or for participating in a related investigation. Such conduct is illegal and constitutes a violation of this policy. The District will investigate all allegations of retaliation swiftly and thoroughly. If the District determines that someone has retaliated, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion. Retaliation is defined below.

Any individual who believes that they have been harassed, discriminated against, or retaliated against in violation of this policy may report such incidents by following the procedures described in AP 3435. The District requires supervisors to report all incidents of discrimination, harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to admission, classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

This policy applies to behaviors that take place on campus and at school-sponsored events and may also apply off-campus and to actions online when the Title IX Coordinator/Institutional Equity Officer determines that the off-campus conduct affects a substantial school interest or impacts the educational mission of the District.

A substantial school interest includes:

- a. Any action that constitutes criminal offense as defined by federal or state law. This includes, but is not limited to, single or repeat violations of any local, state or federal law committed in the municipality where the school is located;
- b. Any situation where it appears that the responding party may present a danger or threat to the health or safety of self or others;
- c. Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- d. Any situation that is detrimental to the educational interests of the school.

Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc. occurring completely outside of the District's control will only be subject to this policy when those online behaviors can be shown to cause a substantial on campus disruption. Off-campus discriminatory or harassing speech by employees may be regulated by the District only when such speech is made in an employee's official or work-related capacity. The District's policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom.

The District reserves the right to address offensive conduct and/or harassment that does not rise to the level of discrimination, or that is of a generic nature not on the basis of a protected status. Addressing such issues may not result in the imposition of discipline under District policy, but will be addressed through civil confrontation, remedial actions, education and/or effective conflict resolution mechanisms.

Questions about this policy should be directed to the Title IX Coordinator/Institutional Equity Officer.

The Chancellor shall ensure that the institution undertakes education and training activities to counter discrimination and harassment and to prevent, minimize, and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The Chancellor shall establish procedures that define harassment on campus. The Chancellor shall further establish procedures for employees, students, unpaid interns, volunteers, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures to resolve complaints of harassment and discrimination. State and federal law and this policy prohibit retaliatory acts by the District, its employees, students, and agents.

The District will publish and publicize this policy and related written procedures (including the procedure for making complaints) to administrators, faculty, staff, students, unpaid interns, and volunteers particularly when they are new to the institution. The District will make this policy and related written procedures (including the procedure for making complaints) available in all administrative offices and will post them on the District's website.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion. Unpaid interns who violate this policy and related procedures may be subject to

disciplinary measure up to and including termination from the internship or other unpaid work experience program.

References:

- Education Code Sections 212.5, 44100, 66252, and 66281.5;
- Government Code Sections 12923, 12940 and 12950.1;
- Civil Code Section 51.9;
- Title 2 Sections 10500 et seq.;
- Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e;
- Age Discrimination in Employment Act of 1967 (ADEA);
- Americans with Disabilities Act of 1990 (ADA)

Attachments

- [BP 3430 Prohibition of Harassment - Comments](#)
- [BP 3430 Prohibition of Harassment- Legal Citations](#)
- [BP 3430 Update #30.pdf](#)
- [Special Summer 2020 Legal Update Overview.docx](#)

Approval Signatures

Step Description	Approver	Date
	Policy Stat	11/2020
	Policy Stat	11/2020

Edited by Stat, Policy

11/9/2020, 5:27PM EST

Board approved 11/12/20

Last Approved by Stat, Policy

11/9/2020, 5:28PM EST

Last Approved by Stat, Policy

11/9/2020, 5:28PM EST

Activated

11/9/2020, 5:28PM EST

Comment by Goodrich, Kelly

2/19/2021, 7:10PM EST

03/02/2021 - DA 1st Read (No Changes)

Current Status: *Pending*

PolicyStat ID: 9299345



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Last Approved: N/A
Last Revised: 02/2021
Next Review: 10 years after approval
Owner: Chancellor's Cabinet
 Chancellor's Cabinet:
Policy Area: Chapter 3 General Institution
References:

AP 3430 Prohibition of Harassment

Procedures for handling complaints of unlawful discrimination under title 5 sections 59300 ET SEQ.

(Replaces current SBCCD AP 3430)

Introduction and Scope

The District is committed to providing an academic and work environment free of unlawful discrimination and harassment. This procedure defines discrimination and other forms of harassment on campus, and sets forth a procedure for the investigation and resolution of complaints of discrimination by or against any staff or faculty member within the District.

This procedure and the related policy protects students and employees in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, a District bus, or at a class or training program sponsored by the District at another location.

These are procedures for filing and processing complaints of unlawful discrimination at San Bernardino Community College District. These procedures incorporate the legal principles contained in nondiscrimination provisions of the California Code of Regulations, title 5, sections 59300 et seq. as well as other state and federal substantive and procedural requirements.

A copy of relevant procedures on unlawful discrimination will be displayed in a prominent location in the Office of Human Resources, San Bernardino Valley College President's Office, Crafton Hills College President's Office and other areas where notices regarding the institution's rules, regulations, procedures, and standards of conduct are posted.

Authority: 20 U.S.C. § 1681 et seq.; Ed. Code, §§ 66270, 66271.1, 66281.5; Gov. Code, §§ 11135-11139.5; Cal. Code Regs., tit. 5, § 59326. Reference: Cal. Code Regs., tit. 5, §§ 59300 et seq.; 34 C.F.R. § 106.8(b).

The San Bernardino Community College District hereby implements the provisions of California Government Code sections 11135 through 11139.5, the Sex Equity in Education Act (Ed. Code, § 66250 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), Board Approved February 2010

U.S.C. § 794), section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794d), the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12100 et seq.) and the Age Discrimination Act (42 U.S.C. § 6101).

Authority: Cal. Code Regs., tit. 5, § 59300; Ed. Code §§ 66250 et seq., 66271.1, 66700, and 70901; Gov. Code § 11138. Reference: Ed. Code §§ 66250 et seq. and 72011; Gov. Code, §§ 11135-11139.5; Penal Code §§ 422.6 and 422.55; 20 U.S.C. § 1681; 29 U.S.C. §§ 794 and 794d; 42 U.S.C. §§ 6101, 12100 et seq. and

2000d; 36 C.F.R. § 1194.

Responsible District Officer

The San Bernardino Community College District has identified the Vice Chancellor Human Resources and Police Services to the State Chancellor's Office and to the public as the single District officer responsible for receiving unlawful discrimination complaints filed pursuant to title 5, section 59328, and for coordinating their investigation and resolution. Informal charges of unlawful discrimination should be brought to the attention of the Vice Chancellor Human Resources and Police Services, who shall oversee the informal resolution process pursuant to section 59327. The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract with the District. Such delegation procedures will be used whenever the Vice Chancellor is named in the complaint or is implicated by the allegations in the complaint.

Administrators, faculty members, other District employees, and students shall direct all complaints of unlawful discrimination to the Vice Chancellor Human Resources and Police Services.

Authority: Cal. Code Regs., tit. 5, § 59324; 34 C.F.R. § 106.8.

Informal/Formal Complaint Procedure

(see Complaint Procedure Checklist at the end of the procedure)

When a person brings charges of unlawful discrimination to the attention of the Vice Chancellor of Human Resources and Police Services, he/she will:

- Undertake efforts to informally resolve the charges;
- Advise the complainant that he or she need not participate in informal resolution;
- Notify the person bringing the charges of his or her right to file a formal complaint and explain the procedure for doing so;
- Assure the complainant that he or she will not be required to confront, or work out problems with, the person accused of unlawful discrimination;
- Advise the complainant that he or she may file a nonemployment-based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency's jurisdiction.
- If the complaint is employment-related, the complainant should also be advised that he or she may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) and/or the California Department of Fair Employment and Housing (DFEH) where such a complaint is within that agency's jurisdiction.

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

In employment-related cases, if the complainant also files with the Department of Fair Employment and

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

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

Authority: Cal. Code Regs., tit. 5, §§ 59327, 59328, 59334, 59336, and 59339; NLRB v. Weingarten, Inc. (1975) 420 U.S. 251.

Filing of Formal Written Complaint

If a complainant decides to file a formal written unlawful discrimination complaint against the District, he or she must file the complaint on a form prescribed by the State Chancellor. These approved forms are available from the District and also at the State Chancellor's website, as follows:

<http://www.cccco.edu/SystemOffice/Divisions/Legal/Discrimination/tabid/294/Default.aspx>

The completed form must be filed with the District representative or mailed directly to the State Chancellor's Office of the California Community Colleges. Complainants may contact the Vice Chancellor of Human Resources and Police Services for assistance in filling out the form, if necessary.

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

Authority: Cal. Code Regs., tit. 5, §§ 59311 and 59328.

Threshold Requirements Prior to Investigation of a Formal Written Complaint

When a formal written complaint is filed it will be reviewed to determine if the complaint meets the following requirements:

- The complaint must be filed on a form prescribed by the State Chancellor's Office.
- The complaint must allege unlawful discrimination prohibited under title 5, section 59300.
- The complaint must be filed by one who alleges that he or she has personally suffered unlawful discrimination or by one who has learned of such unlawful discrimination in his or her official capacity as a faculty member or administrator.
- In any complaint alleging discrimination in employment, the complaint shall be filed within 180 days of the date the alleged unlawful discrimination occurred, except that this period will be extended by no more than 90 days following the expiration of that 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of 180 days.

Authority: Cal. Code Regs., tit. 5, § 59328.

Defective Complaint

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

Authority: Cal. Code Regs., tit. 5, §§ 59328, 59332.

~~Notice to State Chancellor or District~~

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

~~Authority: Cal. Code Regs., tit. 5, § 59330.~~

Administrative Determination

In any case not involving employment discrimination, within 90 days of receiving an unlawful discrimination complaint filed under title 5, sections 59300 et seq., the responsible District officer will complete the investigation and forward a copy of the investigative report to the State Chancellor, a copy or summary of the report to the complainant, and written notice setting forth all the following to both the complainant and the State Chancellor:

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

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

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

Authority: Cal. Code Regs., tit. 5, § 59336.

Complainant's Appeal Rights

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

- First level of appeal: The complainant has the right to file an appeal to the District's governing board within 15 days from the date of the administrative determination. The District's governing board will review

the original complaint, the investigative report, the administrative determination, and the appeal.

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

Complainants must submit all appeals in writing.

Authority: Cal. Code Regs., tit. 5, §§ 59338 and 59339.

Extensions

If for reasons beyond its control, the District is unable to comply with the 90-day or 150-day deadlines specified above for submission of materials to the complainant and the State Chancellor's Office, the Vice Chancellor of Human Resources and Police Services will file a written request that the State Chancellor grant an extension of the deadline. Where an extension is deemed necessary by the District, it must be requested from the State Chancellor regardless of whether the case involves employment discrimination. The request will be submitted no later than 10 days prior to the expiration of the deadlines established by title 5 in sections 59336 and/or 59340 and will set forth the reasons for the request and the date by which the District expects to be able to submit the required materials.

A copy of the request for an extension will be sent to the complainant, who will be advised that he or she may file written objections with the State Chancellor within 5 days of receipt. The State Chancellor may grant the request unless delay would be prejudicial to the investigation. If an extension of the 90-day deadline is granted by the State Chancellor the 150-day deadline is automatically extended by an equal amount.

Authority: Cal. Code Regs., tit. 5, § 59342.

Definitions

Definitions applicable to nondiscrimination policies are as follows:

Appeal means a request by a complainant made in writing to the San Bernardino Community College District governing board pursuant to title 5, section 59338, and/or to the State Chancellor's Office pursuant to title 5, section 59339, to review the administrative determination of the District regarding a complaint of discrimination.

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

Complaint means a written and signed statement meeting the requirements of title 5, section 59328 that alleges unlawful discrimination in violation of the nondiscrimination regulations adopted by the Board of Governors of the California Community Colleges, as set forth at title 5, sections 59300 et seq.

Days means calendar days.

District means the San Bernardino Community College District or any District program or activity that is funded directly by the state or receives financial assistance from the state. This includes the District Personnel Commission and any other organization associated with the District or its college(s) that receives state funding or financial assistance through the District.

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

General Harassment is based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation of any person, military and veteran status, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Harassment is found where a reasonable person with the same characteristics as the victim of the harassing conduct would be adversely affected to a degree that interferes with his/her/their ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource.

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

For sexual harassment under Title IX, Complainants must proceed under BP 3433 Prohibition of Sexual Harassment under Title IX, AP 3433 Prohibition of Sexual Harassment under Title IX, and AP 3434 Responding to Harassment Based on Sex under Title IX. For other forms of sexual harassment or gender-based harassment, Complainants should use this procedure.

Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment if it meets the definition above. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct that could, depending on the circumstances, meet the definition above, or could contribute to a set of circumstances that meets the definition:

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

Physical: Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation or other protected status. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.

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

Environmental: A hostile academic or work environment may exist where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation, or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or

other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her immediate surroundings, although the conduct is directed at other(s). The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

Mental disability includes, but is not limited to, all of the following:

- Having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:
 - Limits shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.
 - A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.
 - Major life activities shall be broadly construed and shall include physical, mental, and social activities and working.
- Any other mental or psychological disorder or condition not described in paragraph (1) that requires specialized supportive services.
- Having a record or history of a mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the District.
- Being regarded or treated by the District as having, or having had, any mental condition that makes achievement of a major life activity difficult.
- Being regarded or treated by the District as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph 1 or 2.

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

Physical disability includes, but is not limited to, all of the following:

- Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:
 - Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.
 - Limits a major life activity. For purposes of this section:
 - Limits" shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.
 - A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.

- Major life activities shall be broadly construed and include physical, mental, and social activities and working.
- Any other health impairment not described in paragraph (1) that requires specialized supportive services.
- Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) or (2), which is known to the District.
- Being regarded or treated by the District as having, or having had, any physical condition that makes achievement of a major life activity difficult.
- Being regarded or treated by the District as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph 1 or 2.

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

Quid Pro Quo sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.

Responsible District Officer means the officer identified by the District to the State Chancellor's Office as the person responsible for receiving complaints filed pursuant to title 5, section 59328, and coordinating their investigation. The Responsible District Officer for San Bernardino Community College District is the Vice Chancellor of Human Resources and Police Services.

Sex includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. 'Sex' also includes, but is not limited to, a person's gender, as defined in section 422.56 of the Penal Code. Discrimination on the basis of sex or gender also includes sexual harassment.

Sexual harassment is unlawful discrimination in the form of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the workplace or in the educational setting, and includes but is not limited to:

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

- Awarding educational or employment benefits, such as grades or duties or shifts, recommendations, reclassification, etc., to any student or employee with whom the decision maker has a sexual relationship and denying such benefits to other students or employees.
- Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from, or in, the work or educational setting when:
 - Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.
 - Submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decision affecting the individual.
 - The conduct has the purpose or effect of having a negative impact upon the individual's work or educational environment.
 - Submission to, or rejection of, the conduct by the individual is used as the basis for any decisions affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.

Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Unlawful discrimination means discrimination based on a category protected under Title 5, section 59300, including retaliation and sexual harassment.

Authority: Gov. Code, § 12926; Cal. Code Regs., tit. 5, §§ 59300, 59311; Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, Title IX, Office for Civil Rights, January 19, 2001.

Consensual Relationships

Romantic or sexual relationships between supervisors and employees, or between administrators, faculty members, or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty member, or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

Confidentiality of the Process

Investigative processes can best be conducted within a confidential climate. Therefore, the District does not reveal information about such matters except as necessary to fulfill its legal obligations.

Potential complainants are sometimes reluctant to pursue a complaint if their names will be revealed. The inability to reveal the name of a complainant or facts that are likely to reveal the identity of the complainant can severely limit the ability of the District to respond. Complainants must also recognize that persons who are accused of wrongdoing have a right to present their side of the matter, and this right may be jeopardized if the District is prohibited from revealing the name of the complainant or facts that are likely to disclose the identity of the complainant.

If a complainant insists that his or her name not be revealed, the responsible officer should take all reasonable

steps to investigate and respond to the complaint consistent with the complainant's request as long as doing so does not jeopardize the rights of other students or employees.

It is also important that complainants and witnesses understand the possibility that they may be charged with allegations of defamation if they circulate the charges outside of the District's process. In general, persons who are participating in a District investigative or disciplinary process that is related to a charge of discrimination are protected from tort claims such as defamation. However, persons who make allegations outside of these processes or who discuss their claims with persons outside of the process may expose themselves to tort charges. Complainants, witnesses, and those accused of discrimination will all be asked to sign a confidentiality acknowledgement statement.

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

Authority: Cal. Const. Art. I, § 1; Civil Code § 47; Ed. Code, §§ 76234 and 87740; *Silberg v. Anderson* (1990) 50 Cal.3d. 205; Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, Title IX, Office for Civil Rights, January 19, 2001.

Notice, Training, and Education for Students and Employees

The San Bernardino Community College District's Vice Chancellor of Human Resources and Police Services shall make arrangements for or provide training to employees and students on the District's unlawful discrimination policy and procedures. Faculty members, members of the administrative staff, and members of the support staff will be provided with notice of online access to the District's written procedure on unlawful discrimination at the beginning of the first semester of the college year each time the procedure is revised.

All District employees will receive this training and a copy of the unlawful discrimination policies and procedures during the first year of their employment. Because of their special responsibilities under the law, supervisors will undergo mandatory training within six months of assuming a supervisory position and annually thereafter. In years in which a substantive policy or procedural change has occurred all District employees will attend a training update and/or receive a copy of the revised policies and procedures.

Authority: Ed. Code, § 66281.5; Cal. Code Regs., tit. 5, §§ 59324 and 59326. Reference: Cal. Code Regs., tit. 5, §§ 59300 et seq.; 34 C.F.R. § 106.8(b).

Academic Freedom

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

When investigating unlawful discrimination complaints containing issues of academic freedom San Bernardino

Community College District will consult with a faculty member appointed by the Academic Senate with respect to contemporary practices and standards for course content and delivery.

No provision of this Administrative Procedure shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. Freedom of speech and academic freedom are, however, not limitless and this procedure will not protect speech or expressive conduct that violates federal or California anti-discrimination laws.

Reference: Cohen v. San Bernardino Valley College (1995) 883 F.Supp. 1407, 1412-1414, affd. in part and revd. in part on other grounds, (1996) 92 F.3d 968; Cal. Code Regs., tit. 5, § 59302.

Record Retention

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

Records related to a student discrimination complaint will be deemed worthy of preservation if, at the end of three years after the case is closed, a complaint on similar grounds has been filed against the same employee. In such cases, the records shall continue to be classified as Class 2 records and shall not be reclassified as Class-3 Disposable Records until complaints against that particular employee have been resolved.

Retaliation

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

Authority: 20 U.S.C. Sections 1681 et seq.; 34 C.F.R. Section 106; Cal. Code Regs., titl 5, Sections 59300 et Seq.;

Complaint Procedure Checklist

- Complaint received by Vice Chancellor of Human Resources and Police Services
 - Acting in role of Equal Opportunity Officer
 - Within 180 days of occurrence
 - Extension of 90 days if knowledge attained after 180 days
- Acknowledgement of receipt in writing to complainant and State Chancellor's Office (SCO)
 - Within 10 days of complaint receipt
 - Designate resolution/investigation coordinator
 - Advise of formal complaint filing with Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH).
- Advise individual accused
 - General nature of complaint

- Assessment of accuracy has not yet been made
- An investigation will be conducted
- Accused will be provided an opportunity to present his/her side of the matter
- Retaliation of complainant or witnesses must be avoided
- District schedules informal resolution efforts or impartial investigation
 - Complete within 90 days of complaint receipt (extensions may be requested from SCO)
 - Extension requests must
 - Be filed at least 10 days prior to the original 90-day deadline
 - State reason why extension is necessary
 - The date by which District expects a determination
 - Corresponding copy sent to complainant
 - Notice to complainant of right to send objection to SCO within 5 days
 - Factual description of the matter
 - Summary of testimony provided by each witness
 - Analysis of data or evidence collected
 - Probable cause determination for each allegation in the complaint
 - Other appropriate information
- If a formal complaint is filed with EEOC or DFEH, send complaint copy to SCO and request whether to continue with District formal investigation
- Investigative report and administrative determination letter forwarded to complainant and SCO
 - Within 90 days of complaint receipt
 - Pertinent information in letter
 - Ultimate determination on probable cause
 - Description of actions taken to prevent similar future allegations
 - Proposed resolution
 - Complainant's appeal DFEH rights
- Complainant may file appeal to governing board
 - Within 15 days from date of administrative determination
 - Board issues final district decision within 45 days of receiving appeal
 - Forwarded to complainant with DFEH appeal rights
- Governing board determination is final
 - No appeal rights to SCO

References:

Education Code Sections 212.5; 44100; 66281.5;

Government Code Sections 12940 and 12923;

Civil Code Section 51.9;

Title 2 Sections 10500 et seq.;

Title 5 Sections 59320 et seq.;

Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e

Attachments

- [AP 3430 Prohibition of Harassment - Comments](#)
- [AP 3430 Prohibition of Harassment - Legal Citations](#)
- [AP3430-OLD.pdf](#)
- [Special Summer 2020 Legal Update Overview.docx](#)

Approval Signatures

Step Description	Approver	Date
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Draft saved by Quinones, Brooke	
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2/16/2021, 10:33AM EST

Comment by Quinones, Brooke	
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2/16/2021, 10:33AM EST

Updates per memo from State Chancellor's Office for March DA 1st read

Edited by Quinones, Brooke	
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2/16/2021, 10:33AM EST

Updates per memo from State Chancellor's Office

Comment by Goodrich, Kelly	
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2/19/2021, 7:05PM EST

03-02-2021 DA 1st Read



Current Status: *Pending*

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Next Review: 10 years after approval
Owner: Chancellor's Cabinet
 Chancellor's Cabinet:
Policy Area: Chapter 3 General Institution
References: Legally Required

AP 3435 Discrimination and Harassment Resolution Procedures

For sexual harassment under Title IX, Complainants must proceed under BP 3433 Prohibition of Sexual Harassment under Title IX, AP 3433 Prohibition of Sexual Harassment under Title IX, and AP 3434 Responding to Harassment Based on Sex under Title IX. For other forms of sexual harassment or gender-based harassment, Complainants should use this procedure.

Complaints

The law prohibits coworkers, supervisors, managers, and third parties with whom an employee comes into contact from engaging in harassment, discrimination, or retaliation. Any person who has suffered harassment, discrimination, or retaliation may file a formal or informal complaint of harassment, discrimination, or retaliation, or who has learned of harassment, discrimination, or retaliation.

A formal complaint is a verbal or written and signed statement filed with the District ~~or the California Community Colleges Chancellor's Office~~ that alleges harassment, discrimination, or retaliation in violation of the District's Board Policies, Administrative Procedures or in violation of state or federal law. An informal complaint is any of the following: (1) An unwritten allegation of harassment, discrimination, or retaliation; (2) a written allegation of harassment, discrimination, or retaliation that falls outside the timelines for a formal complaint; or (3) a written complaint alleging harassment, discrimination, or retaliation filed by an individual who expressly indicates that he/she/they does/do not want to file a formal complaint.

Informal Complaints

Any person may submit an informal complaint to the Vice Chancellor Human Resources and Police Services or designee, or any other District or college administrator. Administrators receiving an informal complaint shall immediately notify the Vice Chancellor Human Resources and Police Services in writing of all pertinent information and facts alleged in the informal complaint.

Upon receipt of an informal complaint, the Vice Chancellor Human Resources and Police Services or designee will notify the person bringing the informal complaint of his/her/their right to file a formal complaint, if the incident falls within the timeline for a formal complaint, and explain the procedure for doing so. The Complainant may later decide to file a formal complaint, if within the timelines to do so. If the individual chooses not to file a formal complaint, or if the alleged conduct falls outside the timeline to file a formal complaint, the Vice Chancellor Human Resources and Police Services or designee shall consider the allegations contained in the informal complaint and determine the appropriate course of action. This may include efforts to informally resolve the matter, or a fact- finding investigation.

Investigation of an informal complaint will be appropriate if the Vice Chancellor Human Resources and Police Services or designee determines that the allegation(s), if proven true, would constitute a violation of the District policy prohibiting harassment, discrimination, or retaliation. The Vice Chancellor Human Resources and Police Services or designee will explain to any individual bringing an informal complaint that Vice Chancellor Human Resources and Police Services or designee may decide to initiate an investigation, even if the individual does not wish the Vice Chancellor Human Resources and Police Services to do so. The Vice Chancellor Human Resources and Police Services shall not disregard any allegations of harassment, discrimination, or retaliation solely on the basis that the alleged conduct falls outside the deadline to file a formal complaint.

Formal Complaints

Formal Complaints must be filed with the Chancellor of the California Community Colleges or the Vice Chancellor Human Resources and Police Services or designee unless the party submitting the Formal Complaint alleges discrimination, harassment, or retaliation against the responsible district officer, in which case it should be submitted directly to the Chancellor or the Chancellor of the California Community Colleges.

Formal Complaints should be submitted on the form prescribed by the Chancellor of the California Community Colleges. A copy of the form will be available at the following links:

<http://www.lighthouse-services.com/SBCCD>

http://www.sbccd.org/Human_Resources-Jobs/employee-labor-relations/Unlawful_Discrimination

If any party submits a written allegation of harassment, discrimination, or retaliation not on the form described above, the District will seek to have the individual complete and submit the form. However, if the individual chooses not to do so, the District will attach the written allegation(s) to the form and treat it as a Formal Complaint. In no instance will the District reject a written allegation of harassment, discrimination, or retaliation on the basis that it was not submitted on the proper form.

A Formal Complaint must meet each of the following criteria:

- It must allege facts with enough specificity to show that the allegations, if true, would constitute a violation of District policies or procedures prohibiting discrimination, harassment, or retaliation;
- The Complainant must sign and date the Formal Complaint;
- The Complainant must file any Formal Complaint not involving employment within one year of the date of the alleged discriminatory, harassing, or retaliatory conduct or within one year of the date on which the Complainant knew or should have known of the facts underlying the allegation(s) of discrimination, harassment, or retaliation.
- The Complainant must file any Formal Complaint alleging discrimination, harassment, or retaliation in employment within 180 days of the date of the alleged discriminatory, harassing, or retaliatory conduct, except that this period shall be extended by no more than 90 days following the expiration of the 180 days if the Complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.

If the Formal Complaint does not meet the requirements set forth above, the Vice Chancellor Human Resources and Police Services or designee will promptly return it to the Complainant and specify the defect. If the sole defect is that the Formal Complaint was filed outside the applicable prescribed timeline, the Vice Chancellor Human Resources and Police Services or designee will handle the matter as an informal complaint.

Oversight of Complaint Procedure: The Vice Chancellor Human Resources and Police Services or designee is the "responsible District officer" charged with receiving complaints of discrimination or harassment,

and coordinating their investigation.

The actual investigation of complaints may be assigned by the Vice Chancellor Human Resources and Police Services or designee to other staff or to outside persons or organizations under contract with the District. This shall occur whenever the Vice Chancellor Human Resources and Police Services or designee is named in the complaint or implicated by the allegations in the complaint.

Who May File a Complaint: Any student, employee, or third party who believes he/she/they has been discriminated against or harassed by a student, employee, or third party in violation of this procedure and the related policy.

Where to File a Complaint: A student, employee, or third party who believes he/she/they has been discriminated against or harassed in violation of these policy and procedures may make a complaint orally or in writing.

If a Complainant decides to file a formal written unlawful discrimination or harassment complaint against the District, he/she/they must file the complaint on a form prescribed by the California Community Colleges Chancellor's Office. These approved forms are available from the District's and at the California Community Colleges Chancellor's Office website.

The completed form must be filed with any of the following:

- Vice Chancellor Human Resources and Police Services or designee
- Chancellor
- All other management or
- California Community Colleges Chancellor's Office

Employment-Related Complaints

Complainants filing employment-related complaints shall be notified that they may file employment discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH).

Complaints filed with the EEOC or the DFEH should be forwarded to the California Community Colleges Chancellor's Office.

Any District employee who receives a harassment or discrimination complaint shall notify the Vice Chancellor Human Resources and Police Services or designee immediately.

Filing a Timely Complaint: Since failure to report harassment and discrimination impedes the District's ability to stop the behavior, the District strongly encourages anyone who believes they are being harassed or discriminated against, to file a complaint. The District also strongly encourages the filing of such complaints within 30 days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the District's ability to investigate and remediate.

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination; the existence of a hostile, offensive or intimidating work environment, and acts of retaliation.

The District will investigate complaints involving acts that occur off campus if they are related to an academic or work activity or if the harassing conduct interferes with or limits a student's or employee's ability to participate in or benefit from the school's programs or activities.

Communicating that the Conduct is Unwelcome: The District further encourages students and staff to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste or inappropriate.

Intake and Processing of the Complaint: Upon receiving notification of a harassment or discrimination complaint, the Vice Chancellor Human Resources and Police Services or designee shall:

- Undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules; obtaining apologies; providing informal counseling, training, etc.
- Advise all parties that he/she/they need not participate in an informal resolution of the complaint, as described above, and they have the right to end the informal resolution process at any time.
- Advise a student Complainant that he/she/they may file a complaint with the Office for Civil Rights of the U.S. Department of Education and employee Complainants may file a complaint with the Department of Fair Employment and Housing. All Complainants should be advised that they have a right to file a complaint with local law enforcement, if the act complained of is also a criminal act. The District must investigate even if the Complainant files a complaint with local law enforcement. In addition, the District should ensure that Complainants are aware of any available resources, such as counseling, health, and mental health services. Vice Chancellor Human Resources and Police Services or designee shall also notify the California Community Colleges Chancellor's Office of the complaint.
- Take interim steps to protect a Complainant from coming into contact with an accused individual, especially if the Complainant is a victim of sexual violence. The Vice Chancellor Human Resources and Police Services or designee should notify the Complainant of his/her/their options to avoid contact with the accused individual and allow students to change academic situations as appropriate. For instance, the District may prohibit the accused individual from having any contact with the Complainant pending the results of the investigation. When taking steps to separate the Complainant and accused individual, the District shall minimize the burden on the Complainant. For example, it is not appropriate to remove Complainants from classes or housing while allowing accused individuals to remain.

Investigation

The Vice Chancellor Human Resources and Police Services or designee shall:

- Authorize the investigation of the complaint, and supervise or conduct a thorough, prompt and impartial investigation of the complaint, as set forth below. Where the parties opt for informal resolution, the designated officer will determine whether further investigation is necessary to ensure resolution of the matter and utilize the investigation process outlined below as appropriate. In the case of a formal complaint, the investigation will include interviews with the Complainant, the accused, and any other persons who may have relevant knowledge concerning the complaint. This may include victims of similar conduct.
- Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, or other unlawful discriminatory conduct, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.

Investigation of the Complaint: The District shall promptly investigate every complaint and claim of harassment or discrimination. No claim of workplace or academic harassment or discrimination shall remain unexamined. This includes complaints involving activities that occur off campus and in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, on a District bus, or at a class or training program sponsored by the District at another location. The District shall promptly investigate complaints of harassment or discrimination that occur off campus if the alleged conduct creates a hostile environment on campus.

As set forth above, where the parties opt for an informal resolution, the Vice Chancellor Human Resources and Police Services or designee may limit the scope of the investigation, as appropriate. The District will keep the investigation confidential to the extent possible but cannot guarantee absolute confidentiality because release

of some information on a "need-to-know-basis" is essential to a thorough investigation. When determining whether to maintain confidentiality, the District may weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the Complainant's age; whether there have been other harassment complaints about the same individual; and the accused individual's rights to receive information about the allegations if the information is maintained by the District as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S. Code Section 1232g; 34 Code Federal Regulations Part 99.15. The District will inform the Complainant if it cannot maintain confidentiality.

Investigation Steps: The District will fairly and objectively investigate harassment and discrimination complaints. Employees designated to serve as investigators under this policy shall have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the District's grievance procedures operate. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially.

Investigators will use the following steps: interviewing the Complainant(s); interviewing the accused individual(s); identifying and interviewing witnesses and evidence identified by each party; identifying and interviewing any other witnesses, if needed; reminding all individuals interviewed of the District's no-retaliation policy; considering whether any involved person should be removed from the campus pending completion of the investigation; reviewing personnel/academic files of all involved parties; reach a conclusion as to the allegations and any appropriate disciplinary and remedial action; and see that all recommended action is carried out in a timely fashion. When the District evaluates the complaint, it shall do so using a preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that discrimination or harassment has occurred.

Timeline for Completion: The District will undertake its investigation promptly and swiftly as possible. To that end, the investigator shall complete the above steps, and prepare a written report within 90 days of the District receiving the complaint.

Cooperation Encouraged: All employees are expected to cooperate with a District investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a Complainant or witnesses does not relieve the District of its obligation to investigate. The District will conduct an investigation if it is discovered that harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed. No employee will be retaliated against as a result of lodging a complaint or participating in any workplace investigation.

Written Report

The results of the investigation of a complaint shall be set forth in a written report that will include at least all of the following information:

- A description of the circumstances giving rise to the Formal Complaint;
- A description of the procedural steps taken during the investigation, including all individuals contacted and interviewed;
- A summary of the testimony provided by each witness the investigator interviewed;
- An analysis of relevant evidence collected during the course of the investigation, including a list of relevant documents;
- A specific finding as to whether there is probable cause to believe that discrimination, harassment, or retaliation occurred with respect to each allegation in the complaint;
- A table of contents if the report exceeds ten pages; and
- Any other information deemed appropriate by the District.

Confidentiality of the Process

Investigations are best conducted within a confidential climate. Therefore, the District does not reveal

information about ongoing investigations except as necessary to fulfill its legal obligations. The District will keep the investigation confidential to the extent possible, but it cannot guarantee absolute confidentiality because release of some information on a "need-to-know-basis" is essential to a thorough investigation and to protect the rights of Accused students and employees during the investigation process and any ensuing discipline.

Administrative Determination

- ~~• In any case not involving employment discrimination, within 90 days of receiving a formal complaint, the district shall complete its investigation and forward a copy of the investigative report to the Chancellor of the California Community Colleges, a copy or summary of the report to both parties, and written notice setting forth all of the following to both the Complainant and the Chancellor:~~

 - ~~▫ The determination of the Chancellor or his/her/their designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;~~
 - ~~▫ A description of actions taken, if any, to prevent similar problems from occurring in the future;~~
 - ~~▫ The proposed resolution of the complaint; and~~
 - ~~▫ The Complainant's right to appeal to the District governing board and the Chancellor~~
- In any case involving employment discrimination, within 90 days of receiving a formal complaint, the district shall complete its investigation and forward a copy or summary of the report to the Complainant and written notice setting forth all the following to the Complainant:

 - The determination of the Chancellor or designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
 - A description of actions taken, if any, to prevent similar problems from occurring in the future;
 - The proposed resolution of the complaint; and
 - The Complainant's right to appeal to the district governing board and to file a complaint with Department of Fair Employment and Housing or the U.S Equal Employment Opportunity Commission.

Discipline and Corrective Action

If harassment, discrimination or retaliation occurred in violation of the policy or procedure, the District shall take disciplinary action against the accused and any other remedial action it determines to be appropriate consistent with state and federal law. The action will be prompt, effective, and commensurate with the severity of the offense. Remedies for the Complainant might include, but are not limited to:

- providing an escort to ensure that the Complainant can move safely between classes and activities;
- ensuring that the Complainant and alleged perpetrator do not attend the same classes or work in the same work area;
- preventing offending third parties from entering campus;
- providing counseling services or a referral to counseling services;
- providing medical services or a referral to medical services;
- providing academic support services, such as tutoring;
- arranging for a student-Complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; and
- reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant being disciplined.

If the District imposes discipline, the nature of the discipline will not be communicated to the Complainant. However, the District may disclose information about the sanction imposed on an individual who was found to have engaged in harassment when the sanction directly relates to the Complainant; for example, the District may inform the Complainant that the harasser must stay away from the Complainant.

Disciplinary actions against faculty, staff, and students will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.

The District shall also take reasonable steps to protect the Complainant from further harassment, or discrimination, and to protect the Complainant and witnesses from retaliation as a result of communicating the complaint or assisting in the investigation.

The District will ensure that Complainants and witnesses know how to report any subsequent problems, and should follow-up with Complainants to determine whether any retaliation or new incidents of harassment have occurred. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties to the extent possible without impeding the District's ability to investigate and respond effectively to the complaint.

If the District cannot take disciplinary action against the accused individual because the Complainant refuses to participate in the investigation, it should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence.

Appeals

If the District imposes discipline against a student or employee as a result of the findings in its investigation, the student or employee may appeal the decision using the procedure for appealing a disciplinary decision.

If the Complainant is not satisfied with the results of the administrative determination, he/she/they may, within fifteen days, submit a written appeal to the Board of Trustees. The Board shall review the original complaint, the investigative report, the administrative decision, and the appeal. The Board shall issue a final District decision in the matter within 45 days after receiving the appeal. A copy of the decision rendered by the Board shall be forwarded to the Complainant and to the California Community Colleges Chancellor's Office. The Complainant shall also be notified of his/her/their right to appeal this decision.

If the Board does not act within 45 days the administrative determination shall be deemed approved and shall become the final decision of the District in the matter.

In any case not involving workplace discrimination, harassment, or retaliation, the Complainant shall have the right to file a written appeal with the California Community Colleges Chancellor's Office within thirty days after the Board issued the final District decision or permitted the administrative decision to become final. Such appeals shall be processed pursuant to the provision of Title 5 Section 59350.

In any case involving employment discrimination, including workplace harassment, the Complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the Department of Fair Employment and Housing.

Extension of Time

Within 150 days of receiving a formal complaint that does not involve employment discrimination, the District shall forward to the California Community Colleges Chancellor's Office the original complaint, the investigative report, a copy of the written notice to the Complainant setting forth the results of the investigation, a copy of the final administrative decision rendered by the Board or indicating the date upon which the decision became final, and a copy of the notification to the Complainant of his/her/their appeal rights. If, due to circumstances

beyond its control, the District is unable to comply with the 150-day deadline for submission of materials, it may file a written request for an extension of time no later than ten days prior to the expiration of the deadline.

File Retention

The District will retain on file for a period of at least three years after closing the case copies of:

- the original complaint;
- the investigatory report;
- the summary of the report if one is prepared;
- the notice provided to the parties, of the District's administrative determination and the right to appeal;
- any appeal; and
- the District's final decision.

The District will make such documents available to the Chancellor of the California Community Colleges upon request.

Dissemination of Policy and Procedures

District Policy and Procedures related to harassment will include information that specifically addresses sexual violence. District policy and procedures will be provided to all students, faculty members, members of the administrative staff and members of the support staff, and will be posted on campus and on the District's website.

When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee's personnel file. In addition, these policies and procedures are incorporated into the District's course catalogs and orientation materials for new students.

Training

By January 1, 2021, the District shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees. All new employees must be provided with the training and education within six months of their assumption of his/her/their position. After January 1, 2021, the District shall provide sexual harassment training and education to each employee once every two years. An employee who received this training and education in 2019 is not required to have refresher training until after two years thereafter.

The training and education required by this procedure shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and the remedies available to victims of sexual harassment in employment, a review of "abusive conduct," and harassment based on gender identity, gender expression, and sexual orientation. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. Supervisor's harassment training must also address potential exposure and liability for employers and individuals, supervisor's obligation to report sexual harassment, discrimination, and retaliation when they become aware of it, appropriate remedial measures to correct harassing behavior.

The District will maintain appropriate records of the training provided, including the names of the supervisory employees trained, the date of training, sign in sheets, copies of all certificates of attendance or completion issued, the type of training provided, a copy of all written or recorded training materials, and the name of the

training provider. If the training is provided by webinar, the District will maintain a copy of the webinar, all written materials used by the training and all written questions submitted during the webinar, and document all written response or guidance the trainer provided during the webinar. The District will retain these records for at least two years.

The District will also provide training to students who lead student organizations. The District should provide copies of the sexual harassment policies and training to all District law enforcement unit employees regarding the grievance procedures and any other procedures used for investigating reports of sexual violence.

In years in which a substantive policy or procedural change has occurred, all District employees will attend a training update or receive a copy of the revised policies and procedures.

Participants in training programs will be required to sign a statement that they have either understood the policies and procedures, their responsibilities, and their own and the District's potential liability, or that they did not understand the policy and desire further training.

Education and Prevention for Students

In order to take proactive measures to prevent sexual harassment and violence toward students, the District will provide preventive education programs and make victim resources, including comprehensive victim services, available. The District will include such programs in their orientation programs for new students, and in training for student athletes and coaches. These programs will include discussion of what constitutes sexual harassment and sexual violence, the District's policies and disciplinary procedures, and the consequences of violating these policies. A training program or informational services will be made available to all students at least once annually.

The education programs will also include information aimed at encouraging students to report incidents of sexual violence to the appropriate District and law enforcement authorities. Since victims or third parties may be deterred from reporting incidents if alcohol, drugs, or other violations of District or campus rules were involved, the District will inform students that the primary concern is for student safety and that use of alcohol or drugs never makes the victim at fault for sexual violence. If other rules are violated, the District will address such violations separately from an allegation of sexual violence.

References:

Education Code Sections 212.5, 231.5, 66281.5, and 67386;
 Government Code Section 12950.1;
 Title 5 Sections 59320, 59324, 59326, 59328, and 59300 et seq.;
 Title 2 Sections 11023 and 11024

Attachments

[AP 3435 Discrimination and Harassment Investigation - Comments](#)
[AP 3435 Discrimination and Harassment Investigation - Legal Citations](#)
[AP3435-OLD.pdf](#)
[SBCCD - Overview for Legal Update 31 Final Version.docx](#)
[SBCCD - Overview for Legal Update 31 Final Version.docx](#)
[SBCCD - Overview for Legal Update 31 Final Version.docx](#)
[SBCCD - Overview for Legal Update 31 Final Version.docx](#)
[Special Summer 2020 Legal Update Overview.docx](#)

Approval Signatures

Step Description	Approver	Date
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Updates per CCLC legal review for March DA 1st read

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Updates per CCLC legal review

COPY

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References: *Legally Required*

BP 4500 Student News Media

(Replaces current SBCCD BP 4310)

The primary function of the college newspaper shall be to serve as a teaching platform for Journalism courses dealing in all aspects of newspaper publication. The newspaper shall strive to inform its readers of significant campus activities, events, and issues and also report and comment on off-campus news relevant to its readership.

The Chancellor is responsible for establishing administrative regulations to handle any protests about the college newspapers.

Reference:

No specific references

Attachments

[BP 4500 Student News Media - Comments](#)
[BP 4500 Student News Media - Legal Citations](#)
[BP4500- OLD.pdf](#)

Approval Signatures

Step Description	Approver	Date
	Policy Stat	04/2020
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AP 4500 Student News Media

(Replaces current SBCCD AP 4310)

Philosophy

College news media are any news/feature publications issued under the name of the college, funded by the District, and produced by students as an integral part of instruction in *[insert name of relevant discipline or program]*. It may include, but is not limited to, student newspaper reporting, broadcast news journalism and internet news journalism. The term "editorial" refers to all content other than advertising.

College news media, as laboratory publications of the *[insert name of relevant discipline or program]* curriculum, shall provide vehicles to train students for careers in mass communication. College news media shall also serve the entire college community by reporting the news, including college events and activities, providing a forum for comment and criticism, and encouraging free expression as guaranteed in the First Amendment to the Constitution of the United States.

College news media are valuable aids in establishing and maintaining an atmosphere of free and responsible discussion. College news media shall exercise editorial freedom in order to maintain their integrity as vehicles for free inquiry and free expression in the college community. At the same time, the editorial freedom of the college news media shall entail corollary responsibilities.

Each college newspaper or other news medium is published as a learning experience, offered under the *[insert name of relevant discipline or program]*. The editorial and advertising materials published in each news medium, including any opinions expressed, are the responsibility of the student staff. An editorial board should be formed for the news media involved. Under appropriate state and federal court decisions, these materials are free from prior restraint by virtue of the First Amendment to the United States Constitution. These procedures are adopted so as to encourage a responsible exercise of such freedom.

Publication

The newspaper shall endeavor to publish timely editorials, opinion columns, and letters to the editor concerning events and issues of interest to its readers in keeping with recognized principles of editorial and academic freedom and responsibility.

Protest

In the event that any member or segment of the college community--employee, or student--believes that the newspaper breaches commonly accepted journalistic standards of fairness, good taste, or judgment in administrative or editorial policy, and when less formal means do not provide a satisfactory solution, the established grievance procedures for students and staff may be called upon to provide redress or correction.

Committee Hearing

If a dispute cannot be resolved within a reasonable time in order to meet a publication deadline, an ad hoc committee consisting of one member of the Academic Senate (appointed by the President of the Senate), one member of the Associated Students (appointed by the President of the Associated Students), and one member of the college management group (appointed by the college president) shall be convened to adjudicate.

Formation of Committee

A request for formation of the above ad hoc committee shall be made through the English Department Head.

Journalism Grievance Procedures

Definition of a Grievance – A grievance is a complaint that alleges facts which, if true, would demonstrate a violation of the grievant’s right to free inquiry, free speech, or fair treatment; contains allegations that appear to be substantially credible; and is not frivolous.

Informal Grievance Proceedings – Describe a procedure that includes a written complaint to those with direct responsibility for the program and their responsibilities to respond in a timely manner.

Formal Grievance Proceedings – More formal grievance procedures may include a grievance hearing committee and appeal to the Chancellor or designee in a timely fashion. The procedures should include how grievance hearings should be conducted, access to and maintenance of related records, and the responsibility of the authorities to respond to the grievance in a timely fashion.

Reference:

No specific references

Attachments

- [AP 4500 Student News Media - Comments](#)
- [AP 4500 Student News Media - Legal Citations](#)
- [AP4500-OLD.pdf](#)

Approval Signatures

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COPY

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BP 5040 Student Records, Directory Information, and Privacy

(Replaces current SBCCD BP 5040 and BP 5045)

The Chancellor shall assure that student records are maintained in compliance with applicable federal and state laws relating to the privacy of student records.

The Chancellor may direct the implementation of appropriate safeguards to assure that student records cannot be accessed or modified by any person not authorized to do so.

Any currently enrolled or former student of the District has a right to review any and all student records relating to him/ or her maintained by the District.

No District representative shall release the contents of a student record including directory information to any member of the public without the prior written consent of the student, other than information as defined in this policy and information sought pursuant to a court order or lawfully issued subpoena, or as otherwise authorized by applicable federal and state laws.

Students shall be notified of their rights with respect to student records, including the definition of directory information contained here, and that they may limit the information.

Directory information as required by law is included in the College Catalog which is updated and posted to the college website annually.

References:

Education Code Sections 76200, et seq.;
 Title 5, Sections 54600, et seq.
 20 U.S. Code Section 1232g(j);
 ACCJC Accreditation Standard II.C.8

Attachments

[BP 5040 Student Records, Directory Information, and Privacy - Comments](#)
[BP 5040 Student Records, Directory Information, and Privacy - Legal Citations](#)
[BP5040 -OLD.pdf](#)

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References: *Legally Required*

AP 5040 Student Records, Directory Information, and Privacy

(Replaces current SBCCD AP 5040)

STUDENT RECORDS

- A. The colleges shall maintain appropriate records to document and verify student enrollment, attendance, and withdrawal information as required for state apportionment purposes.
- B. Data provided by the instructor shall be readily available for audits, internal controls, and other verification.
- C. Data for Enrollment (Data)
 1. Student Applications
 2. Change of Program Data
 3. Fee Data
 4. Credit by Examination
 5. Student Academic Records
 6. Assessment Scores

ACCESS TO STUDENT RECORDS

- A. Definitions
 1. "Student" means any person who is currently enrolled or formally enrolled in classes in the San Bernardino Community College District.
 2. The following data and documents will be maintained by the colleges and classified as "Student Records":
 - a. admission data
 - b. discipline records
 - c. health records
 - d. veteran records
 - e. educational records

3. The following are not classified as "Student Records":
 - a. information provided by a student's parents relating to applications for financial aid or scholarships.
 - b. information related to a student compiled by a college officer or employee:
 1. appropriate for such officer or employee's performance of his/her responsibility; and
 2. which remains in the sole possession of the maker thereof; and
 3. is not accessible or revealed to any other person except a substitute. For the purposes of this subdivision, "substitute" shall mean a person who performs on a temporary basis the duties of the individual who made the notes and does not refer to a person who permanently succeeds the maker of the notes in his/her position.
 - c. information related to a student created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional:
 1. acting or assisting in his professional or para-professional capacity; and
 2. the record is created, maintained or used in connection with the provision of treatment to the student; and
 3. the record is not available to anyone other than persons providing such treatment provided, however, that such a record may be personally reviewed by a physician or other appropriate professional of the student's choice.
 - d. information maintained by a college law enforcement unit:
 1. necessary and appropriate to enable such law enforcement unit to carry out its duties and responsibilities as required by law or as may be assigned by the district;
 2. unit personnel do not have access to other student records; and
 3. such information is kept apart from other student records; and
 4. maintained solely for law enforcement purposes; and
 5. is available only to other law enforcement officials of the same jurisdiction.
 - e. any data or records not identified in part 2 is not to be considered a student record.

B. Access to Student Records

1. Students, as defined in this policy, have the right to review and receive copies of all student records relating to the student as maintained by the colleges. Expressly exempted from the right of inspection:
 - a. financial records of the parents of the students;
 - b. confidential letters and statements of recommendation that were placed in the education record prior to January 1, 1975. After January 1, 1975, confidential recommendations and other materials regarding admission to special departmental programs or honorary recognition for students may be acquired and remain confidential if the student has signed a waiver of his/her right to review and inspect such documents. In the event a student does not sign a waiver, such student must be given access to these records;
 - c. records of instructional, supervisory, counseling and administrative personnel which are in their sole possession and are not accessible or revealed to any other person except a substitute;

- d. records of employees at the college, who are not in attendance at the college, made and maintained in the normal course of college business; and
 - e. records of students made and maintained by the college Health Office that are used in the treatment of students.
2. Procedures shall be developed by each college to provide for access to student records that will include:
- a. a written request from the individual student;
 - b. access to student records not to exceed ten working days;
 - c. a review and inspection process that will be under the direct supervision of a designated employee
 - d. the option to obtain copies of their student records at a designated fee for each page copied.
3. If any material or document in the education record of a student includes information on more than one student, the student shall have the right to inspect and review only such part of the material or document as relates to him/her or to be informed of the specific information contained in such part of the material or document.

C. Release of Student Records

1. Release of or access to individual student records is not authorized without specific written consent of the individual student or under judicial order, except that access may be permitted to the following
- a. officials and employees of the college, provided that any such person has a legitimate educational interest to inspect a record.
 - b. authorized representatives of the Comptroller General of the United States, the Secretary of Health, Education, and Welfare, an administrative head of an education agency, state education officials, or their respective designees, or the United States Office of Civil Rights, where such information is necessary to audit or evaluate a state or federally supported education program, or pursuant to a federal or state law, provided that except when collection of personally identifiable information is specifically authorized by federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students or their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of federal legal requirements.
 - c. other state and local officials or authorities to the extent that information is specifically required to be reported pursuant to state law adopted prior to November 19, 1974.
 - d. accrediting organizations in order to carry out their accrediting functions.
 - e. organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction if such studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted.
 - f. appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other persons, or safety of a student or other persons, or subject to such regulations as may be issued by the Secretary of Health,

Education and Welfare.

2. The agencies and individuals listed above are expressly forbidden from permitting access of said educational records to third parties.
3. Where the colleges receive a judicial order to review and/or release a student record, the student involved will receive notification of this action by the colleges as soon as possible.
4. No person, persons, agency or organization permitted access to student records pursuant to this policy shall permit access to any information obtained from such records by any other person, persons, agency or organization without the written consent of the student; however, this paragraph shall not be construed as to require prior student consent when information obtained pursuant to this section is shared with other persons within the educational institution, agency or organization obtaining access as long as such person(s) have a legitimate educational interest in the information.

D. Record of Access

1. A log or record shall be maintained of each person, agency, or organization requesting or receiving information from individual student records. Such listing need not include college officials, instructors, or counselors.
2. The log or record shall be open to inspection only by the student and the college official or his/her designee responsible for the maintenance of student records, and to other school officials with legitimate educational interests in the records, and to the Comptroller General of the United States, the Secretary of Health, Education and Welfare, and administrative head of an education agency as defined in Public Law 93.380, and state educational authorities as a means of auditing the operation of the system.
3. Personal information may be transferred to a third party only on the condition that such party will not permit access by any other party without the written consent of the student. (As an example, information released to agencies for auditing purposes or for improving instruction.) The following statement will accompany student records released under these circumstances:

"All student education records will be destroyed when they are no longer needed for implementation of the study. Student education records may not be released without the written consent of the student."

E. Challenge of Student Records

1. See Administrative Procedure 5045 titled Student Records: Challenging Content and Access Log

F. Annual Notice to Students

1. Students of the *San Bernardino Community College* District shall be notified annually of their rights under this procedure.
2. Standard college publications may be used to satisfy this annual notice to students.

G. Destruction of Records

Nothing in this policy shall prevent the destruction of records per established District procedure. (See BP/ AP 3310 titled Records Retention and Destruction)

References:

Education Code Sections 71091 and 76200 et seq. ;
Title 5 Sections 54600 et seq.,;

20 U.S. Code Section 1232g(j) (U.S. Patriot Act);
 Civil Code Section 1798.85;
 ACCJC Accreditation Standard II.C.8

Attachments

- [AP 5040 Student Records, Directory Information, and Privacy - Comments](#)
- [AP 5040 Student Records, Directory Information, and Privacy - Legal Citations](#)
- [AP5040 -OLD.pdf](#)
- [SBCCD - Overview for Legal Update 31 Final Version.docx](#)

Approval Signatures

Step Description	Approver	Date
	Policy Stat	07/2020
	Policy Stat	07/2020

Sent for re-approval by Stat, Policy

7/16/2020, 2:54PM EDT

7/9/20 Board approved

Last Approved by Stat, Policy

7/16/2020, 2:54PM EDT

Last Approved by Stat, Policy

7/16/2020, 2:54PM EDT

Activated

7/16/2020, 2:54PM EDT

Administrator override by Stat, Policy

10/28/2020, 7:40PM EDT

Deleted approval workflow: "BOT Approved"

Draft saved by Goodrich, Kelly

1/11/2021, 7:14PM EST

Draft discarded by Goodrich, Kelly

1/11/2021, 7:14PM EST

Comment by Goodrich, Kelly

2/19/2021, 7:29PM EST

3/2/2021 DA 1st Read; requires review to incorporate Legal Update #37 to add a legal reference to Title 5 Section 59410.

Current Status: *Active*

PolicyStat ID: 3498557



Origination:	06/2004
Last Approved:	12/2018
Last Revised:	12/2018
Next Review:	12/2024
Owner:	<i>Academic Senates Academic Senates</i>
Policy Area:	<i>Chapter 5 Student Services</i>
References:	<i>Legally Required</i>

BP 5050 Student Success and Support Program

(Replaces current SBCCD BP 5050)

Student Success for San Bernardino Community College District students means more than just obtaining degrees, transfer, certificate, or career advancement. It also means the achievement of the individual student's self-established educational goals including completing a specific course, program, career and/or technical education to maximize the skills necessary to become a better person, worker, and/or citizen. Student Success is not merely an outcome, but also a process. It's a journey that encompasses multiple levels of achievement and milestones such as the abilities to: analyze, synthesize, and evaluate information; effectively communicate with others; achieve proficiency in various disciplines; collaboratively work in culturally diverse settings; be leaders who see projects through to completion; be responsible decision makers who are self-motivated; be active civic participants; and be ethical individuals who are committed to their families, communities, and others.

The Board's commitment to Student Success is to ensure the availability of resources for the colleges to achieve the goals and objectives as stated in their college planning documents.

The District shall provide Student Success and Support Program services to students for the purpose of furthering equality of educational opportunity and academic success. The purpose of Student Success and Support Program services is to bring the student and the District into agreement regarding the student's educational goal through the District's established programs, policies, and requirements.

The Chancellor is responsible for establishing procedures to assure implementation of Student Success and Support Program services that comply with the Title 5 regulations.

References:

Education Code Sections 78210 et seq.;
 Title 5 Sections 55500 et seq.
 ACCJC Accreditation Standard II.C.2

Attachments

[BP 5050 Student Success and Support Program - Comments](#)
[BP 5050 Student Success and Support Program - Legal Citations](#)
[BP5050 -OLD.pdf](#)

Approval Signatures

Step Description	Approver	Date
	Stacey Nikac: Administrator	07/2018
	Stacey Nikac: Administrator	07/2018
	Stacey Nikac: Administrator	07/2018
	Stacey Nikac: Administrator	07/2018
	Stacey Nikac: Administrator	07/2018
	Stacey Nikac: Administrator	07/2018

Sent for re-approval by Stat, Policy

4/11/2017, 7:34PM EDT

per 4/4/17 DA meeting

Last Approved by Chancellor's Cabinet, Chancellor's Cabinet:

4/11/2017, 9:28PM EDT

Last Approved by Academic Senates, Academic Senates

4/11/2017, 9:29PM EDT

4/4/17 Academic Senates approved

Last Approved by District Assembly, DA

4/11/2017, 9:31PM EDT

4/4/17 DA received as information to forward to Student Success Committee for review. Any changes have to go back to Senates. If there are no changes, forward to Board for approval.

Approval flow updated in place by Stat, Policy

4/11/2017, 9:41PM EDT

Administrator override by Stat, Policy

4/12/2017, 4:36PM EDT

match dropbox

Draft saved by Stat, Policy

5/2/2017, 12:38PM EDT

Approval flow updated in place by Stat, Policy

8/23/2017, 6:31PM EDT

Last Approved by Chancellor's Cabinet, Chancellor's Cabinet:

8/23/2017, 6:40PM EDT

Senates have to review and go thru the collegial process

Draft saved by Stat, Policy

8/29/2017, 7:41PM EDT

Draft discarded by Stat, Policy

8/29/2017, 7:41PM EDT

Approval flow updated in place by Stat, Policy

11/25/2017, 5:28PM EST

Last Approved by Academic Senates, Academic Senates

2/25/2018, 5:09PM EST

DA 2/6/18 approved for reconfirmation BP & AP 5050 Student Success and Support Program (DA 4.4.17) – Celia Huston moved to approve BP 5050. Mark McConnell seconded the motion. AP 5050 will go to Academic Senates for review and come back to DA in May. Unanimous approval.

Comment by Allen, Denise: Professor

3/23/2018, 9:17PM EDT

Reviewed and approved by CHC counseling chairs on 3/23/2018

Draft saved by Allen, Denise: Professor

3/23/2018, 9:17PM EDT

Sent for re-approval by Stat, Policy

7/13/2018, 5:16PM EDT

see comments for actual approval dates

Last Approved by Stat, Policy

7/13/2018, 5:18PM EDT

see comments for actual approval dates

Last Approved by Stat, Policy

7/13/2018, 5:18PM EDT

see comments for actual approval dates

Last Approved by Stat, Policy

7/13/2018, 5:18PM EDT

see comments for actual approval dates

Last Approved by Stat, Policy

7/13/2018, 5:19PM EDT

see comments for actual approval dates

Comment by Stat, Policy

7/16/2018, 12:59PM EDT

9/5/17: DA approved 1st reading

2/6/18: DA approved 2nd reading

3/8/18: Board approved 1st reading

4/12/18: Board approved 2nd reading (Final Approval)

Last Approved by Stat, Policy

7/16/2018, 12:59PM EDT

Last Approved by Stat, Policy

7/16/2018, 1PM EDT

Activated

7/16/2018, 1PM EDT

Comment by Stat, Policy

10/16/2018, 4:46PM EDT

5/1/18 DA approved 2nd reading.

Comment by Stat, Policy

10/19/2018, 4:44PM EDT

BP/AP 5050 DA approved 5/1/18. Send to Board for 1st reading

Comment by Stat, Policy

2/19/2019, 7:16PM EST

11/8/18 BOT 1st reading
12/13/18 BOT 2nd reading

Administrator override by Stat, Policy

2/19/2019, 7:16PM EST

BOT approved 2nd reading 12/13/18

Administrator override by Stat, Policy

8/5/2019, 12:07PM EDT

Changed to BOT Approved workflow and 10-year review cycle to 3650 days

Administrator override by Mesa, Krystal: kmesa

9/11/2019, 3:20PM EDT

Legally Required

Administrator override by Stat, Policy

10/28/2020, 7:40PM EDT

Deleted approval workflow: "BOT Approved"

Comment by Goodrich, Kelly

2/22/2021, 8:41AM EST

3/2/2021 DA 1st Read as Part of 2021 Schedule



Current Status: *Active*

PolicyStat ID: 3958096



Origination:	07/2008
Last Approved:	12/2018
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Next Review:	12/2024
Owner:	<i>Academic Senates Academic Senates</i>
Policy Area:	<i>Chapter 5 Student Services</i>
References:	<i>Legally Required</i>

AP 5050 Student Success and Support Program

(Replaces current SBCCD AP 5050)

The Student Success and Support Program brings the student and the District into agreement regarding the student's educational goal through the District's established programs, policies, and requirements. The agreement is implemented by means of the student educational plan.

Each student, in entering into an educational plan, will do all of the following:

- identify an education and career goal;
- identify a course of study;
- be assessed to determine appropriate course placement;
- complete orientation;
- participate in the development of the student educational plan;
- complete a student educational plan no later than the term after which the student completes 15 semester units of degree applicable credit coursework;
- diligently attend class and complete assigned coursework; and
- complete courses and maintain progress toward an educational goal.

Student Success and Support Program services include, but are not limited to, all of the following:

- Orientation on a timely basis, information concerning campus procedures, academic expectations, financial assistance, and any other appropriate matters.
- Assessment and counseling upon enrollment, which shall include, but not be limited to, all of the following:
 - Administration of assessment instruments to determine student competency in computational and language skills.
 - Assistance to students in the identification of aptitudes, interests, and educational objectives, including, but not limited to, associate of arts degrees, transfer for baccalaureate degrees, and vocational certificates and licenses.
 - Evaluation of student study and learning skills.
 - Referral to specialized support services as needed, including, but not limited to, federal, state, and local financial assistance; health services; mental health services; campus employment placement services; extended opportunity programs and services; campus child care services programs that teach English as a second language; and disabled student services.
 - Advisement concerning course selection.
 - Follow-up services, and required advisement or counseling for students who are enrolled in basic skills courses, who have not declared an educational objective as required, or who are on academic

probation.

- an ongoing institutional research program to determine the effectiveness of Student Success and Support Programs, services, and processes.
- faculty and staff training to assist with implementation of Student Success and Support Program requirements.

The District shall not use any assessment instrument except one specifically authorized by the Board of Governors of the California Community Colleges.

- From current SBCCD AP 5050 titled Matriculation

Matriculation is a process that brings a district college and a student who enrolls for credit into an agreement for the purpose of realizing the student's educational goal through the college's established programs, policies, and requirements.

A. The student's responsibilities under this agreement include:

1. the expression of at least a broad educational intent upon enrollment;
2. the declaration of a specific educational objective after completion of 15 semester units of degree applicable credit coursework;
3. diligence in class attendance and completion of assigned coursework;
4. the completion of courses and maintenance of progress toward an educational goal, according to standards established by the college, the district, and the state.

B. The responsibilities of a district college under this agreement will entail providing appropriate matriculation services that shall include:

1. the processing of applications for admission in a timely manner;
2. orientation and pre-orientation services designed to provide, on a timely basis, needed information about instructional programs, course prerequisites, student services, college regulations, and student rights and responsibilities;
3. assessment of students to determine student competency in computational and language skills; to identify aptitudes, interests, and educational objectives and to evaluate study and learning skills. Multiple assessment measures may include State approved tests, prior academic history, work experience, personal responsibilities/circumstances, maturation, desire and determination.
4. counseling and advising to assist students in interpreting test results, and in developing and updating their educational plans; referral of students to:
 - a. support services which may be available including, but not limited to, counseling/advising, transfer services, financial aid, campus employment placement services, extended opportunity programs & services; campus child care services, tutorial services and disabled student programs and services; and
 - b. specialized curriculum offerings including, but not limited to, pre-collegiate basic skills courses and programs in English as a second language;
5. a follow-up system to detect and correct early signs of academic difficulty, and to ensure the academic progress of each student;
6. an ongoing institutional research program to determine the effectiveness of matriculation programs, services, and procedures;
7. faculty and staff training to help them implement matriculation requirements.

NOTE: Please confirm that the following language SBCCD AP 5050 reflects current practice and is still legally accurate.

C. EXEMPTIONS

Although all students are given the opportunity to participate, each college has elected to exempt certain students from orientation, assessment and counseling/advisement (Title 5 Section 55532(a)). Exempted students are identified and informed through the matriculation process. Exemption criteria are outlined in the Matriculation Plan for each college.

D. PREREQUISITES AND ENROLLMENT LIMITATIONS

1. All courses shall be open for enrollment to any student who has been admitted to a district college except that students may be required to meet necessary and valid prerequisites. Additionally, a college may also limit enrollment in a course based on health and safety considerations, facility limitations, faculty workload, availability of qualified instructors, funding limitations, constraints of regional planning or legal requirements imposed by status, regulations or contracts (Title 5 Section 58106(a)).
2. Prerequisites for a course shall be clearly related to course content and must be valid as being necessary for success in such course. Prerequisites shall be developed and established in full compliance with Title V 5 Regulations, Section 58106. Violations, waivers and appeals will be addressed and resolved through the established District Grievance Policy.
3. Each college will have a matriculation plan which clearly addresses each of the matriculation mandates. Compliance with these requirements will be monitored by the State Chancellor's Office as stipulated by the Seymour-Campbell Matriculation Act.
4. By this statement, the Board acknowledges the intent of the Seymour-Campbell Matriculation Act and agrees to implement its regulations to the extent possible and as appropriate.

References:

Education Code Sections 78210 et seq.;
 Title 5, Sections 55500 et seq.
 ACCJC Accreditation Standard II.C.2

Attachments

[AP 5050 Student Success & Support Program - Comments](#)
[AP 5050 Student Success and Support Program - Legal Citations](#)
[AP5050 -OLD.pdf](#)

Approval Signatures

Step Description	Approver	Date
	Policy Stat	02/2019

Step Description	Approver	Date
	Policy Stat	02/2019
	Stacey Nikac: Administrator	07/2018
	Stacey Nikac: Administrator	07/2018
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	Stacey Nikac: Administrator	07/2018

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8/17/2017, 12:23PM EDT

Needs editing before moving forward

Bulk Last Approved by Chancellor's Cabinet, Chancellor's Cabinet:

9/26/2017, 12:59PM EDT

Administrator override by Stat, Policy

9/26/2017, 3:14PM EDT

This policy is academic & professional. Updated workflow.

Approval flow updated in place by Stat, Policy

10/13/2017, 7:54PM EDT

Bulk Last Approved by Chancellor's Cabinet, Chancellor's Cabinet:

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Comment by Stat, Policy

2/25/2018, 5:13PM EST

DA 2/6/18 approved for reconfirmation BP & AP 5050 Student Success and Support Program (DA 4.4.17) – Celia Huston moved to approve BP 5050. Mark McConnell seconded the motion. AP 5050 will go to Academic Senates for review and come back to DA in May. Unanimous approval.

Draft saved by Stat, Policy

3/22/2018, 3:13PM EDT

Draft saved by Allen, Denise: Professor

3/23/2018, 9:21PM EDT

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7/13/2018, 5:17PM EDT

see comments for actual approval dates

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7/13/2018, 5:17PM EDT

see comments for actual approval dates

Last Approved by Stat, Policy

7/13/2018, 5:17PM EDT

see comments for actual approval dates

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see comments for actual approval dates

Last Approved by Stat, Policy 7/13/2018, 5:18PM EDT

see comments for actual approval dates

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9/5/17: DA approved 1st reading
5/8/18: DA approved 2nd reading

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Last Approved by Stat, Policy 2/19/2019, 7:13PM EST

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Activated 2/19/2019, 7:14PM EST

Comment by Stat, Policy 2/19/2019, 7:14PM EST

11/8/18 BOT 1st reading
12/13/18 BOT 2nd reading

Administrator override by Stat, Policy 2/19/2019, 7:15PM EST

BOT approved 2nd reading 12/13/18

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Changed to BOT Approved workflow and 10-year review cycle to 3650 days



Administrator override by Mesa, Krystal: kmesa

9/11/2019, 2:59PM EDT

Legally Required

Administrator override by Stat, Policy

10/28/2020, 7:40PM EDT

Deleted approval workflow: "BOT Approved"

Comment by Goodrich, Kelly

2/22/2021, 8:43AM EST

3/2/2021 DA 1st Read - Part of 2020-21 Schedule

COPY

Current Status: Active

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Origination: 06/2004
Last Approved: 04/2019
Last Revised: 04/2019
Next Review: 04/2025
Owner: Academic Senates Academic Senates
Policy Area: Chapter 5 Student Services
References: Legally Required

BP 5055 Enrollment Priorities

(Replaces current SBCCD BP 5055)

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

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

References:

Title 5, Sections 51006, 58106; and 58108

Attachments

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

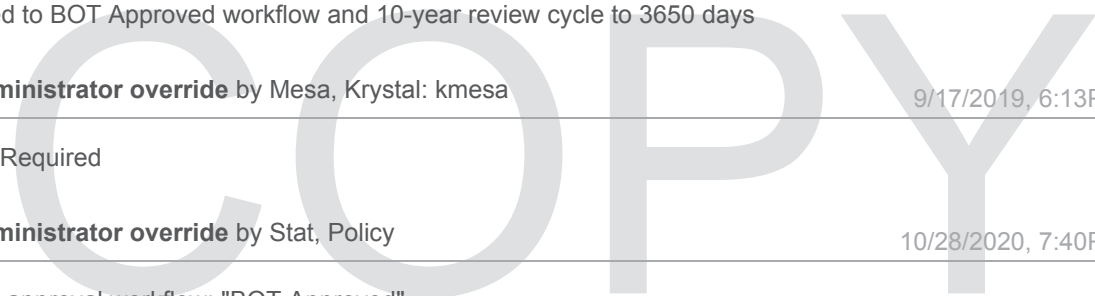
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4/16/2019, 3:54PM EDT

4/11/19 Board Final Approval

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Last Approved by Stat, Policy	4/16/2019, 3:54PM EDT
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Legally Required	
Administrator override by Stat, Policy	10/28/2020, 7:40PM EDT
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Comment by Goodrich, Kelly	2/22/2021, 8:47AM EST

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Next Review:	04/2025
Owner:	<i>Academic Senates Academic Senates</i>
Policy Area:	<i>Chapter 5 Student Services</i>
References:	<i>Good Practice/Optional</i>

AP 5055 Enrollment Priorities

(Replaces current SBCCD AP 5055)

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

Enrollment may be limited due to the following:

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

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

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

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

The following students will have priority for enrollment:

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

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

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

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

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

Appeal of Loss of Enrollment Priority

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

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

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

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

A. General Access

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

B. Priorities for Enrollment

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

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

C. Matriculation

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

References:

Education Code Sections 66025.8 and 66025.9;
 Title 5 Sections 58106 and 58108

Attachments

- [AP 5055 Enrollment Priorities - Comments](#)
- [AP 5055 Enrollment Priorities - Legal Citations](#)
- [AP 5055 Update #30.pdf](#)
- [AP5055 -OLD.pdf](#)
- [Legal Update 32 Overview Rev. 4-21-18.docx](#)

Approval Signatures

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4/16/2019, 3:51PM EDT

4/11/19 Board Final Approval

Last Approved by Stat, Policy

4/16/2019, 3:51PM EDT

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4/16/2019, 3:51PM EDT

Last Approved by Stat, Policy

4/16/2019, 3:52PM EDT

Last Approved by Stat, Policy

4/16/2019, 3:53PM EDT

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4/16/2019, 3:53PM EDT

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4/16/2019, 3:53PM EDT

Administrator override by Stat, Policy

8/5/2019, 12:07PM EDT

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Administrator override by Mesa, Krystal: kmesa

9/11/2019, 3PM EDT

Good Practice/Optional

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10/28/2020, 7:40PM EDT

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Comment by Goodrich, Kelly

2/22/2021, 8:46AM EST

3/2/2021 DA 1st Read - Part of 2020-21 Schedule

COPY

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Last Approved: 06/2019
Last Revised: 06/2019
Next Review: 06/2025
Owner: *Academic Senates Academic Senates*
Policy Area: *Chapter 5 Student Services*
References: *Legally Required*

BP 5500 Standards of Student Conduct

(Replaces current SBCCD BP 5500)

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

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

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

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

References:

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

Attachments

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

Approval Signatures

Step Description	Approver	Date
	Policy Stat	06/2019
	Policy Stat	05/2019
	Policy Stat	05/2019
	Policy Stat	05/2019
	Policy Stat	05/2019

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Comment by Torres, Maria		6/26/2019, 12:16PM EDT
6/20/19 BOT approved 2nd reading		
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Comment by Goodrich, Kelly		2/22/2021, 9:03AM EST
3/2/2021 DA 1st Read for Legal Update 37 - The Service updated this policy to specify that sexual harassment under Title IX falls under BP 3433 Prohibition of Sexual Harassment under Title IX.		

Current Status: *Active*

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Owner:	<i>Academic Senates Academic Senates</i>
Policy Area:	<i>Chapter 5 Student Services</i>
References:	<i>Legally Required</i>

AP 5500 Standards of Student Conduct

(Replaces current SBCCD AP 5500)

Standards of Student Conduct

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

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

- E. Continued Misconduct or Repeat Violation. Repeated misconduct or violations of this Policy, when other means of correction have failed to bring about proper conduct.
- F. Dating Violence. Violence committed by a member of the District Community who is, or has been, in a social relationship of a romantic or intimate nature with the victim.
- G. Destruction of Property. The damaging, destroying, defacing, or tampering with District Property or the property of any person or business on District Property or at a District function, including but not limited to, taking down, defacing, or otherwise damaging District authorized posters, handbills and/or notices posted on District property.
- H. Discrimination. Unlawful discrimination against a person on the basis of race, ethnicity, color, religion, national origin, sex, age, disability, military or veteran status, gender identification, gender expression, marital status; sexual orientation, or genetic information, except where such distinction is authorized by law.
- I. Dishonesty. All forms of dishonesty including but not limited to fabricating information, furnishing false information, or reporting a false emergency to the District.
- J. Disorderly or lewd conduct. Engaging in disorderly or lewd, indecent or obscene behavior on District Property or at a District function.
- K. Disruption of Educational Process. Destruction or disruption on or off District Property of the District educational process(es), including but not limited to interrupting, impeding, obstructing or causing the interruption or impediment of any class (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.
- L. Disruptive Behavior. Disruptive behavior, disobedience, profanity, vulgarity, or the open defiance of the authority of or abuse of District personnel, or which adversely effects the delivery of educational services to Students and the District Community.
- M. Disturbing the Peace. Disturbing the peace and good order of the District by, among other things, fighting, quarreling, disruptive behavior, or participation in a disturbance of the peace or unlawful assembly.
- N. Drugs. Unlawful or attempted manufacture, distribution, dispensing, possession, use, distribution or sale of, controlled substances, dangerous drugs, restricted dangerous drugs or narcotics, as those terms are used in state or federal statutes on District Property or at any District function. Possession of medicinal marijuana on District premises is prohibited.
- O. Endangering Welfare of Others. Violation of any state or federal law relating to the placing at risk of physical or emotional harm of a member of the District Community.
- P. Failure to Appear. Failure to appear before a District official when directed to do so.
- Q. Failure to Comply or Identify. Failure to identify oneself to, or comply with the directions of, a District employee when requested.
- R. Failure to Repay Debts or Return District Property. Failure to (a) repay debts to the District; (b) return District property; (c) return property of any member of the District Community.
- S. False Report of Emergency. Knowingly and purposefully, causing, making, and/or circulating a false report or warning of a fire, explosion, crime, or other catastrophe.
- T. Forgery. Any forgery alteration, or misuse of any District document, record, key, electronic device, or

identification, or knowingly furnishing false information to a District official.

- U. Fraud. Any attempt to steal, take, carry, lead, or take away the personal property of another, or who fraudulently appropriated property which has been entrusted to him or her, or who shall knowingly and designedly, by any false or fraudulent representation or pretense, defraud any other person of money, labor or property, or who causes or procures or obtains credit and thereby, or fraudulently gets or obtains possession of money, or property, or obtains the labor or service of another, is guilty of theft.
- V. Gambling. Unauthorized gambling on District Property or at any District function.
- W. Harassment/Bullying. A specific act, or series or acts, of a verbal or physical nature, including threats, intended to annoy, intimidate, pester, aggravate, irritate, dominate, ridicule, or cause fear to a member of the District Community, occurring within the jurisdiction of the District as set forth in Section 1.4.
- X. Hateful Behavior. Hateful behavior aimed at a specific person or group of people.
- Y. Hazing. Participation in hazing or any method of initiation or pre-initiation into a campus organization or other activity engaged in by the organization or members of the organization at any time that causes, or is likely to cause, physical injury or personal degradation or disgrace which can inflict psychological or emotional harm to any Student or other person.
- Z. Infliction of Mental Harm. (a) Inflicting mental harm upon any member of the District Community; (b) taking any action for the purpose of inflicting mental harm upon any Member of the District Community; (c) taking any reckless, but not accidental action, from which mental harm to Member of the District Community could result; (d) causing a Member of the District Community to believe that the Student or their agent may cause mental harm to that person or any member of their family or any other member of the District Community; (e) any act which purposefully demeans, degrades, or disgraces any person.
- AA. Library Materials. Cutting, defacing, or otherwise damaging or theft of college library or bookstore materials or property.
- AB. Misrepresentation. A false statement or representation based upon the intentional disregard of false or possibly false information, or knowingly entering into a transaction based upon false information, or misrepresenting oneself to be an agent, employee, or representative of the District or its colleges.
- AC. Misuse of Identification. Transferring, lending, borrowing, altering or unauthorized creation of identification.
- AD. Possession of Stolen Property. Possession of District Property, or the property of any other person, when the Student knows or reasonably should know, that the property was stolen.
- AE. Possession of Weapons. Unauthorized possession, use, storage, or manufacture of explosives, dangerous chemicals, firebombs, firearms, or other destructive devices or weapons as defined in Section K of Appendix A.
- AF. Public Intoxication. Public intoxication or being under the influence of alcoholic beverages, any illegal narcotics, or any substance that causes impairment on District/College Property or at any District/College function.
- AG. Sexual Harassment. Sexual harassment against a member of the District Community. Sexual harassment is defined as (a) unwelcome verbal harassment, e.g., epithets, derogatory comments, or slurs; (b) physical harassment, e.g., assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual; (c) visual forms of harassment, e.g., derogatory posters, cartoons, or drawings; (d) unwelcome sexual advances, requests for sexual favors; or (e) an intimidating, hostile, or offensive environment. "Unwelcome conduct" is defined as conduct which the member of the District Community does not solicit or initiate, and which the person regards as

undesirable or offensive.

- AH. Sexual Misconduct comprises a broad range of unwelcome behaviors focused on sex and/or gender that may or may not be sexual in nature. Any intercourse or other intentional sexual touching or activity without the other person's consent is sexual assault, is a form of Sexual Misconduct under this Procedure. Sexual Misconduct is any form of gender-based harassment, including, but not limited to, sexual harassment, sexual assault, and sexual exploitation, as well as harassment based on gender identity, gender expression, and non-conformity with gender stereotypes. Sexual misconduct may also include acts of a sexual nature, including acts of stalking, domestic violence, and dating violence, intimidation, or for retaliation following an incident where alleged Sexual Misconduct or has occurred. Sexual Misconduct can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship, can be committed by anyone regardless of gender identity and can occur between people of the same or different sex or gender.
- AI. Serious Injury or Death. Any intentional, unintentional or reckless action or conduct which results in serious injury or death to a Member of the District Community or their family.
- AJ. Smoking. Smoking in an area where smoking has been prohibited by law or regulation of the District.
- AK. Stalking. Stalking behavior in which a Student repeatedly engages in the course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her family; where the threat is reasonably determined by the College Conduct Officer to create substantial emotional distress, torment, create fear, or to terrorize the person.
- AL. Sexual Stalking. The course of conduct directed at a specific person that would cause a reasonable person to feel fear or suffer substantial emotional distress due to another's sexual interest or gender-based stalking. Stalking involves repeated and continued harassment of a sexual or gender-based nature, against the expressed consent of another individual, which causes the targeted individual to feel emotional distress, including fear or apprehension. Such stalking behaviors may include: pursuing or following; unwanted communication or contact—including face-to-face encounters, telephone calls, voice messages, electronic messages, web-based messages, text messages, unwanted gifts, etc.; trespassing; and surveillance or other types of observation.
- AM. Theft or Abuse of District's Computers or Electronic Resources. Theft or abuse of District computers and other District electronic resources such as computer and electronic communications facilities, systems, and services. Abuses include (but are not limited to) unauthorized entry, use, transfer, or tampering with the communications of others, and interference with the work of others, and with the operation of a computer and electronic communications facilities, systems, and services. Theft or attempted theft of any kind, including seizing, receiving, or concealing property with knowledge that it has been stolen, is prohibited. Sale, possession, or misappropriation of any property or services without the owner's permission is also prohibited.
- AN. Theft or Conversion of Property. Theft or conversion of District Property or services, or the property of any person or business on District Property or at a District function, or possession of any property when the Student had the knowledge or reasonably should have had knowledge that it was stolen.
- AO. Trespass and Unauthorized Possession. Unauthorized or forcible trespass on, entry to, possession of, receipt of, or use of any District services, grounds, equipment, resources, properties, structures, vehicles, boats, water craft or facility, including the unauthorized use of District's name, insignia, or seal without permission or authorization.
- AP. Unauthorized Recording. Recording any person on District Property or at any District function without

that person's knowledge or consent. This definition shall not apply to recordings conducted in public, in a commonly recognized public forum.

- AQ. Unauthorized Use of Course or Copyrighted Materials. Students of the District will abide by all aspects of United States copyright law, Title 17 of the United States Code, to the extent possible, under the authoritative interpretation of the law. Students shall not reproduce copyrighted materials without prior permission of the copyright owner, except as allowed by the “fair use” doctrine. In addition, Students shall not sell, prepare, or distribute for any commercial purpose any course lecture notes or video or audio recordings of any course unless authorized by the District in advance and explicitly permitted by the course instructor in writing. The unauthorized sale or commercial distribution of course notes or recordings by a Student is a violation of these Policies whether or not it was the Student or someone else who prepared the notes or recordings. Copying for any commercial purpose handouts, readers or other course materials provided by an instructor as part of a District course unless authorized by the District in advance and explicitly permitted by the course instructor or the copyright holder in writing (if the instructor is not the copyright holder).
- AR. Unauthorized Use of District Keys. Unauthorized use, distribution, duplication or possession of any keys issued for any building, laboratory, facility, room, or other District Property.
- AS. Unauthorized Use of Electronic Devices. Unauthorized use of an electronic device on District property or at any District function, including but not limited to, classes, lectures, labs, and field trips.
- AT. Unauthorized Use of Property or Services. Unauthorized use of property or services or unauthorized possession of District Property or the property of any other person or business.
- AU. Unreasonable Demands. Placing repeated, hostile, or unreasonable demands on District staff.
- AV. Unwelcome Conduct: conduct of a sexual, gender-based, or harassing nature, which is considered unwelcome if a person did not request or invite it, and considered the conduct to be unwelcome, undesirable, or offensive. Unwelcome conduct may take various forms, including name-calling, graphic or written statements (including the use of cell phones or the Internet), hazing, bullying, or other conduct that may be physically or psychologically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, or directed at a specific target, or involve repeated incidents. Unwelcome conduct can involve persons of the same or opposite sex.
- AW. Violation of Driving Regulations. Driving unsafely on District property or while taking part in any District function, or repeated violation of District parking regulations.
- AX. Violation of Health & Safety Regulations. Violation of any health, safety or related regulations, rule or ordinance on District property or at any District function.
- AY. Violation of Law. Violation of any federal, state or local law on District property, at a District function or involving a member of the District Community.
- AZ. Violation of Posted District Rules. Violation of any rule or regulation posted on District property by the District or the College, or printed in any District publication.
- BA. Violation of Published Computer/Network Usage Policy(s), Procedures, or Guidelines.
1. Accessing and/or without permission altering, damaging, deleting, destroying, or otherwise using any data, computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.
 2. Accessing and/or without permission taking, copying, or making use of any data from a computer, computer system, or computer network, or taking or copying any supporting documentation, whether existing or residing internal or external to a computer, computer system, or computer network

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

References:

Education Code Sections 66300, 66301, 66302, 72122, and 76030-76038; ACCJC Accreditation Standard I.C.8

Attachments

- [AP 5500 Standards of Student Conduct - Comments](#)
- [AP 5500 Standards of Student Conduct - Legal Citations](#)
- [AP5500 -OLD.pdf](#)

Approval Signatures

Step Description	Approver	Date
	Policy Stat	06/2019
	Policy Stat	05/2019
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Comment by Goodrich, Kelly

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3/2/2021 DA 1st Read for Legal Update 37: The Service updated this procedure to specify that conduct that constitutes sexual harassment under Title IX fall under AP 3433 Prohibition of Sexual Harassment under Title IX and AP 3434 Responding to Harassment Based on Sex under Title IX.

COPY

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AP 5520 Student Discipline Procedures

(Replaces current SBCCD AP 5500)

Student Discipline Procedures

Section I

A. INTRODUCTION

This Administrative Procedure (AP 5520) is intended to effectively administer Board Policy 5500 and Administrative Procedure 5500 title "Standards of Student Conduct," and as such, this Administrative Procedure shall constitute the Standards of Student Discipline for all District Students. This Standards of Student Discipline provides District Students with prior notice of behavior deemed unacceptable by the District's Board of Trustees. This Standards of Student Conduct includes a defined process for the fair and impartial review and determination of alleged improper Student behavior. This Standards of Student Conduct also specifies the various sanctions that may be imposed on District Students for violations of this Standards of Student Conduct. Students are expected to be familiar with the terms of the San Bernardino Community College District's published Board Policy 5500 and this Administrative Procedure 5500 Standards of Student Conduct.

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

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

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

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

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

C. NOTICE - PROCESS FOR NOTIFICATION

San Bernardino Community College District's primary correspondence and notification mechanism with Students shall be through the Student's District assigned e-mail account. At the District's discretion, Students may be notified via U.S. mail, delivery in person, via SMS text message, by an alternate email

on record from the Student, or by other authorized communication platforms. San Bernardino Community College District reserves the right to notify parents/legal guardians/emergency contacts when it determines that any Student, regardless of age, is in a situation that is threatening to their own health and safety, or that Student has placed another person in a situation that is threatening to their health and safety.

D. JURISDICTION

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

1. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, a single or repeated violations of any local, state, or federal criminal statute or ordinance;
2. Any situation where it appears that a Student may present a danger or threat to the health or safety of themselves or others;
3. Any situation that significantly impinges upon the rights, property, or achievements of self or others, or that significantly breaches the peace or causes significant disruption; and
4. Any situation that is detrimental to the educational interest of the District/College. The Student Code of Conduct may apply to online activity and communication that occur outside of the District's/ College's control when those online behaviors can be shown to create a Hostile Environment on campus or cause a substantial disruption

E. ANTI-DISCRIMINATION STATEMENT

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

F. PARALLEL STUDENT DISCIPLINE PROCEEDINGS

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

G. PARALLEL TITLE IX INVESTIGATION PROCEEDINGS

The District's Title IX Policy and Procedure, BP/AP 3540 Sexual and Other Assaults on Campus, addressing the investigation of allegations of sexual misconduct incorporate the sanctions and general procedures set forth in this Standards of Student Conduct, but are not restricted by this Procedure. Title IX investigations and processes are independent from court or other administrative proceedings. Student

discipline may be instituted against a Student also charged in civil or criminal courts based on the same facts that constitute the alleged violation of Title IX or other law applicable to sexual misconduct. The District may elect to proceed before, concurrently with, or after any judicial or other proceedings.

Section II - Student Rights & Responsibilities

A. DUE PROCESS

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

B. STUDENT RIGHTS

- To be treated with respect by District officials
- To take advantage of campus support resources, such as Counseling, Special Services, Health Services, and other available resources.
- To experience a safe educational environment.
- To not be subjected to retaliation for reporting violations.
- To have complaints heard in substantial accordance with established procedures.
- To fully participate in any process whether the injured individual is serving as the Complainant or the institution is serving as Complainant.
- A complainant may and Respondent shall be informed in writing of the outcome/resolution, any sanctions imposed, and the rationale for the outcome, to the extent permissible under applicable law and Board Policies.

C. SPECIAL REQUESTS/ACCOMMODATIONS - STUDENTS WITH DISABILITIES

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

D. ROLE OF LEGAL COUNSEL

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

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

telephone number. The requirements of this section shall also be applicable to Appeal Hearings as set forth in Section 4.2 of this Standards of Student Discipline.

E. STUDENT RIGHT TO REVIEW RECORDS

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

F. RECORDING AND PRESENTING WITNESSES

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

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

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

G. CONFIDENTIALITY

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

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

Section III - Student Discipline Process

A. FACULTY INITIATED REMOVAL

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

B. COMPLAINT FILED/INCIDENT REPORTED

San Bernardino Community College District, through its College Conduct Officers, will investigate all reports of alleged violations of the Standards of Student Conduct. Anyone who believes a section of the Code of Conduct has been violated should contact any College Conduct Officers identified at each District

campus. Reports of allegations are entered into a District-wide system where it is assigned to the appropriate College Conduct Officers.

C. NOTICE TO STUDENT

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

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

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

1. The College Conduct Officer may take any interim actions deemed necessary to:
 - Protect the District Community from potential threats to health and safety;
 - Protect any particular member of the community;
 - Protect against the risk of substantial disruption to the normal operations of the campus.
2. The College Conduct Officer or designee will inform the Respondent involved of any interim action/restrictions implemented against them pending investigation.
3. Interim Action/Restrictions are effective immediately. There shall be no request to delay the imposition of interim actions. These actions may include:
 - a. Interim Suspension – A Student who is suspended on an interim basis is subject to all of the same restrictions as if they had been suspended as a final sanction. The College Conduct Officer, or designee, may impose an interim restriction of up to fourteen (14) calendar days following notice from the College Conduct Officer.
 - b. Interim Restriction – These restrictions may include, but are not limited to:
 - Any other restrictions deemed by the College Conduct Officer or designee necessary to achieve the goals stated above.
 - No-contact orders with specific individuals;
 - District events;
 - Restricted access to District facilities;
 - c. The College Conduct Officer, or designee, may impose an interim restriction of up to fourteen (14) calendar days following notice from the College Conduct Officer.
4. Interim Suspensions and Request to Stay. Upon notice of an Interim Suspension by the College Conduct Officer, Title IX Coordinator, or designee, the Student has five (5) calendar days (from the date of the notice) to submit reason(s) for a Request to Stay to the Vice President of Student

Services or their designee. The Vice President of Student Services or their designee will render a decision on providing a stay, with or without modifications to the Student's request. The Vice President of Student Services or their designee will provide the Student with a decision within three (3) calendar days of the received Request to Stay. The Interim Suspension remains in effect until a decision from the Vice President of Student Services or designee is rendered.

E. INVESTIGATION PROCESS:

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

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

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

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

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

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

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

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

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

G. TYPES OF FINDINGS AFTER INVESTIGATION:

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

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

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

H. IMPOSING SANCTIONS:

If a Student is found Responsible, sanctions will be imposed by the College Conduct Officer, as they deem reasonable and appropriate, pursuant to the available sanctions set forth in Appendix C. The Respondent may elect to appeal the findings and sanctions subject to the limitations for grounds for appeal set forth herein.

I. STANDARD OF PROOF FOR FINDINGS:

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

Section IV - Appeal Process and Grounds for Appeal

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

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

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

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

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

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

A. ROLE OF ADVISORS AND LEGAL COUNSEL DURING APPEAL

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

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

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

B. THE APPEAL HEARING

Appeal hearings are closed to all persons except:

- College Conduct Officer, or designee;
- The Student Hearing Appeal Chair;
- The Student Hearing Appeal Panel;
- Student;

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

C. STANDARD OF PROOF FOR AN APPEAL

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

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

D. APPEAL HEARING PROCEDURES

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

1. At the beginning of each school year, each college president or designee shall establish a standing panel from which one or more Hearing Appeal Committees may be appointed. The panel shall be made up of:
 - a. A minimum of five (5) faculty members whose names are obtained from the Academic Senate.
 - b. A minimum of five (5) students whose names are obtained from the Student Senate.
 - c. A minimum of five (5) administrators/supervisors appointed by the College President or designee.
2. The College President or designee will appoint from the panel listed above a Hearing Appeal Committee consisting of a maximum of:
 - Two faculty members
 - Two students
 - One administrator/manager

- A committee chair

3. The Hearing

- a. The Chair will call the hearing to order, explain the procedures of the hearing, and have all Parties introduce themselves. Should an advisor be present, they may not make a presentation or represent the Respondent or the Complainant during the hearing. The Parties to the hearing are expected to ask and respond to questions on their own behalf, without representation of their advisors. The advisor may not speak on behalf of the Student to the College Conduct Officer or to the Hearing Appeal Committee hearing the case.
- b. The Chair will present the rules governing the hearing. The Chair shall guarantee control of the hearing, making certain that all participants respect the right of others to make statements, and ensure confidentiality of such statements.
- c. The College Conduct Officer, and if applicable their witness(es), shall have up to thirty (30) minutes total, if necessary, to present relevant evidence to support the determination that violation(s) of the Standards of Student Conduct has occurred.
- d. The Student charged may question any witnesses presented by the College Conduct Officer. Members of the Hearing Appeal Committee may also question any witness presented by the College Conduct Officer. Questioning by the Student or the Hearing Appeal Committee shall not be considered part of the time allotted for presentation of the College Conduct Officer's evidence. Total witness questioning by the College Conduct Officer and the Student shall not exceed a total of thirty (30) minutes of witness testimony for each side. It is within the discretion of the Hearing Appeal Committee Chair to impose a timeline on questioning or to add additional time if warranted.
- e. The Student charged, and if applicable their witness(es), shall have up to thirty (30) minutes in total time, if necessary, to present relevant evidence demonstrating the basis for why College Conduct Officer's decision should be overturned. The College Conduct Officer may question any witnesses presented by the Student. Members of the Hearing Appeal Committee may also question witnesses. Questioning by the Hearing Appeal Committee shall not be considered part of the time allotted for presentation of the Student's evidence. Witness(es) shall provide testimony only on an individual basis, outside of the presence of other witness(es). It is within the discretion of the Hearing Appeal Committee Chair to impose a timeline on questioning or to add additional time if warranted.
- f. The College Conduct Officer, and then the Student appealing, may each make a closing statement to the Hearing Appeal Committee. These closing statements shall be limited to a maximum of three (3) minutes each. The Hearing Appeal Committee Chair shall have the authority to extend the time limits if deemed necessary.
- g. Once all information has been collected, the Chair, or designee, will:reiterate the alleged policy violation(s);
 - i. Reiterate the alleged policy violation(s);
 - ii. Remind all Parties and participants involved of the Standard of Proof (Clear and Convincing), as further defined in Appendix A.
 - iii. Remind all parties and participants of confidentiality and of all imposed sanctions that are active and must be adhered to;
 - iv. Remind all Parties and participants to review the San Bernardino Community College

District's Standards of Student Conduct Board Policy 5500, Administrative Procedures 5500 and 5520, and to understand their Student rights and responsibilities;

- v. Inform all Parties and participants of the deliberation process and the projected timeline for notification; and
 - vi. Remind the Student charged and the Complainant, if applicable, that notification and all communication will be via District email accounts.
- Following the Hearing Appeal Committee Chair's closing statements, all persons will be dismissed from the hearing except for the Committee Chair and the members of the Hearing Appeal Committee for deliberation.

E. FAILURE TO APPEAR

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

F. DELIBERATION AND DECISION

1. The Hearing Appeal Committee shall make its findings for the appeal hearing based on the Clear and Convincing Evidence standard, as further defined in Appendix A, which demonstrates whether or not the College Conduct Officer:
 - a. Issued disproportionate or excessive sanctions in relation to the violation(s) the Respondent was found Responsible for committing.
 - b. Demonstrated unlawful discrimination during the determination of Responsibility, and/or,
 - c. Made a substantive procedural error which materially and significantly affected the weighing of evidence.
2. Following the presentation of evidence, the Hearing Appeal Committee shall privately consider the evidence and shall prepare a written report of its findings and deliver it to the College Conduct Officer, which shall ordinarily be submitted within seven (7) calendar days of the date of the appeal hearing. This report shall include the following:
 - a. A brief summary of the facts as found by the Hearing Appeal Committee, and a determination of evidence indicating whether the College Conduct Officer's findings should or should not be overturned;
 - b. A finding indicating the appropriateness of the disciplinary sanction imposed on the Student by the College Conduct Officer. This finding may state:
 - A finding that the Student is Responsible and that the disciplinary action proposed is appropriate; or
 - A finding that the Student is Responsible, but that the disciplinary action imposed by the College Conduct Officer was excessive to the violation, and as such, a recommendation be made for a lessened sanction;
 - A finding that the College Conduct Officer committed a substantive procedural error during the investigation or finding which would unduly taint the legitimacy of the finding of Responsibility, resulting in the finding to be set aside.
3. The report of the Hearing Appeal Committee shall be sent by the Hearing Appeal Committee Chair to

the Respondent. If the Committee has made a finding evidencing substantive procedural error, the Committee shall provide a copy of the report to the Vice President of Student Services. The College Conduct Office shall copy the Vice President of Student Services on written notification to the Student(s) involved.

4. No finding by the Hearing Appeal Committee recommending the setting aside of a finding of Responsibility due to procedural error by the College Conduct Officer shall act as a bar to a subsequent investigation by another College Conduct Officer from within the District of the underlying facts and evidence of the matter appealed and making a finding and determination of Responsibility.

G. RECOMMENDATION FOR EXPULSION

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

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

H. REVIEW BY THE CHANCELLOR

1. The Student may appeal the College President's recommendation for expulsion, but not for other sanctions, by submitting a letter of appeal via personal delivery, delivery by a professional process server, or by certified mail to the Chancellor's office within ten (10) calendar days of their receipt of the College President's recommendation for expulsion. It is the student's responsibility to ensure the letter of appeal is delivered.
2. The letter of appeal to the Chancellor shall state the reasons why the Student should not be expelled and shall not exceed fifteen (15) pages in length. The Student or any representative of the student does not have the right to meet personally with the Chancellor under this procedure.
 - a. Chancellor's Recommendation to the Board. If the Chancellor has decided to recommend the Student's expulsion, they shall cause to be placed on a Board agenda for action at the next board meeting, their recommendation that the Student be expelled. Minor deviations in the timeline for placement of the Chancellor's recommendation on the Board agenda shall be permitted. The Chancellor shall notify the Student or the Student's parent or guardian if the Student is a dependent minor of their decision to seek expulsion. The Chancellor's notice shall be in writing, setting forth the Board meeting date, time, and location where the Board will consider the recommended expulsion.
 - b. Appeal to the Board of Trustees. The Student may submit a Letter of Opposition to Expulsion to the Board of Trustees, through the Chancellors Office, via personal delivery, delivery by a professional process server, or by certified mail setting forth the Student's basis for opposition to the recommended expulsion. The Student's letter must be received no less than seven (7) calendar days prior to the scheduled Board meeting date.
3. The Student's Letter of Opposition shall not exceed ten (10) pages in length, explaining to the Board why they should not be expelled. The Student may attach to their letter any documents they wish the Board to consider.
4. The Chancellor shall submit the following documents to the Board prior to the Board acting on their

recommendation for expulsion:

- a. A copy of the correspondence provided to the Student informing the Student of the alleged violations of the Standards of Student Conduct;
 - b. A copy of the investigative findings of the College Conduct Officer, including any relevant evidence collected and assessed.
 - c. A copy of the report, if any, of the Hearing Appeal Committee;
 - d. A copy of the President's recommendation for expulsion;
 - e. A copy of any letters or documents submitted by the Student; and
 - f. The Chancellor's recommendation regarding expulsion of the Student.
5. The Board's Decision Regarding Expulsion
The Board's decision shall be final and shall end the Student's appeal process relating to expulsion.
6. Notification to College Conduct Officer
The Executive Assistant to the Chancellor's Office shall notify the College Conduct Officer in writing of the Board's decision regarding the Student's expulsion and shall provide the College Conduct Officer with a copy of the meeting minutes evidencing the Board's action.
7. Notification to Student
The Chancellor's Office shall notify the Student in writing of the Board's decision regarding their status as a Student in the District

I. READMISSION AFTER A SUSPENSION

- The following procedures shall apply to a Student's request for readmission.
 - A Student who has been suspended is eligible to apply for readmission if:
 - The term of the Student's long term suspension will expire within thirty (30) calendar days.
 - The Student has complied with all the terms and conditions of their suspension; and
 - During the course of the Student's suspension, the Student has not engaged in any behavior or activity that would be cause for discipline under the Standards of Student Conduct if the individual were a District Student.
1. Procedure for Re-admission Following Long-Term Suspension
- The Student seeking readmission must make a written request for readmission to the College Conduct Office.
 - The College Conduct Officer may request a meeting with the Student seeking readmission to ascertain their eligibility for readmission.
 - Ordinarily, within thirty (30) calendar days of the date of their receipt of a written request for readmission, the College Conduct Officer shall decide whether the request should be granted or denied.
 - The College Conduct Officer shall notify the Student of their decision in writing and shall, in case of denial, include the reasons for such denial.
 - A Student, whose application for readmission has been denied, may not apply for readmission until the next registration cycle after denial of their application.

Appendix A - Administrative Procedure Definitions

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

- A. "Advisor" means a person, not serving as legal counsel, who at the Student's request, accompanies the Student and provides them with emotional or other support at a hearing. The advisor will be expected to maintain confidentiality.
- B. "Attorney" means any person who is admitted to practice law in the State of California.
- C. "Board" means the Governing Board of the San Bernardino Community College District.
- D. "Chancellor" means the Chancellor of the San Bernardino Community College District, or their designee.
- E. "Clear and Convincing Evidence" means the burden of evidence that a Student must present establishing that it is highly probable that the College Conduct Officer's determination process was flawed due to significantly disproportionate sanctions when compared to the offense, procedural error, or new evidence that has become available which is sufficient to alter the decision, and which the student was not aware of or could not have been reasonably obtained at the time of the initial review.
- F. "College Activity" means any activity sponsored by the District including, but not limited to, courses, class, lectures, labs, field trips, club activities, Student Government activities, community education or similar activities, or any other Student sponsored activity.
- G. "College Conduct Office" is the department or division designated by the college campus to oversee the disciplinary process.
- H. "College Conduct Officer" means the College Official(s) designated by the College President, or designee, to administer this policy.
- I. "Community" means San Bernardino Community College District Students, trustees, employees, agents, instructional associate, visitors, representatives, guests of the District and their families, and any persons conducting business with the District.
- J. "Complainant" means the person(s) reporting alleged violations of the Standards of Student Conduct.
- K. "Day" means a calendar day.
- L. "Designee" means a District Official appointed to fulfill responsibilities relating to this procedure.
- M. "District" means the San Bernardino Community College District and each of its colleges.
- N. "District Community" means any employee, contractor, Student, member of the public, or invitee present on District property, or on the property being used by the District. For purposes of this definition, a Student is deemed a member of the District Community while enrolled in, or in the process of applying for, enrollment as a Student at any of the colleges within the District. A Student does not have to be physically located on District property for their behavior to be governed by the Standards of Student Conduct.
- O. "District Official" means any person employed by the District as a Manager, Supervisor, or Officer.
- P. "District Property" means all real, personal and intellectual property owned, controlled, used, or occupied by the District, including property physically removed from any college, the District office, or any place that is the site of a District-approved function.
- Q. "Finding" means an outcome determined by the College Conduct Officer or designee after completion of an investigation and a review of the facts collected during the investigation. Findings include

“Responsible” or “Not Responsible”.

- R. “Hearing Panel” means a panel formed by the College Conduct Officer to make a determination and finding of whether a Student is Responsible or not for alleged violations of the Standards of Student Conduct.
- S. "Instructor" means any faculty member employed by the District for instruction of curriculum or other programs.
- T. "Interpreter" means a sign language interpreter or translator present to assist the Student in understanding and communicating information at any hearing.
- U. “Investigation” means the process following a report of a violation of the Standards of Student Conduct. The investigation includes a review of facts presented by the person reporting the violation, the Student accused of the violation, and any other applicable evidence presented to help the College Conduct Officer make a determination of “Responsible” or “Not Responsible.”
- V. "Mental Health Professional" means a California licensed clinical psychologist or California board-certified psychiatrist.
- W. “Not Responsible” means, based on the applicable evidence collected during the investigation, it is not more likely than not that the Student did not commit a violation of the Standards of Student Conduct.
- X. “Parties” means both the Complainant and the Respondent involved in the alleged violation of this Standards of Student Conduct.
- Y. “Party” means an individual, either the Complainant or the Respondent, involved in the alleged violation of the Standards of Student Conduct.
- Z. "Preponderance of the Evidence" for purposes of this Administrative Procedure, means the weight of the evidence presented by the District at the administrative hearing that has established that it is more likely than not that the Student is Responsible for the alleged violation of a provision within the District's Standards of Student Conduct. This weight of evidence standard applies to any resolution hearing, other than for appeals.
- AA. “Request to Stay” means a request, in writing, from a Student, seeking to have any interim action reconsidered or amended by the College Vice President of Student Services or designee.
- AB. “Respondent” means the person(s) who are alleged to have violated the Standards of Student Conduct.
- AC. “Responsible” means, based on the applicable evidence collected during the investigation, it is more likely than not that the Student committed one or more violation(s) of the Standards of Student Conduct.
- AD. "Retention Letter" means a letter from an attorney stating they have been retained by a Student facing disciplinary proceedings pursuant to the Standards of Student Conduct.
- AE. "Standards of Student Conduct" means the San Bernardino Community College District Board Policy/ Administrative Procedure (BP 5500 and AP 5500, respectively).
- AF. "Student" means any person who has applied for admission, who is or has been enrolled, or who has expressed their intent to enroll for any college program within the District for the period in which the misconduct occurred.
- AG. “Student Hearing Appeals Committee” means a committee formed by a college within the District for the purpose of hearing appeals filed by Students following findings of Responsibility or Non-Responsibility. The composition of this committee is set forth in Section 4.4.
- AH. "Weapon" means any instrument or weapon as defined in Administrative Procedure 3530

Appendix B - Sanctions

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

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

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

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

Disciplinary Action consists of the following:

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

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

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

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

Expulsion is the permanent removal of the student from the District.

- A. The Board of Trustees may expel a student when other means of correction fail to bring about proper conduct, or it seems probable that the continued presence of the student causes a danger to the physical safety of the student or to others
- B. Whenever this policy calls for or permits a notice or other communication to be delivered by mail, the mailing of such communication by certified mail, postage-paid and addressed to the last known address of the student, shall be deemed sufficient compliance with the provision and it shall be presumed to have been received. A student's failure or refusal to sign a receipt of the communication shall not cause the notice to be null and void.
- C. No fees paid by or for a student for the semester, summer session, or other term in which the student is suspended or expelled shall be refunded. If the student is readmitted before the close of the semester,

summer session, or other term in which the suspension occurred, no additional fees shall be required of the student on account of the suspension.

- D. Should disciplinary action involve the misappropriation of District property or funds, the disciplinary action will remain in effect until full reimbursement is made through appropriate District/College offices.
- E. Any violation or violations of law, ordinance, regulations, or rule regulating, or pertaining to, the parking of vehicles, shall not be cause for the removal, suspension, or expulsion of a student from a community college
- F. The president or the president's designee at a community college shall, upon the suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county or city in which the school is located of any action of the student which may be in violation of Section 245 of the Penal Code.

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

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

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

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

No-Contact Order. The College Conduct Officer or designee may assign a No Contact Order whereby neither student nor [other party] may have any contact with each other, in person or through another party, by telephone, letter, e-mail, or other electronic media, or by any other means. This applies on campus and in the local vicinity, at District/College-sponsored events, and/or through the use of District/College resources (including electronic). The student may not engage in indirect communication, including via social media or any other means. The student must also refrain from any form of harassment, retaliation, or intimidating behavior. If at any time either party feels the need to communicate with the other, they may do so only through the College Conduct Office or through a third party explicitly authorized by the College Conduct Officer.

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

Referral. The College Conduct Officer may refer any student who is the subject of prohibited conduct allegations to Counseling and Psychological Services or the College Health Center. Counseling Services or the College Health Center may, with the written permission of the student, discuss the results of the referral

with the College Conduct Officer. The student may refuse to attend a session with Counseling Services or the College Health Center without penalty at which time the disciplinary process will continue as if no referral were made.

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

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

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

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

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

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

References:

Education Code Sections 66300, 66301, 66302, 72122, and 76030-76038; ACCJC Accreditation Standard I.C.8

Attachments

[AP 5520 Student Discipline Procedures Rev. 10-30-15.docx](#)

Approval Signatures

Step Description	Approver	Date
	Policy Stat	06/2019
	Policy Stat	05/2019
	Policy Stat	05/2019

Step Description	Approver	Date
	Policy Stat	05/2019
	Policy Stat	05/2019
	Policy Stat	05/2019

Edited by Stat, Policy 5/21/2019, 1:47PM EDT

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Activated 6/23/2019, 6PM EDT

Comment by Torres, Maria 6/26/2019, 12:17PM EDT

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Administrator override by Stat, Policy 8/5/2019, 12:07PM EDT

Changed to BOT Approved workflow and 10-year review cycle to 3650 days

Reference changed by Stat, Policy 9/5/2019, 7:46PM EDT

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Deleted approval workflow: "BOT Approved"

Comment by Goodrich, Kelly 2/22/2021, 9:05AM EST

3/2/2021 DA 1st Read for Legal Update 37 - The Service updated this procedure to clarify the definition of student to specify that the student was enrolled at the District that the time of the alleged violation of the Standards of Student Conduct. The Service also updated this procedure to specify that discipline resulting from a sexual harassment complaint under Title IX must use AP 3434 Responding to Harassment Based on Sex under Title IX.

Current Status: *Active*

PolicyStat ID: 2878873



Origination: 06/2004
Last Approved: 06/2004
Last Revised: 06/2004
Next Review: 08/2020
Owner: *Academic Senates Academic Senates*
Policy Area: *Chapter 5 Student Services*
References: *Legally Required*

BP 5700 Intercollegiate Athletics

(Replaces current SBCCD BP 5700)

- From current SBCCD BP 5700 titled Athletics

The District shall maintain an organized program for men and women in intercollegiate athletics. The District will offer opportunities for participation in athletics equally to male and female students consistent with state and federal law.

The Chancellor shall assure that the athletics program complies with state law, the California Community College Athletic Association (CCCAA) Constitution and Sport Championship Handbooks, and appropriate Conference Constitution regarding student athlete participation.

References:

Education Code Sections 78223, 66271.6, 66271.8, and 67360 et seq
 20 U.S. Code Sections 1681 et seq.;
 ACCJC Accreditation Standard II.C.4

Attachments

- [BP 5700 Intercollegiate Athletics - Comments](#)
- [BP 5700 Intercollegiate Athletics - Legal Citations](#)

Initial import

10/10/2016, 5:10PM EDT

Accepted by Stat, Policy

10/11/2016, 4:58PM EDT

Administrator override by Stat, Policy

10/20/2016, 1:34PM EDT

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12/23/2016, 12:30PM EST

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1/10/2017, 3:32PM EST

ownership change

Administrator override by Stat, Policy

1/10/2017, 5:51PM EST

ownership change

Administrator override by PolicyStat Staff

2/23/2017, 9:16AM EST

PolicyStat added a new feature to allow hyperlinks directly to policy headings. For more details about this feature, see this [article](#).

Administrator override by Stat, Policy

8/5/2019, 12:07PM EDT

Changed to BOT Approved workflow and 10-year review cycle to 3650 days

Reference changed by Stat, Policy

9/5/2019, 7:46PM EDT

Administrator override by Stat, Policy

10/28/2020, 7:40PM EDT

Deleted approval workflow: "BOT Approved"

Comment by Goodrich, Kelly

2/22/2021, 9:07AM EST

3/2/2021 DA 1st Read (No Changes)

COPY

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PolicyStat ID: 8852625



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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>Legally Advised</i>

AP 5700 Intercollegiate Athletics

NOTE: This procedure is **legally advised**. Local practice may be inserted here. Rules for participation in intercollegiate athletics should be developed in accordance with Education Code Sections 67360 et seq. and BP 5700, which states that the District shall comply with rules and regulations adopted by voluntary associations, one of whose purposes is to govern intercollegiate athletics (e.g. the California Community College Athletic Association (CCCAA)).

The authority for developing, implementing and monitoring these procedures should be stated, and should reference appropriate assistance required from the Academic Senate.

Athletic Drug Testing

NOTE: Athletic Drug Testing is not mandated. If the District wishes to consider such a procedure, it may contact the League for sample language.

References:

Education Code Sections 66271.6, 66271.8, and 67360 et seq.;

Title IX. Education Amendments of 1972;

ACCJC Accreditation Standard II.C.4

Attachments

[AP 5700 Intercollegiate Athletics Rev. 4-15.doc](#)

Comment by Goodrich, Kelly

2/22/2021, 9:09AM EST

3/2/2021 - DA 1st Read for Legal Update 37 - The Service updated this procedure to add a legal reference to Education Code Section 78223.

Current Status: *Draft*

PolicyStat ID: 9149603



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Last Revised:	N/A
Next Review:	N/A
Owner:	<i>Business & Fiscal Services</i> <i>Business & Fiscal Services</i>
Policy Area:	<i>Chapter 6 Business & Fiscal Services</i>
References:	<i>Legally Required</i>

BP 6930 Vending Machines

~~(Replaces current SBCCD BP 6930)~~

Any vending machine installed on District property shall have Board of Trustees approval through the regular contracting process. Clubs and student groups may operate vending machines with the authorization of the District.

References:

None

Attachments

[BP 6930 Vending Machines - Comments](#)
[BP 6930 Vending Machines - Legal Citations](#)

Comment by Goodrich, Kelly

1/19/2021, 3:54PM EST

Reviewed by Mike Strong, Scott Stark and Steve Sutorus; minor clerical edit only.
To be submitted for DA 1st Read 03-02-2021

Current Status: *Draft*

PolicyStat ID: 9149603



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Last Revised:	N/A
Next Review:	N/A
Owner:	<i>Business & Fiscal Services</i> <i>Business & Fiscal Services</i>
Policy Area:	<i>Chapter 6 Business & Fiscal Services</i>
References:	<i>Legally Required</i>

BP 6930 Vending Machines

~~(Replaces current SBCCD BP 6930)~~

Any vending machine installed on District property shall have Board of Trustees approval through the regular contracting process. Clubs and student groups may operate vending machines with the authorization of the District.

References:

None

Attachments

[BP 6930 Vending Machines - Comments](#)
[BP 6930 Vending Machines - Legal Citations](#)

Comment by Goodrich, Kelly

1/19/2021, 3:54PM EST

Reviewed by Mike Strong, Scott Stark and Steve Sutorus; minor clerical edit only.
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PolicyStat ID: 9301030



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Owner: *Human Resources Human Resources*
Policy Area: *Chapter 7 Human Resources*
References: *Legally Required*

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 **classifiedconfidential** service, educational administrators, and classified supervisors and managers shall not accumulate beyond **4648** days (**384 hours**) 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](#)

Approval Signatures

Step Description	Approver	Date
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Draft saved by Quinones, Brooke

2/16/2021, 12:05PM EST

Comment by Quinones, Brooke

2/16/2021, 12:05PM EST

Correct inaccurate accumulation days and classification group stated. March DA 1st read

Edited by Quinones, Brooke

2/16/2021, 12:07PM EST

Correct inaccurate accumulation days and classification group stated.

COPY

Current Status: Draft

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 Owner: Human Resources Human Resources
 Policy Area: Chapter 7 Human Resources
 References: Good Practice/Optional

AP 7340 Leaves

~~**NOTE:** This procedure is optional. Local practice may be inserted. Leave procedures are a mandatory subject of bargaining for employees that are represented by an exclusive representative. Procedures as to other employees are at District discretion, and include the leaves provided for in BP 7340 titled Leaves.~~ **NOTE:** This procedure is optional. Local practice may be inserted. Leave procedures are a mandatory subject of bargaining for employees that are represented by an exclusive representative. Procedures as to other employees are at District discretion, and include the leaves provided for in BP 7340 titled Leaves.

A. Sick Leave

- ~~1. Every confidential or supervisory employee employed five days a week shall be entitled to twelve days leave of absence for illness and injury with full pay for a fiscal year of service.~~
- ~~2. A confidential or supervisory employee employed five days a week, who is employed for less than a full fiscal year, is entitled to that proportion of twelve days leave of absence for illness or injury as the number of months he/she is employed bears to 12.~~
- ~~3. A confidential or supervisory employee employed less than five days per week shall be entitled, for a fiscal year of service, to that proportion of twelve days leave of absence for illness or injury as the number of days he is employed per week bears to 5. When such persons are employed for less than a full fiscal year of service, this and the preceding paragraph shall determine that proportion of leave of absence for illness or injury to which they are entitled.~~
- ~~4. Pay for any day of such absence shall be the same as the pay that would have been received had the employee served during the day.~~
- ~~5. Credit for leave of absence need not be accrued prior to taking such leave by the employee, and such leave of absence may be taken at any time during the year. However, a new employee of the district shall not be eligible to take more than six days, or the proportionate amount to which he/she may be entitled under this section, until the first day of the calendar month after completion of six months of active service with the district.~~
- ~~6. If an employee does not take the full amount of leave allowed in any year under this policy, the amount not taken shall be accumulated from year to year.~~
- ~~7. The Board of Trustees may require proof of illness or injury.~~
- ~~8. **Paid Sick Leave for Part-time Employees (AB1522 Healthy Workplace/Healthy Families Act of 2014)** part-time employee must have been employed for at least 30 calendar days during the fiscal year. Part-time employees begin accrual on the first day of employment and can use paid sick leave beginning on the 90th employment. Paid sick leave is accrued at the rate of one~~

~~(1) for every thirty (30) hours worked. Paid sick leave is accrued at the maximum rate of three (3) days (24 hours) per fiscal year. Unused sick leave may be carried over from fiscal year to fiscal year; however, the maximum accrual of sick leave shall not exceed six (6) days (48 hours) at any time. An employee's sick leave shall cease accrual upon reaching the maximum accrual and shall not accrue additional sick leave the following fiscal year until the leave balance falls below the maximum accrual limit. Eligible employees may use accrued sick for the following purposes:~~

- ~~1. Diagnosis, treatment, or care of an existing health condition of, or preventive care for, an employee.~~
- ~~2. Diagnosis, treatment, or care of an existing health condition of, or preventive care for, an employee's immediate family member.

 - ~~▪ Immediate family member includes parent, child, spouse, domestic partner (registered or by affidavit of the employee on file with the district), parent-in-law, sibling, grandchild or grandparent.~~~~
- ~~3. An employee who is a victim of domestic violence, sexual assault, or stalking, as described by California Labor Code sections 230(c) and 230.1(a).~~

~~Eligible part time employees are limited to use a minimum of two (2) hours with additional time of .25 of an hour. Eligible part time employees are limited to use a maximum of three (3) days (24 hours) per fiscal year. Any employee who leaves employment with the District and returns to active status within one year (12 months) shall have previous accrued and unused leave balance reinstated. Part-time employees shall be eligible to accrue additional days upon rehire. The transfer from or acceptance of transferred sick leave to a part-time employee is not allowed. A part-time employee who accepts an appointment to a classified, academic, or administrator position at the district shall have his/her accrued and unused sick leave transferred to his/her now appointment.~~

~~B. Maternity Leave~~

- ~~1. An employee may use sick leave for absences necessitated by pregnancy, miscarriage, childbirth, and recovery therefrom. The length of absence, including the date on which the leave shall commence and the date on which the employee shall resume duties, shall be determined by the employee and the employee's physician.~~
- ~~2. Disabilities caused or contributed to by pregnancy, miscarriage, childbirth, and recovery therefrom are, for all job-related purposes, temporary disabilities, and shall be treated as such under any health or temporary disability insurance or sick leave.~~
- ~~3. This provision shall be construed as requiring the district to grant leave with pay only when it is necessary to do so in order that leaves of absence for disabilities caused or contributed to by pregnancy, miscarriage, or childbirth be treated the same as leaves for illness, injury, or disability.~~

~~C. Bereavement Leave~~

- ~~1. Every person employed in a confidential or supervisory position is entitled to a paid leave of absence, not to exceed three days, or five days if travel out of state or a round trip of over 500 miles is required, on account of the death of any members of his/her immediate family.~~
- ~~2. Member of the immediate family means the mother, father, grandparent or a grandchild of the~~

~~employee or the spouse of the employee, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law or sister, sister-in-law of the employee, or any relative living in the immediate household of the employee.~~

~~D. Personal Necessity Leave~~

- ~~1. Any days of leave of absence for illness or injury allowed pursuant to Section 88207 of the Education Code may be used by a confidential or supervisory employee, at his/her election, in case of personal emergency.~~
- ~~2. No such accumulated leave in excess of six days may be used in any school year. Request for such leave of absence shall be submitted to the Chancellor or College President as appropriate prior to absence, explaining the specific nature of the personal emergency.~~

~~E. Industrial Accident and Illness Leave~~

- ~~1. An employee must have been with the district a minimum of nine months.~~
- ~~2. 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.~~
- ~~3. An employee absent from his/her duties due to an 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.~~
- ~~4. Industrial accident or illness leave of absence shall not exceed sixty days in any one fiscal year for the same accident or illness.~~
- ~~5. 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.~~
- ~~6. Industrial leave is not accumulative.~~
- ~~7. When accident or illness overlaps into the next fiscal year, the employee is entitled only to the balance of the sixty days not used.~~
- ~~8. The employee may not leave the state during the leave period unless authorized by the Board of Trustees.~~
- ~~9. 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.~~

~~F. Military Leave~~

~~Regular employees or probationary employees whose combined district service and military service total one full year shall be entitled to full pay for the first 30 calendar days of absence for reserve training in any one fiscal year. Such leave must be verified by a copy of the military orders requiring military pay.~~

~~G. Jury Duty Leave~~

~~When a confidential or supervisory employee is absent because of a mandatory court appearance as a juror, said employee shall suffer no monetary loss by reason of said service. Such employee shall receive his/her regular salary upon receipt by the district of a valid jury duty verification, but shall reimburse to the~~

~~district the amount of fees received from the court, excluding those paid for mileage.~~

~~H. Unpaid Leave~~

~~An unpaid leave of absence may be granted by the Board upon the recommendation of the Chancellor subject to the following provisions:~~

- ~~1. A request for leave that clearly articulates the terms and conditions requested must be submitted to the immediate supervisor. The supervisor will act upon the request and, in the case of a favorable response, will forward the request through the appropriate channels. If the immediate supervisor opposes the leave, he/she shall notify the applicant within 15 working days of the date of submission. Applicants who are denied leave have the right to appeal through the usual organizational channels.~~
- ~~2. No more than one full year unpaid leave will be granted to an employee, and such leave shall not extend beyond one year.~~
- ~~3. No unpaid leave will be granted to an employee who takes a position with another organization that by its nature is considered to be permanent and continuing.~~
- ~~4. An individual on unpaid leave retains the right to District employment at the end of the leave but does not retain the right to return to the specific position vacated.~~
- ~~5. A notice of intent to return must be filed in writing with the District Personnel Office three months prior to the anticipated date of return.~~
- ~~6. An unpaid leave will be treated as a "break" in service. An individual on unpaid leave will not receive advancement credit on any salary schedule, will not be credited with sick days or vacation days, and will not receive retirement credit while on leave.~~
- ~~7. An individual on unpaid leave may purchase continued coverage under District health, dental, and life insurance plans.~~

~~I. Family Care Medical Leave~~

~~All employees who have been employed by the university at least 12 months by the start of the leave and have worked at least 1250 hours during the 12-month period immediately preceding commencement of the leave are eligible. Additional provisions for faculty may apply and may be found in the Faculty Handbook.~~

~~The District's family care and medical leave policy adheres to the requirements of the California Family Rights Act of 1991 and Amendment of 1993 (CFRA), and the Federal Family and Medical Leave Act of 1993 (FMLA). Family Care Medical Leave CFRA leave and FMLA leave run concurrently, with the exception of pregnancy related disabilities, and FCML runs concurrently with paid disability leave for eligible employees up to a total leave not to exceed 12~~

~~FCML, CFRA leave and FMLA leave are unpaid. If leave is requested for an employee's own serious health condition, the employee may be required to use all of his or her accrued paid vacation or sick leave. FMLA runs concurrently with paid disability leave for eligible employees. If leave is requested for any of the other reasons listed below at items a) through c), an employee may be required to use all of his or her accrued paid vacation leave. The remainder of the leave period will then consist of unpaid leave.~~

~~Eligible employees are entitled to:~~**~~Twelve workweeks of leave in a 12-month period for:~~**

- ~~- a. **the birth of a child and to care for the newborn child within one year of birth;**
 - a. **the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;**
 - a. **to care for the employee's spouse, child, or parent who has a serious health condition;**
 - a. **a serious health condition that makes the employee unable to perform the essential functions of his or her job;**
 - a. **any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or Twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave);**~~
- ~~1. An employee with more than one year of continuous service with the District who is eligible for other leave benefits shall be granted upon request an unpaid family care leave up to a total of four months in any twenty-four month period pursuant to the requirements of this policy.

 - ~~a. For purposes of this policy, the term "family care leave" means either:

 - ~~1. Leave for reason of the birth of a child of the employee, the placement of a child with an employee in connection with the adoption of the child by the employee, or the serious illness of a child of the employee; or~~
 - ~~2. Leave to care for a parent or spouse who has a serious health condition.~~~~~~
- ~~2. An unpaid family care leave granted pursuant to this policy shall be in addition to any other leave pursuant to the Government Code Section 12945.2, except that an unpaid family care leave used in conjunction with a pregnancy leave of four months or more may be limited by the District within its discretion to one month.~~
- ~~3. An unpaid family care leave shall be treated as any other unpaid leave. During an unpaid family care leave, an employee shall retain employee status with the District, and such leave shall not constitute a break in service. An employee returning from an unpaid family care leave shall have no less seniority than when the leave commenced.~~
- ~~4. If an employee's need for an unpaid family care leave is foreseeable the employee shall provide the District with reasonable advance notice of the need for such leave. If the employee's need for such leave is foreseeable due to a planned medical treatment or supervision, the employee shall make a reasonable effort to schedule the treatment or supervision to avoid disruption to the operations of the District.~~
- ~~5. The District requires that an employee's request for an unpaid family care leave for the purposes of caring for a child, spouse or parent who has a serious health condition be supported by a written certification issued by the health care provider of the individual family member requiring care **active duty orders (or other official documentation issued by the military) which indicates the military member is on covered active duty or call to covered active duty status;** This ~~The~~ written certification for health related reasons must include:

 - ~~a. The date on which the serious health condition commenced;~~
 - ~~b. The probable duration of the condition;~~~~

- ~~c. An estimate of the amount of time the health care provider believes the employee needs to care for the individual requiring care; and~~
- ~~d. A statement that the serious health condition warrants the participation of a family member to provide care during a period the treatment or supervision of the individual requiring care.~~
- ~~e. If additional leave is requested by the employee upon expiration of the time estimated by the health care provider, the employee must request such additional leave again supported by a written recertification consistent with the requirements for an initial certification.~~

~~The written certification requirements for military leave must include:~~

- ~~▪ statement or description of the appropriate facts regarding the qualifying exigency;~~
- ~~▪ the approximate date on which the leave began (or will begin); and~~
- ~~▪ the contact information for any third party you are meeting.~~

~~6. Definitions—for purposes of this policy and consistent with current law:~~

- ~~a. The term "child" mean a biological, adopted, or foster child, a step child, a legal ward, or a child of an employee standing in loco parentis who is either under eighteen years of age or an adult dependent child.~~
- ~~b. The term "parent" means biological, foster, or adoptive parent, stepparent, or a legal guardian.~~
- ~~c. The term "serious health condition" means an illness, injury, impairment, or physical or mental condition which warrants the participation of a family member to provide care during a period of the treatment or supervision, and involves either of the following:

 - ~~1. Inpatient care in a hospital, hospice, or residential health care facility; or~~
 - ~~2. Continuing treatment or continuing supervision by a health care provider.~~~~
- ~~d. The term "health care provider" means an individual holding either a physician's and surgeon's certificate issued pursuant to applicable law, or an osteopathic physician's and surgeon's certificate issued pursuant to applicable law.~~

~~The military member must be your spouse, parent or child, and (2) the child~~

- ~~7. The District within its discretion may allow an employee upon written request to utilize accumulated illness and accident leave for the purpose of family care leave.~~
- ~~8. An employee taking unpaid family care leave pursuant to this policy shall continue to be entitled to participate in health plans and other benefits to the same extent and under the same conditions as apply to other unpaid leaves of absence.~~
- ~~9. The District may refuse to grant an employee's request for unpaid family care leave under this policy even though all requirements of this policy have been satisfied if:

 - ~~a. The refusal is necessary to prevent undue hardship to the operations of the District;~~
 - ~~b. The employee and the other parent would receive unpaid family care leave exceeding four months in any twenty-four hour period; or~~
 - ~~c. The other parent is also taking family care leave at the same time or is unemployed.~~~~
- ~~10. Any employee returning from an unpaid family care leave shall be assigned to the same or comparable position. For purposes of this policy and consistent with current law, the term "same or~~

~~comparable position" means a position that has the same or similar duties and pay which can be performed at the same or similar geographic location as the position held prior to the leave.~~

- ~~11. This policy shall not be construed to require any changes in existing collective bargaining agreements during the life of the contract, or until January 1, 1993, whichever occurs first.~~
- ~~12. This policy shall not be construed to entitle the employee to receive disability benefits under Part I (commencing with Section 3200) of Division A of the Labor Code.~~

~~VACATIONS~~

- ~~A. Confidential and classified supervisory employees earn vacation at the rate of 1.91 days per month for each complete month of service. In determining vacation accrued at the end of any calendar month, the product of 1.91 X months worked shall be rounded to the nearest whole number.~~
- ~~B. All vacation computation is based on a fiscal year of July 1 to June 30.~~
- ~~C. New employees with an employment date other than the first working day of the month shall not start accruing vacation until the first working day of the following month of employment.~~
- ~~D. Each July all confidential and classified supervisory employees shall be notified by the Payroll Department of their June 30 accrued vacation credits. Confidential and supervisory employees can accrue vacation credits up to 46 days. Once vacation credits reach the maximum accrual level no more vacation credits will be earned.~~
- ~~E. Vacations will be set at the convenience of both the employee and the District, and are subject to the approval of the manager to whom he/she is responsible, and the Campus President or Chancellor, as appropriate.~~
- ~~F. Upon leaving the employment of the District, a confidential or classified supervisory employee shall be entitled to lump sum compensation for earned and unused vacation at his/her current salary. Payment shall be made up to the accrued number of vacation days not to exceed forty-six (46) days.~~

~~INTERRUPTION OR EARLY TERMINATION OF VACATION~~

- ~~A. Any permanent confidential or supervisory employee may interrupt or terminate his/her regular vacation leave in case of illness, and use sick leave before continuing regular leave or returning to work.~~
- ~~B. The employee must notify the district personnel office and/or his/her supervisor of the interruption or termination of his/her vacation to use his/her sick leave.~~
- ~~C. The District Personnel Officer and/or the supervisor is responsible for notifying the employee if he/she may continue his/ her vacation leave, after use of sick leave, or if he/she must report to his/her normally assigned work.~~
- ~~D. Upon returning to his/her regularly assigned work, the employee must furnish relevant supporting information regarding interruption or termination of vacation leave.~~

~~BREAK PERIODS~~

~~Break periods are allowed as released time from fatiguing work. Such periods shall not exceed fifteen minutes in the morning and fifteen minutes in the afternoon for full-time employees. Half-time employees have only one such break period.~~

~~STATUS REPORTS ON VACATION AND SICK LEAVE~~

~~The Payroll Office will issue all confidential and supervisory employees an individual status report of vacation entitlement and accrued sick leave quarterly.~~

~~Sample from another District~~

~~The District recognizes several different forms of leave for employees as delineated in the responsible for completing and filing appropriate leave forms at earliest date. Information relative to absences and leaves exclusive of shall be made a matter of record included in the employee's personnel file.~~

~~Also see AP 7344 titled Notifying District of Illness, AP 7343 titled Industrial Accidents and Illness, and AP 7347 titled Family Medical Leave.~~

~~Sample from another District~~

~~Various types of leave of absence are noted in collective bargaining agreements. The following is the process to be followed when requesting a leave of absence.~~

- ~~• Complete the Request for Leave of Absence Form.~~
- ~~• To ensure timeliness of submission and the approval process, please refer to the instructions before completing the Request for Leave of Absence Form.~~
- ~~• When requesting a leave which requires use of sick leave for more than day-to-day sick leave, submit a completed Request for Leave of Absence Form with the Physicians Verification or Medical Certification Statement to the immediate supervisor.~~
- ~~• The supervisor shall forward the Request for Leave of Absence complete with the Physicians Medical Certification Statement to the appropriate Human Resources Specialist.~~
- ~~• Leaves requiring Board of Trustees approval will be placed on a Board agenda by Human Resources.~~
- ~~• Human Resources will notify employees of approvals and/or denials of all leave requests.~~

~~Also see BP 7340 titled Leaves, AP 7341 titled Sabbaticals, AP 7342 titled Holidays, AP 7343 titled Industrial Accident and Illness Leave, AP 7344 titled Notifying District of Absence/Illness, BP/AP 7345 titled Catastrophic Leave, AP 7346 titled Employees Called to Military Duty, and AP 7347 titled Paid Family Leave.~~

~~Sample from another District~~

~~Management~~

~~The criteria for academic and classified management employees' leaves of absence is covered in the Management Handbook given to every management employee upon employment, and is available in Human Resources and on the District's web site.~~

~~Classified~~

~~Criteria pertaining to Classified employees' leaves of absence are stated in the bargaining agreement between the District and District Classified Employees, Chapter 535, Articles XX and XXI. Said agreement is given to every Classified employee, upon employment, and is available in Human~~

~~Resources and on the District's web site.~~

~~**Confidential**~~

~~Criteria pertaining to Confidential employees' leaves of absence are the same as that stated in the bargaining agreement between the District and District Classified Employees, Chapter 535, Articles XX and XXI, as well as the Confidential Employees Handbook, which is available in Human Resources and can also be found on the District's Website.~~

~~**Academic Employees**~~

~~Criteria pertaining to Academic employees' leaves of absence are stated in the Agreement between the District and the Chapter CCA/CTA/NEA, Article XIII. Said agreement is given to every Academic employee, upon employment, and is available in Human Resources and on the District's web site.~~

~~**Military Leave for Spouse of Military Member**~~

~~The District will allow the employee/spouse, or registered domestic partner, of a qualified military member an unpaid leave of up to 10 days during a qualified period of leave for the military~~

~~"Qualified Military Member" includes a member of the Armed Forces of the United States who has been deployed during a period of military conflict to an area designated as a combat theater by the President of the United States, or members of the National Guard or the Reserves who has been deployed during a period of military conflict.~~

~~The employee must be a spouse or registered domestic partner of the military member on leave and work for the District an average of 20 or more hours per week.~~

~~Additionally, the employee must provide Human Resources with notice, within two days of receiving official notice that the military member will be on leave, the dates the employee intends to be out on leave, and written documentation which certifies that their spouse/military member will be on leave during the time they are the military leave.~~

~~**Forms**~~

~~Applicable forms for requesting leaves of absence can be found by logging onto the District's employee Intranet. The forms are under Human Resources forms, or forms can be obtained by direct from Human Resources.~~

~~**References:**~~

~~Education Code Sections 87763 et seq. and 88190 et seq.;~~
~~Labor Code Section 234~~

Attachments

No Attachments

Administrator override by Stat, Policy

10/28/2020, 7:41PM EDT

Deleted approval workflow: "Non-Academic & Professional - Chapter 7"

3/2/2021 DA 1st Read

DRAFT

Current Status: *Active*

PolicyStat ID: 8337846



Origination: 10/2007
Last Approved: 07/2020
Last Revised: 07/2019
Next Review: 07/2030
Owner: *Human Resources Human Resources*
Policy Area: *Chapter 7 Human Resources*
References: *Legally Required*

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.

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](#)

Approval Signatures

Step Description	Approver	Date
	Policy Stat	07/2020
	Policy Stat	07/2020

Sent for re-approval by Stat, Policy

7/16/2020, 3:06PM EDT

7/9/20 Board approved

Last Approved by Stat, Policy

7/16/2020, 3:07PM EDT

Last Approved by Stat, Policy

7/16/2020, 3:07PM EDT

Activated

7/16/2020, 3:07PM EDT

Administrator override by Stat, Policy

10/28/2020, 7:40PM EDT

Deleted approval workflow: "BOT Approved"

Comment by Goodrich, Kelly

1/19/2021, 4:57PM EST

Scheduled for 03-02-2021 DA 1st Read in conjunction with AP 7400; No changes

COPY

Current Status: Draft

PolicyStat ID: 9107265



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:	Legally Advised

AP 7400 Travel

(Replaces current SBCCD AP 7400)

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. For travel or conferences (virtual or otherwise) not associated with any cost other than employee time, no Travel/Conference Form is necessary. However, the supervisor/manager must approve an employee's attendance at the conference and time away from work. This can be done via email from the supervisor/manager to the employee.
4. ~~The~~ For travel or conferences (virtual or otherwise) that do involve cost, the SBCCD Travel/Conference ~~Request and Claim~~ Form, including a detailed cost estimate, must be prepared ~~if travel involves. All costs other than mileage or the employee's salary while absent from work. All costs~~ must be ~~included~~ listed, including those on the Cal-card.
5. The per diem meal/incidental rate is applicable only when an employee is required to travel for a conference.
6. 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 or designee 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 or designee 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 or designee 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.

7. 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.
8. 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 Chair or other designated Board Member
- For Board Member travel, the Board Chair or designee

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 Chair 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.edu (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.edu (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.edu (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. Traveler shall be reimbursed within forty five days (45) from claim submission.
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

Non Cal-card holders shall be reimbursed at the per diem rate for all days of business travel, and no

receipts for meals and incidentals will be required.

Cal-card holders will choose (on a per conference basis) from the following two options for reimbursement by marking their preference on the Travel/Conference Request & Claim Form.

- 1) I choose to be reimbursed at the per diem rate for meals and incidentals; I will not use a Cal-card for these expenses and no receipts will be required.
- 2) I choose to use my Cal-card for meals and incidentals; I will provide itemized receipts and will limit spending to the per diem rate.

SBCCD follows 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 and be updated in accordance with GSA adjustments, which normally occur annually. 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](#)
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To include clarification of requirements for virtual and/or no cost events.

DRAFT



BOARD OF TRUSTEES REPORT

TECH NEWS

San Bernardino Community College District
Technology and Educational Support Service

TECHNOLOGY AND EDUCATION SUPPORT SERVICES

As part of the TESS Technology Strategic Plan, we identified several projects that will enhance the stability and reliability of the services that we provide. These projects include developing a Disaster Recovery Plan, Business Continuity Plan and a Cloud Migration Plan. These plans will ensure that the district has redundant servers and network resources to provide service in the event of an emergency or major outage. The pandemic enabled us to speed up the timeline in some of these areas.

At the beginning of the pandemic we needed a solution to allow students to access the computer labs remotely. We were able to leverage several solutions from Amazon Web Services (AWS) to provide the students with the remote access that they needed. The first solution from AWS that we deployed is called WorkSpaces. This solution provides a virtual Windows 10 desktop computer that can be accessed by students and faculty remotely. The same software that is installed in the physical computer labs on campus can also be installed on these virtual WorkSpaces in AWS. The second solution that we deployed from AWS was call AppStream 2.0. This solution allows you to stream individual software applications from the cloud without the need to deploy a full desktop computer.

As we continue to develop our Disaster Recovery and Business Continuity Plan, we are going to look for additional services provided by AWS. Some of these services will allow us to move from physical servers on campus to virtual servers in an Amazon Virtual Private Cloud (VPC).

Many of the other projects that we are working on are covered in more detail throughout this Newsletter. We hope that you find this information useful and we look forward to hearing your feedback.

- Luke Bixler, Chief Technology Officer

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Services
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ADMINISTRATIVE APPLICATIONS AND DISTANCE EDUCATION

Informatica:

The admin apps team has been busy transitioning our data integrations from a home built tool to an enterprise vendor tool called Informatica. This tool allows SBCCD to integrate our data from various sources such as our student information system, the HR system and our fiscal ERP to various outside vendors such as banks, research institutions and service vendors. This tool provides a graphical user interface that allows non-programmers to create integrations using flat file comma separated values (CSV.)

Whereas before, the homegrown tool, although very well built, mainly relied on a single person to create these integrations causing undue burden and single point of failure. This new tool which is also very robust, allows a wider range of non-programming team members to create data integrations with vendors that require our data.

Automatic Cross Listing of Canvas Courses

Usually at the start of terms, the help desk would receive hundreds of help desk tickets requesting courses to be cross listed in Canvas for various reasons such as easier management and communication. The Distance Education team at District would work very hard to get to all these requests but inevitably, there would be delays due to the sheer workload and other responsibilities. Starting in the spring of 2021, the classes that are cross listed within Colleague will now be automatically cross listed in Canvas as well. This will reduce the workload on the DE

team as well as create efficiencies for faculty because they will no longer have to submit tickets to have their courses cross listed. For the faculty who do not wish for their courses to be cross listed in Canvas, they can submit a ticket to the help desk where that request can be addressed.

OpenCCCApplY SPAM APPLICATIONS

There has lately been an increase in false applications submitted by spam operators with the goal of getting free access to various services that having a .edu email address enables a student to have. Some examples of services are free Google drive with unlimited space, free Microsoft Office 365 services and also Adobe services amongst others. To combat this, we have disabled certain services that students get access to until they have registered for a course. We also limited communications via the students school-issued email address to people within the SBCCD network until they have registered for a class. Some of the latest steps taken to combat the spam is filtering out applications that come from outside of the United States however the Admissions office has the ability to whitelist any application they feel is legitimate. Another filtering step is to automatically scan the address and see if it is valid. A&R can also whitelist applications they feel should be let through and processed.

CRAFTON HILLS TECHNOLOGY SERVICES

Technology Services is working to replace faculty and staff computers up for replacement on the 5-year cycle. Those that are up for replacement will be replaced with laptops and a docking station to provide flexibility and mobility to our faculty and staff.

CHC will be using Amazon AppStream to provide students with access to software products needed during remote instruction. Students will be able to access the needed application through web links provided. This is available to all students on any computer and operating system (Windows, Chromebooks, Mac, etc).

CHC Technology Services is continuing to provide support to our faculty, staff and students remotely as we continue to work remotely. Students can check out hotspots and Chromebooks from the Library. Faculty and staff can check out laptops, monitors, hotspots, wireless mice and headsets from Technology Services. Please contact Melissa Oshman at moshman@craftonhills.edu for scheduling.

Printshop

The print shop has been working on the SBVC foundation booklet. We are printing over 1,000 of these booklets. We have also been working with Michael Nguyen, in Emergency Planning and Safety, to make Covid-19 posters available on our Print Shop Pro website. Deborah has been working on designs and printing options with him. We are also working on designing and printing 1,000 SBVC student registration packets.

TESS TECHNOLOGY SERVICES

TESS is exploring IP address geo-blocking on externally accessible services. This will help prevent any unwanted access to our systems from countries outside the United States. Once we have implanted geo-blocking any access to our system from outside of the US will not be allowed. To provide access to our students, staff and faculty who are traveling outside of the US we will need to put in exceptions to allow access. The process for these exceptions are currently being developed.

TESS is updating our current Firewalls to the latest hardware. Support for the current hardware will be ending in 2022. The new hardware contains more ports for access to high speed networks up to 40 gigabits per second. The new SPU NP6 network processor will provide us greater performance and security when accessing the internet, sending and receiving e-mail, VPN access and load balancing.

TESS will be migrating our external Domain Name Services to Amazon's Route 53 service. This service exists in Amazons highly available and scalable cloud. This service will help us for future moves of other IT services to Amazon's cloud. Having our IT services in Amazon's cloud will make us more available and keep our students and faculty teaching and learning during local network outages.

ALTERNATE TEXT PRODUCTION CENTER



The ATPC grant serves the needs of students with print disabilities throughout the California Community College system by providing electronic and braille textbooks at no cost. We currently house over 36,000 textbooks that are available to all 115 colleges and serve approximately 10,000 requests per year. this year we are seeing a drop in these numbers due to the Covid-19 pandemic.

This fiscal year we have processed 4878 new accessible electronic textbook requests for students across the state. Of these books, 123 were transcribed into braille. We have continued to participate in the Accessibility Standards Workgroup (ASWG) in conjunction with the California Community College Chancellor's Office to develop a statewide accessibility standard.

VALLEY TECHNOLOGY SERVICES

Amazon AppStream for Students - SBVC Campus Technology Services has provided virtual workstations to students across the campus. In Fall 2020 we used Amazon WorkSpaces. The service worked but it required too much interaction with instructors and students to get deployed. With AppStream the service is available to all students at SBVC. They go to the AppStream web page (<https://www.valleycollege.edu/about-sbvc/offices/campus-technology-services/appstream.php>) and choose the AppStream they wish to use. The login is their student email credentials. Students can use their Chromebook or other personal computing device to access the AppStream. It provides them a Windows virtual computer via the browser on their preferred device.

Migration of Department Shares to Cloud - Conversations have begun with Microsoft to move all Department shares to SharePoint Cloud Services. This will allow users to get access to Department shares without being connected to the VPN. The migration should be completed by the end of the Spring semester. Once complete we can decommission the on campus shares and all data will be backed up to the cloud.

Migration of Fulltime Employee Desktops to Laptops and Docking Stations - Laptops, dual 24" screens, docking stations, keyboards, and mice have been purchased for all fulltime employees desks. Laptops have already been issued to most fulltime employees. We will be migrating all data stored on the users desktop to OneDrive as part of this process. Employees will be contacted and an appointment scheduled before we remove their desktops. Once Covid-19 restrictions are lifted employees will be able to bring in their laptops and be up in running immediately. This also allows for employees to quickly mobilize if needed in the future.

HELP DESK AND CANVAS DASHBOARDS

The first chart below shows the type of Help Desk tickets that are received by volume. Over the past 30 days the Service Desk received 138 tickets excluding project requests. The second chart below shows the activity on Canvas. There has been a steady increase in the overall usage of Canvas by both colleges.



ORACLE UPDATE

District Support Services and ideaMetrics, our Oracle consultant, are working through examining the latest upgrade (21A) Oracle Support installed in our TEST system on February 5th. Our system functionality test will be a comprehensive test of all modules and functionality SBCCD utilizes. The improvements will be available to everyone on Monday, February 22nd. Any changes that will affect district users, be it functionality or display, will be communicated at the end of the testing phase.

