



San Bernardino Community College District  
 District Assembly General Meeting  
 April 06, 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](mailto: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**  
**April 6, 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](mailto:snikac@sbccd.edu) Submissions must be received 24 hours in advance of the meeting.*

- III. CHANCELLOR'S REPORT**
- IV. APPROVAL OF MINUTES**
  - A. 2021-03-02
- V. 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 of Chancellor's Council for 2nd Reading
- B. Approval of APs & BPs for 2nd Reading
  - 1. BP 3430 Prohibition of Harassment (FYI Only; No Changes)
  - 2. AP 3430 Prohibition of Harassment (Owner Initiated; Change of Content)
  - 3. AP 3435 Discrimination and Harassment Complaints and Resolution Procedures (CCLC Legal Update; Change of Content)
  - 4. BP 6930 Vending Machines (Scheduled Review; Minor Clerical Update)
  - 5. AP 6930 Vending Machines (Scheduled Review; Change of Content)
  - 6. BP 7340 Leaves (Scheduled Review; Change of Content)
  - 7. AP 7340 Leaves (Scheduled Review; Change of Content)
  - 8. BP 7400 Travel (Owner Initiated; Minor Clerical Update)
  - 9. AP 7400 Travel (Owner Initiated; Change of Content)

- C. APs & BPs Deemed Academic & Professional submitted by senates for information
1. BP 5500 Standards of Student Conduct (2nd Month - CCLC Legal Update Requiring Review)
  2. AP 5500 Standards of Student Conduct (2nd Month - CCLC Legal Update Requiring Review)
  3. AP 5520 Student Discipline Procedures (2nd Month - CCLC Legal Update Requiring Review)
  4. BP 5700 Intercollegiate Athletics (FYI Only; No Changes)
  5. AP 5700 Intercollegiate Athletics (2nd Month - CCLC Legal Update Requiring Review)
- D. APs & BPs intended for information only with simple CCLC Legal Updates, Minor Clerical Revisions, or from Chapter 2
1. BP 3410 Nondiscrimination (Simple Legal Update)
  2. AP 3410 Nondiscrimination (Simple Legal Update)
  3. BP 4500 Student News Media (FYI Only; No Changes)
  4. AP 4500 Student News Media (Simple Legal Update)
  5. BP 5040 Student Records, Directory Information and Privacy (FYI Only; No Changes)
  6. AP 5040 Student Records, Directory Information and Privacy (Simple Legal Update)
  7. BP 5050 Student Success and Support Program (Scheduled Review; No Changes)
  8. AP 5050 Student Success and Support Program (Scheduled Review; No Changes)
  9. BP 5055 Enrollment Priorities (Scheduled Review; No Changes)
  10. AP 5055 Enrollment Priorities (Scheduled Review; No Changes)
  11. BP 6620 Naming of Buildings and Other Properties (Scheduled Review; Minor Clerical Edit)
  12. AP 6620 Naming of Buildings and Other Properties (Scheduled Review; Minor Clerical Edit)
  13. AP 7337 Fingerprinting (Scheduled Review; No Change)
  14. BP 7600 District Police Department (Scheduled Review; No Changes)
  15. AP 7600 District Police Department (Scheduled Review; No Changes)

- E. 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

## VI. **NEW BUSINESS**

- A. APs & BPs and Other Items 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. AP 3721 Social Media (Owner Initiated; Change of Content, NEW AP)
  - 2. BP 5030 Fees (FYI Only; No Changes)
  - 3. AP 5030 Fees (Owner Initiated; Change of Content)
  - 4. BP 7210 Academic Employees
  - 5. AP 7210 Academic Employees
  - 6. AP 7381 Health & Welfare Benefits (Owner Initiated; Change of Content)

## VII. **UPDATES & REPORTS**

- A. Committee Evaluation via Qualtrics (4/6/21-4/23/21)
  - Results will be shared at the General Meeting on 5/4/21
- B. Equity & Diversity Updates (K. Hannon)
- C. CHC & SBVC AS (no reports)
  - CS AS (no reports)
  - ASG (no reports)

## VIII. **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 agendize 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.

## IX. **ADJOURN**

Future General Meetings:

5/4/21

Dark in June

Dark in July

# SAN BERNARDINO COMMUNITY COLLEGE DISTRICT

**Meeting Minutes of District Assembly**  
**March 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](mailto: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 3:07pm.*

### II. PUBLIC COMMENTS

*None.*

### III. CHANCELLOR’S REPORT

*Interim Chancellor Torres explained the reason for the changes submitted for first reading in the District Assembly Constitution:*

#### **“ARTICLE 2: PURPOSE**

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

- Over the past several years, DA has not been able to serve its purpose because we spend approximately 90% of our time reviewing BPs and APs.*
- In addition, DA does not currently recommend items from institutional planning or budgeting because they are separate committee that kind of recommend directly to Chancellor’s Cabinet.*
- We have approximately 40 members taking part in DA making it a very expensive process to review BPs and APs.*
- We have been having trouble recruiting for DA President and Vice President*

#### **Results:**

- A more transparent process in decision making*
- A more efficient way to conduct district-wide committee meetings*
- With five committees, hopefully we can reduce the number of hours we all spend attending meetings.*
- Allows for time to have honest conversations that benefit our students such as guided pathways, AB705, college affordability, and any other special program/initiative that could benefit our students*

# SAN BERNARDINO COMMUNITY COLLEGE DISTRICT

*When the item is up, I encourage you to have honest conversations about this proposal. This is our district and all of us need to be part of the conversation of how we can continue improving and moving our district forward.”*

IV. IV. APPROVAL OF MINUTES  
2021-02-03

**K. Wurtz moved to approve 2/3/21 minutes. TL Brink seconded the motion. Unanimous approval.**

V. CALL FOR NOMINATIONS AND VOTE FOR VICE PRESIDENT

**By consensus, the agenda item is moved to follow the discussion on the DA Constitution.**

VI. CONSENT AGENDA

A. Approval APs & BPs for 2nd Reading

1. BP 3600 Auxiliary Organizations – item pulled for discussion and separate action.
2. AP 3600 Auxiliary Organizations – item pulled for discussion and separate action.
3. BP 6550 Disposal of Property
4. AP 6550 Disposal of Property
5. BP 7100 Commitment to Diversity – item pulled for discussion and separate action.
6. AP 7100 Commitment to Diversity (No Changes) – item pulled for discussion and separate action.
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

**D. Burns-Peters moved approval of item VI.A, with the exception of AP/BP 7100 and AP/BP 3600. D. Rodriguez seconded the motion. Unanimous approval.**

**Bailes moved to strike reference to ASB as it is not a recognized auxiliary organization by the District, and to approve AP 3600 as amended. J. Feist seconded the motion. Unanimous approval.**

#### 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] 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.~~

# SAN BERNARDINO COMMUNITY COLLEGE DISTRICT

**B. Tasaka motioned to move the first four bullets to the bottom of the set and approve AP 7100 as amended. K. Horan seconded the motion. Unanimous approval.**

**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.
- 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.

**B. APs & BPs Deemed Academic & Professional submitted by senates for information**

1. BP 4105 Distance Education (4th Meeting) – item pulled for discussion and separate action.
2. AP 4105 Distance Education (4th Meeting) – item pulled for discussion and separate action.
3. BP 4231 Grade Changes (4th Meeting)
4. AP 4231 Grade Changes (4th Meeting)

**K. Wurtz moved to approve AP 4231. TL Brink seconded the motion. Unanimous approval.**

**B. Bailes moved to approve BP 4231. C. Luke seconded the motion. Unanimous approval.**

**K. Wurtz moved to edit AP 4105 - the second bullet under Addendum to Course Outline and combine the last sentences under Duration of Approval and approve as amended. B. Bailes seconded the motion. Unanimous approval.**

- 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; as well as among students, and
  - Requirements of the Americans with Disabilities Act (ADA) and Section 508 of the Rehabilitation Act of 1973.
- Duration of Approval: All 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.



# SAN BERNARDINO COMMUNITY COLLEGE DISTRICT

**B. Bailes motioned to remove shared governance from the first sentence and approve BP 4105 as amended. D. Peters seconded the motion. Unanimous approval.**

In order to expand access and provide greater flexibility, the Chancellor is responsible for establishing standards/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.

- C. APs & BPs intended for information only with simple CCLC Legal Updates, Minor Clerical Revisions, or from Chapter 2**
- i. BP 4235 Credit for Prior Learning (formerly Credit by Examination) – item pulled for discussion and separate action
  - ii. AP 4235 Credit for Prior Learning (formerly Credit by Examination) – item pulled for discussion and separate action.
  - iii. BP 6320 Investments (For Board Annual Review Only - No Changes)
  - iv. AP 6320 Investments (For Board Annual Review Only - Minor Clerical Edit)

**B. Bailes moved to remove the last sentence and to approve of BP 4235 as amended. TL Brink seconded the motion. Unanimous approval.**

**C. Luke moved to add the two bullets, based on Ed Code, to the end of the set for AP 4235 as amended. L. Greene seconded the motion. Unanimous approval.**

- 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.
- The student is not currently enrolled in the course to be challenged.
- Credit by Examination: The student is registered in the college and not currently enrolled in nor received credit for a more advanced course in the same subject (may be waived by discipline faculty). The determination to offer credit by examination rests solely on the discretion of the discipline faculty.

## VII. NEW BUSINESS

- A. APs & BPs and Other Items Recommended for 1st Reading**
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

### CALL FOR NOMINATIONS AND VOTE FOR VICE PRESIDENT

**By consensus, the agenda item is moved to follow the discussion on the DA Constitution.**

**D. Rodriguez moved to elect Ray Carlos to serve as Vice President of District Assembly through May 2021. B. Tasaka seconded the motion. Unanimous approval.**

# SAN BERNARDINO COMMUNITY COLLEGE DISTRICT

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

Depending on feedback for the DA Constitution at the April DA meeting, we may postpone the General Election to the above referenced dates.

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

K. Hannon reminded members to review and get feedback from constituent groups and to submit changes to Stacey Nikac before the 15th of the month.

## VIII. UPDATES & REPORTS

- A. Equity & Diversity Updates (K. Hannon)  
Report will be provided next month
- B. TESS Quarterly Update (written report)  
Written report was provided.
- C. 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:

1. Use the attached 2020-2021 AP/BP Review Schedule to plan ahead and agendize the AP/BPs for review with your constituent groups.

SAN BERNARDINO  COMMUNITY COLLEGE DISTRICT

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

K. Hannon adjourned the meeting at 4:02pm

DRAFT

Regular attendance by the Membership of the Assembly is essential to the success of the Assembly. Members who miss three (3) consecutive meetings shall be replaced.

First Name	Last Name	Sept	Oct	Nov	Dec	Feb	Mar	Apr	May
Kristina	Hannon (President)	x	x	x		x	x		
Stacey	Nikac (Recorder)	x	x	x		x	x		
Lucas	Cuny					x	x		
Brandi	Bailes	x	x	x		x	x		
T.L.	Brink	x	x	x		x	x		
Keynasia	Buffong	x	x	x		x	x		
Davena	Burns Peters	x	x	x		x	x		
Raymond	Carlos	x	x	x		x	x		
Taylor	DeBenedictis	x	x	x			x		
John	Feist	x	x	x		x	x		
Colleen	Gamboa	x	x	x		x	x		
Ed	Gomez	x		x			x		
Laurie	Green	x	x	x		x	x		
Kevin	Horan	x	x	x		x	x		
Alex	Jaco	x	x	x		x	x		
Rhiannon	Lares	x	x			x	x		
Craig	Luke			x		x	x		
Meridyth	McLaren	x	x	x		x	x		
Diana	Rodriguez	x		x			x		
Cyndie	St. Jean	x	x	x		x	x		
Bethany	Tasaka	x	x	x		x	x		
Cassandra	Thomas	x	x	x			x		
Jose	Torres	x	x	x		x	x		
Jonathan	Townsend		x	x		x			
Keith	Wurtz	x		x		x	x		



## 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 Group
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.

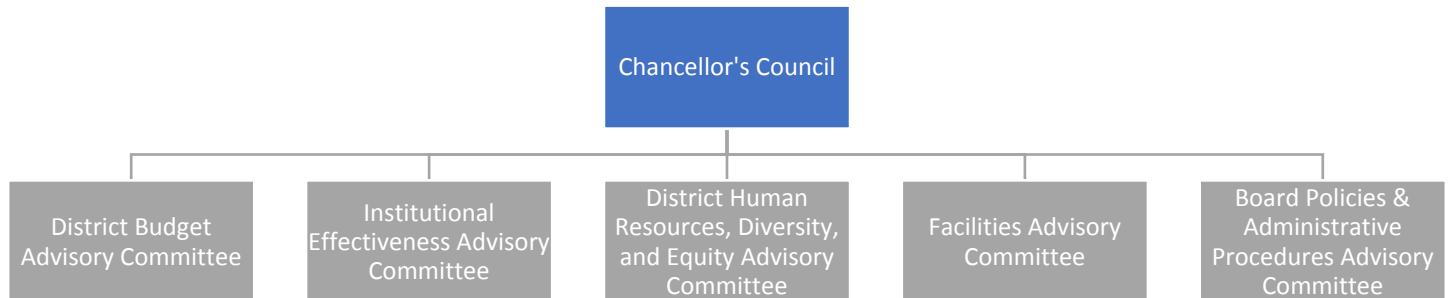
### **ARTICLE 6: MEETINGS**

~~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 The following committees will be evaluated to determine if they need to be standalone or placed under the 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



## Chancellor's Council

<b>POLICIES &amp; PROCEDURES ADVISORY COMMITTEE</b>	
<b>Charge</b>	The Policy and Procedures Advisory Committee is an advisory committee to the Chancellor's Council. The committee is charged with updating, creating, developing, and systematically reviewing Administrative Procedures (AP) and Board Policies (BP). The workgroup will ensure a continuous evaluation of the APs and BPs, will create taskforces and invite subject matter experts, including students, when appropriate for input in the process. The committee forwards recommendations for changes to APs/BPs to the Chancellor's Council.
<b>Meeting Schedule</b>	TBD
<b>Attendance Location</b>	District Boardroom Zoom: <a href="https://cccconfer.zoom.us/j/98604464871">https://cccconfer.zoom.us/j/98604464871</a>
<b>Co-Chairs</b>	Executive Vice Chancellor Vice Chancellor of Human Resources & Police Services
<b>Membership</b>	<ul style="list-style-type: none"> <li>• Management Representative, CHC (appointed by college president)</li> <li>• Management Representative, SBVC (appointed by college president)</li> <li>• Faculty Representative, CHC (appointed by Academic Senate President)</li> <li>• Faculty Representative, SBVC (appointed by Academic Senate President)</li> <li>• Classified Representative, CHC (appointed by Classified Senate President)</li> <li>• Classified Representative, SBVC (appointed by Classified Senate President)</li> <li>• Classified Representative, DSO (appointed by Classified Senate Presidents)</li> <li>• Associated Student Government President or designee, CHC</li> <li>• Associated Student Government President or designee, SBVC</li> <li>• Confidential Group Representative</li> </ul>
<b>Approved/Revised</b>	
<b>Notes</b>	
<b>Support Staff</b>	Administrative Officer Senior Executive Administrative Assistant





Chancellor's Council

	Executive Administrative Assistant to the Chief Human Resources Officer
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## Chancellor's Council

### DISTRICT BUDGET ADVISORY COMMITTEE

#### Charge

The District Budget Committee is a body with the objective of sharing all budget information with identified constituencies. It is intended to provide a forum for budget discussion and input. It is also a committee where explanations of Board actions or decisions or recommendations under consideration can be discussed. The committee is neither a decision-making body nor is it intended to undermine or replace the budget allocation processes of the colleges. The Committee's responsibilities include the review and recommendations regarding District-wide processes related to budget development which may have a major impact on site operations or allocations. Committee discussions or review may include the following during any budget year:

1. Review and evaluation of current, projected or proposed Federal, State and local funding proposals affecting California Community Colleges and the related financial impact on the district.
2. Review of District budgetary policies, administrative procedures, allocation model formulas and guidelines across the District. Protect the financial well-being of the District. Determine that procedures are responsive to strategic priorities as determined by the campuses and District Office. Union issues which are conducted as a part of labor negotiations are not a part of this Committee's responsibility.
3. The review process will include both general fund unrestricted and restricted funding sources. The Committee will also review enrollment growth projections, and other workload measures.
4. Review and make recommendations regarding District-wide budget assumptions (revenues, allocations, COLA and growth). Any District Budget Committee recommendations related to District-wide processes shall be advisory to the Chancellor.



## Chancellor's Council

	<p>5. Promote budget awareness, communicate budget issues and may assist in budget and finance training activities District-wide.</p> <p>All members are responsible for making regular reports to their respective organizations. The administrators responsible for Board Policy recommendations that come from the standing committees will forward recommendations to the District Assembly and appropriate constituent groups for review and the Chancellor will forward the final recommendations to the Board of Trustees. The minutes of this committee will be posted on the District Web.</p>
<b>Meeting Schedule</b>	TBD
<b>Attendance Location</b>	District Boardroom Extension Zoom: <a href="https://cccconfer.zoom.us/j/360544163">https://cccconfer.zoom.us/j/360544163</a>
<b>Chair</b>	Executive Vice Chancellor
<b>Membership</b>	<ul style="list-style-type: none"> <li>• Executive Vice Chancellor</li> <li>• Vice Chancellor Human Resources &amp; Police Services</li> <li>• VP, Admin Services, CHC</li> <li>• VP, Admin Services, SBVC</li> <li>• Director of Fiscal Services</li> <li>• Business Manager</li> <li>• Chief Technology Officer</li> <li>• Management Representative, CHC (appointed by college president)</li> <li>• Management Representative, SBVC (appointed by college president)</li> <li>• Faculty Representatives (2), CHC (appointed by Academic Senate President)</li> <li>• Faculty Representatives (2), SBVC (appointed by Academic Senate President)</li> <li>• CTA Representative (appointed by CTA)</li> <li>• Classified Representative, CHC (appointed by Classified Senate President)</li> <li>• Classified Representative, SBVC (appointed by Classified Senate President)</li> <li>• Associated Student Government President or designee, CHC</li> </ul>



Chancellor’s Council

	<ul style="list-style-type: none"> <li>• Associated Student Government President or designee, SBVC</li> <li>• KVCR Representative (appointed by KVCR General Manager)</li> <li>• EDCT Representative (appointed by EDCT Executive Director)</li> <li>• Financial Officer Representative (appointed by CSEA)</li> <li>• DSO Representative (appointed by CSEA)</li> </ul>
<b>Approved/Revised</b>	
<b>Notes</b>	
<b>Support Staff</b>	Senior Executive Administrative Assistant



## Chancellor's Council

<b>INSTITUTIONAL EFFECTIVENESS ADVISORY COMMITTEE</b>	
<b>Charge</b>	<p>The charge of the Districtwide Institutional Effectiveness Committee (DIEC) is to:</p> <ul style="list-style-type: none"> <li>• Support the colleges' Institutional Effectiveness processes</li> <li>• Support the accreditation processes at the colleges and ensure that the related accreditation district entities (HR, Business Services, TESS, etc.) are meeting accreditation requirements</li> <li>• Develop and monitor implementation of the Districtwide Support Services Strategic Plan</li> <li>• Prepare an annual progress report to describe progress in achieving the objectives in the Districtwide Support Services Strategic Plan</li> <li>• Facilitate communications and resource-sharing across District and Colleges in order to better meet institutional research and planning needs</li> <li>• Develop mechanisms to assess progress on major district plans and make recommendations to Chancellor's Council</li> <li>• Develop mechanisms to assess effectiveness of district-level committees and make recommendations to Chancellor's Council</li> </ul>
<b>Meeting Schedule</b>	TBD
<b>Attendance Location</b>	District Boardroom Zoom: <a href="https://cccconfer.zoom.us/j/91201139260">https://cccconfer.zoom.us/j/91201139260</a>
<b>Chair</b>	Vice Chancellor of Education Services (vacant) Director Research, Planning and Institutional Effectiveness (sub)
<b>Membership</b>	<ul style="list-style-type: none"> <li>• Chancellor</li> <li>• Executive Vice Chancellor</li> <li>• Vice Chancellor of Workforce Development, Advancement, and Media Systems</li> <li>• Chief Technology Officer</li> <li>• College President, CHC</li> <li>• College President, SBVC</li> </ul>



Chancellor’s Council

	<ul style="list-style-type: none"> <li>• Executive Director Institutional Effectiveness, Research, and Planning, CHC</li> <li>• Executive Director Institutional Effectiveness, Research, and Planning, SBVC</li> <li>• Academic Senate President or designee, CHC</li> <li>• Academic Senate President or designee, SBVC</li> <li>• Faculty Representative, CHC (appointed by Academic Senate President)</li> <li>• Faculty Representative, SBVC (appointed by Academic Senate President)</li> <li>• CTA Representative (appointed by CTA)</li> <li>• Classified Representative, CHC (appointed by Classified Senate President)</li> <li>• Classified Representative, SBVC (appointed by Classified Senate President)</li> <li>• CSEA Representative, CHC (appointed by CSEA)</li> <li>• CSEA Representative, SBVC (appointed by CSEA)</li> <li>• Associated Student Government President or designee, CHC</li> <li>• Associated Student Government President or designee, SBVC</li> <li>• Public Information Officer, CHC</li> <li>• Public Information Officer, SBVC</li> <li>• Public Information Officer, DSO</li> <li>• Accreditation Liaison Officer, CHC</li> <li>• Accreditation Liaison Officer, SBVC</li> <li>• Accreditation Committee chair, CHC</li> <li>• Accreditation Committee chair, SBVC</li> </ul>
<p><b>Approved/Revised Notes</b></p>	<p>Tell us the different committees that will be incorporated in the Institutional Effectiveness Advisory Committee.</p> <p>Tell us if there is a need for any separate sub-committees and the purpose.</p>
<p><b>Support Staff</b></p>	<p>Executive Administrative Assistant to the Chancellor</p>



## Chancellor's Council

<b>DISTRICT HUMAN RESOURCES, DIVERSITY, AND EQUITY ADVISORY COMMITTEE</b>	
<b>Charge</b>	
<b>Meeting Schedule</b>	TBD
<b>Attendance Location</b>	District Boardroom Zoom:
<b>Chair</b>	Vice Chancellor of Human Resources & Police Services
<b>Membership</b>	
<b>Approved/Revised</b>	
<b>Notes</b>	<p>Tell us the different committees that will be incorporated in the District Human Resources, Diversity, and Equity Advisory Committee.</p> <p>Tell us if there is a need for any separate sub-committees and the purpose.</p>
<b>Support Staff</b>	Executive Administrative Assistant to the Chief Human Resources Officer



## Chancellor's Council

<b>FACILITIES ADVISORY COMMITTEE</b>	
<b>Charge</b>	<p>The Facilities Advisory Committee is an advisory committee to the Chancellor's Council. The committee is charged with:</p> <ul style="list-style-type: none"> <li>• Gathering and disseminating information about issues related to the planning, design and construction of district-wide facilities.</li> <li>• Reviewing the College's Educational Master Plans and Facilities Master Plan Goals and making recommends modifications and additions.</li> <li>• Providing quarterly updates on the progress of Measure CC bond projects.</li> <li>• Ensuring that District Design Standards are implemented for all new construction and in major renovations.</li> <li>• Reviewing, making recommendations and implementing on District Safety &amp; Security Plans.</li> <li>• Promoting safe, adequate, well-maintained facilities that support excellence in education.</li> <li>• Reviewing data pertaining to employee injuries and incidents and making recommendations to prevent future occurrences.</li> <li>• Evaluating and updating the district-wide Energy and Utility Infrastructure Plans.</li> <li>• Reviewing, making recommendations and implementing and Zero Net Energy Plan and Sustainability Plan.</li> <li>• Ensuring alignment with the CCC's Climate Change &amp; Sustainability Policy.</li> <li>• Providing a quarterly Sustainability Progress Report.</li> </ul>
<b>Meeting Schedule</b>	TBD
<b>Attendance Location</b>	District Boardroom Extension Zoom: <a href="https://cccconfer.zoom.us/j/94504064373?from=addon">https://cccconfer.zoom.us/j/94504064373?from=addon</a>
<b>Chair</b>	Sr. Facilities Director Co-Chairs: Associate Director of Environmental Health, Emergency Planning & Safety Administration and Sustainability & Energy Manager
<b>Membership</b>	<ul style="list-style-type: none"> <li>• Facilities Project Manager</li> <li>• Emergency Manager</li> <li>• Facilities Director, CHC</li> <li>• Facilities Director, SBVC</li> </ul>





Chancellor’s Council

	<ul style="list-style-type: none"> <li>• Measure CC Campus Project Manager, SBVC</li> <li>• Measure CC Campus Project Manager, CHC</li> <li>• TESS Representative (Appointed by Chief Technology Officer)</li> <li>• Police Department Representative (Appointed by the Chief of Police)</li> <li>• Faculty Representative, CHC (appointed by CTA)</li> <li>• Faculty Representative, SBVC (appointed by CTA)</li> <li>• CSEA Representative, CHC (appointed by CSEA)</li> <li>• CSEA Representative, SBVC (appointed by CSEA)</li> <li>• DSO Representative (appointed by CSEA)</li> <li>• Associated Student Government President or Designee, CHC</li> <li>• Associated Student Government President or Designee, SBVC</li> <li>• KVCR Representative (appointed by KVCR General Manager)</li> <li>• EDCT Representative (appointed by EDCT Executive Director)</li> <li>• Print Shop Representative (appointed by Supervisor, Printing Services)</li> </ul>
<p><b>Approved/Revised</b></p>	
<p><b>Notes</b></p>	<p>Tell us the different committees that will be incorporated in the Facilities Advisory Committee.</p> <ul style="list-style-type: none"> <li>• District-Wide Safety</li> <li>• District Sites Safety</li> <li>• Sustainability Task Force</li> </ul> <p>Tell us if there is a need for any separate sub-committees and the purpose.</p>
<p><b>Support Staff</b></p>	<p>Administrative Assistant II</p>



Current Status: Active

PolicyStat ID: 8858512



**Origination:** 08/1991  
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**Owner:** [Chancellor's Cabinet](#)  
[Chancellor's Cabinet:](#)  
**Policy Area:** [Chapter 3 General Institution](#)  
**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 district 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 12223, 12240 and 12250.1
- Civil Code Section 51.
- Title 2 Sections 10500 et seq.
- Title 11 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

11/2020, 5:27PM EST

Board approved 11/12/20

**Last Approved** by Stat, Policy

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11/2020, 5:28PM EST

**Comment** by Goodrich, Kelly

2/12021, 7:10PM EST

03/02/2021 - DA 1st Read [No Changes]

Comment by Goodrich, Kelly

3/24/2021, 10:56AM EDT

4/6/2021 - DA 2nd Read [No Changes]

COPY



Current Status: Pending

PolicyStat ID: 9299345



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**Owner:** Chancellor's Cabinet  
 Chancellor's Cabinet:  
**Policy Area:** Chapter 3 General Institution  
**References:**

## AP 0 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/200/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 of 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

Comment by Goodrich, Kelly	
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4-6-2021 DA 2nd Read





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 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](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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**Draft saved** by Quinones, Brooke

2/16/2021, 10:38AM EST

**Comment** by Quinones, Brooke

2/16/2021, 10:38AM EST

Updates per CCLC legal review for March DA 1st read

**Edited** by Quinones, Brooke

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Updates per CCLC legal review

**Comment** by Goodrich, Kelly

3/24/2021, 11:50AM EDT

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COPY



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	<p> <b>Origination:</b> N/A  <b>Last Approved:</b> N/A  <b>Last Revised:</b> N/A  <b>Next Review:</b> N/A  <b>Owner:</b> <a href="#">Business &amp; Fiscal Services</a>  <a href="#">Business &amp; Fiscal Services</a>  <b>Policy Area:</b> <a href="#">Chapter 6 Business &amp; Fiscal Services</a>  <b>References:</b> <a href="#">Legally Required</a> </p>
<b>BP 6930 Vending Machines</b>	
<p><del>(Replaces current SBCCD BP 6930)</del></p>	
<p>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.</p>	
<h2>References:</h2> <p>None</p>	
<h2>Attachments</h2> <p> <a href="#">BP 6930 Vending Machines - Comments</a>  <a href="#">BP 6930 Vending Machines - Legal Citations</a> </p>	

**Comment** by Goodrich, Kelly

1/11/2021, 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

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 Business & Fiscal Services  
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 References: Legally Required

## AP 6930 Vending Machines

~~(Replaces current SBCCD AP 6930)~~

- ~~From current SBCCD AP 6930 titled Vending Machines~~

### A. Authorization

Any vending machine installed on District property shall have Board approval through the regular contracting process. ~~The Food Administrative Services Departments~~ shall be responsible for the ~~operation and maintenance management~~ of food and drink vending machines, except as listed in Paragraph C, below.

### B. Food and Drink Machines

All revenues received from food and drink machines will be deposited in the Food Services Account except for those listed in Paragraph C. Clubs and groups authorized machines in Paragraph C shall deposit funds in a timely manner in authorized accounts through the Campus Business Office.

### C. Exceptions

San Bernardino Valley College clubs and organizations listed here may continue to operate the number of soft drink machines as listed. They shall not increase the number of machines. No other group will be allowed to introduce food or drink vending machines onto the campus.

ASB	Soft Drink	1
Art Club	Soft Drink	1
P.E./Athletics	Soft Drink	4
Instrumental Music	Soft Drink	1

### D. Non-Comestible Vending

The Student Senate of the Associated Study Body may, through the regular contracting process, secure vending machines for such items, under the supervision of the Chief Student Services Officer. Revenues from such machines shall be deposited in the Campus Business Office in authorized accounts.

### E. Exclusive Rights Vending

Exclusive rights vending contracts will be negotiated through the Business Managers Office with the

campus.

## References:

None

## Attachments

[AP 6930 Vending Machines - Comments](#)

[AP 6930 Vending Machines - Legal Citations](#)

[AP6930 -OLD.pdf](#)

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**Comment** by Goodrich, Kelly

1/11/2021, 4:03PM EST

Reviewed by Mike Strong, Scott Stark and Steve Sutorus.

Minor content change. Scheduled for DA 1st read on 03-02-2021.

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**Policy Area:** Chapter 7 Human Resources  
**References:** Legally Required

## BP 0000 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 88133 Government Code Section 1245
- use of illness leave for personal necessity Education Code Sections 87784; and 88207
- industrial accident leave
- bereavement leave
- jury service or appearance as a witness in court Education Code Section 87036; and 87037
- military service Education Code Section 87700
- sabbatical leaves for permanent faculty academic employees, administrators, and managers.

vacation leave for members of the **classified confidential** 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 se and 88100 et se 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 uinones, Brooke

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**Comment** by uinones, Brooke

2/16/2021, 12:05PM EST

Correct inaccurate accumulation days and classification group stated. March DA 1st read

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Correct inaccurate accumulation days and classification group stated.

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C O P



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 References: Good Practice/Optional

## AP 0 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 90<sup>th</sup> 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"

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2/22/2021, 9:15AM EST

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3/2/2021 DA 1st Read

**Comment** by Goodrich, Kelly

3/24/2021, 11:55AM EDT

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4/6/21 DA 2nd Read

DRAFT

Current Status: *Draft*

PolicyStat ID: 9512608



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**Next Review:** N/A  
**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 11130.8

### 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](#)

**Comment** by Goodrich, Kelly

1/1/2021, 4:57PM EST

Scheduled for 03-02-2021 DA 1st Read in conjunction with AP 7400 No changes

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3/24/2021, 12:02PM EDT

4/6/21 DA 2nd Read No Changes

**Draft saved** by Goodrich, Kelly

3/24/2021, 6PM EDT

**Comment** by Goodrich, Kelly

3/24/2021, 6PM EDT

4/6/21 DA 2nd Read [Minor Clerical] [update]

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## 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 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 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 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 and Business Services. Approvals from the Responsibility Center Manager 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 sbccdap@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 [sbccdap@sbccd.edu](mailto:sbccdap@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.
  - 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](mailto: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  choose to be reimbursed at the per diem rate for meals and incidentals  will not use a Cal-card for these expenses and no receipts will be required.

2  choose to use my Cal-card for meals and incidentals  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](http://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](#)  
[AP 7400 Travel- Legal Citations](#)  
[SBCCD - Overview for Legal Update 31 Final Version.docx](#)

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**Comment** by Goodrich, Kelly

1/11/2021, 12:34PM EST

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To include clarification of requirements for virtual and/or no cost events.

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3/24/2021, 12:01PM EDT

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3/2/21 DA 1st Read

4/6/21 DA 2nd Read

DRAFT



Current Status: Active

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**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  
 ACC 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	06/201
	Policy Stat	05/201
	Policy Stat	05/201
	Policy Stat	05/201
	Policy Stat	05/201

Step Description	Approver	Date
	Policy Stat	05/201□

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**Comment** by Torres, Maria 6/26/201□, 12:16PM EDT

6/20/1□ BOT approved 2nd reading

**Administrator override** by Stat, Policy 8/5/201□, 12:07PM EDT

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

**Administrator override** by Mesa, Krystal: kmesa □/11/201□, 3:27PM EDT

Legally Re□ired

**Administrator override** by Stat, Policy 10/28/2020, 7:40PM EDT

Deleted approval workflow: "BOT Approved"

**Comment** by Goodrich, Kelly 2/22/2021, □:03AM EST

3/2/2021 DA 1st Read for Legal □pdate 37 - The Service updated this policy to specify that sexual harassment under Title I□ falls under BP 3433 Prohibition of Sexual Harassment under Title I□.

**Comment** by Goodrich, Kelly 3/24/2021, 1:47PM EDT

4/6/21 DA □2nd Month - CCLC Legal □pdate Re□iring Review□



Current Status: Active

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**Owner:** *Academic Senates Academic Senates*  
**Policy Area:** *Chapter 5 Student Services*  
**References:** *Legally Required*

## 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.
- 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 processes 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.
- 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 repay debts to the District or return District property or 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.

- . 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.
- . Gambling. □authorized 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.
  - . Hateful Behavior. Hateful behavior aimed at a specific person or group of people.
  - . 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.
  - . 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. □authorized 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
  - 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.

- A. 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.
- A. Unreasonable Demands. Placing repeated, hostile, or unreasonable demands on District staff.
- A. 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.
- A. Violation of Health & Safety Regulations. Violation of any health, safety or related regulations, rule or ordinance on District property or at any District function.
- A. 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.
- A. 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.
  - 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  ACC  C 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	06/201□
	Policy Stat	05/201□
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**Comment** by Torres, Maria

6/26/201□, 12:16PM EDT

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□/11/201□, 3:08PM EDT

Legally Re□ired

**Administrator override** by Stat, Policy

4/7/2020, 2:12PM EDT

formatting correction

**Administrator override** by Stat, Policy

10/28/2020, 7:40PM EDT

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Deleted approval workflow: "BOT Approved"

**Comment** by Goodrich, Kelly

2/22/2021, 8:50AM EST

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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 I fall under AP 3433 Prohibition of Sexual Harassment under Title I and AP 3434 Responding to Harassment Based on Sex under Title I.

**Comment** by Goodrich, Kelly

3/24/2021, 1:50PM EDT

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4/6/21 DA 2nd Month - CCLC Legal Update Requiring Review

C O P

Current Status: *Active*

PolicyStat ID: 6437878



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References:	<i>Legally Required</i>

## 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 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 pro-vision 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
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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

**Administrator override** by Stat, Policy 10/28/2020, 7:40PM EDT

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.

4/6/21 DA 10+1 2nd Month - Legal Update Requiring Review

COPY

Current Status: *Active*

PolicyStat ID: 2878873



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**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

#### Administrator override by Stat, Policy

12/23/2016, 12:30PM EST

#### Administrator override by Stat, Policy

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, 11:16AM 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

8/5/2017, 12:07PM EDT

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

**Reference changed** by Stat, Policy

8/5/2017, 7:46PM EDT

**Administrator override** by Stat, Policy

10/28/2020, 7:40PM EDT

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**Comment** by Goodrich, Kelly

2/22/2021, 11:07AM EST

3/2/2021 DA 1st Read  No Changes

**Comment** by Goodrich, Kelly

3/24/2021, 8PM EDT

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Current Status: Draft

PolicyStat ID: 8852625



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**Last Revised:** N/A  
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**Owner:** Academic Senates Academic Senates  
**Policy Area:** Chapter 5 Student Services  
**References:** Legally Advised

## 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 I. Education Amendments of 1972

ACC Accreditation Standard II.C.4

### Attachments

[AP 5700 Intercollegiate Athletics Rev. 4-15.doc](#)

**Comment** by Goodrich, Kelly

2/22/2021, 10:00AM 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.

**Comment** by Goodrich, Kelly

3/24/2021, 7:50PM EDT

4/6/21 - DA 2nd Month - Legal Update Requiring Review



Current Status: Pending

PolicyStat ID: 9454631



**Origination:** 05/2004  
**Last Approved:** N/A  
**Last Revised:** 03/2021  
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**Owner:** Chancellor's Cabinet  
 Chancellor's Cabinet:  
**Policy Area:** Chapter 3 General Institution  
**References:** Legally Required

## BP 3410 Nondiscrimination

(Replaces current SBCCD BP 3410)

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, immigration status, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The Chancellor shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, immigration status, religion, age, gender, gender identity, gender expression, race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because he/she is perceived to have one or more of the foregoing characteristics, or because of his/her association with a person or group with one or more of these actual or perceived characteristics.

### References:

Education Code Sections 66250 et seq., 72010 et seq., and 87100 et seq. Title 5 Sections 53000 et seq. and 53300 et seq.

Penal Code Section 422.55 Government Code Sections 1226.1 and 1240 et seq. Title 2 Sections 10500 et seq.

ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements (formerly Accreditation Standard II.B.2.c)

## Attachments

- [BP 3410 Nondiscrimination- Comments](#)
- [BP 3410 Nondiscrimination- Legal Citations](#)
- [Legal Update 32 Overview Rev. 4-21-18.DOC](#)

**Comment** by Quinones, Brooke

3/15/2021, 3:43PM EDT

Changes per CCLC legal review updates

**Edited** by Quinones, Brooke

3/15/2021, 3:43PM EDT

Changes per CCLC legal review updates

**Comment** by Goodrich, Kelly

3/24/2021, 6:40PM EDT

4/6/21 DA Info - CCLC Update #37 - Simple Legal Update

BP 3410 Nondiscrimination - The Service updated this policy to conform to Title 5 regulatory updates Title 5 Sections 5300 et seq issued in September 2020.



Current Status: *Pending*

PolicyStat ID: 9454646



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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 3410 Nondiscrimination

### Education Programs

The District shall provide access to its services, classes and programs without regard to national origin, [immigration status](#), religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or because he/she/[they](#) is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, "gender" means sex, and includes a person's gender identity and gender expression. "Gender expression" means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

The District shall not prohibit any student from enrolling in any class or course on the basis of gender.

Academic employees, including but not limited to counselors, instructors and administrators shall not offer program guidance to students which differs on the basis of gender.

Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.

### Nondiscrimination References for Education Programs:

Education Code Sections 66250 et seq., 200 et seq., and 72010 et seq.

Penal Code Sections 422.55 et seq.

Title 5 Sections 53300 et seq.

ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements (formerly II.B.2.c)

### Employment

The District shall provide equal employment opportunities to all applicants and employees regardless of race, religious creed, color, national origin, [immigration status](#), ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.



All employment decisions, including but not limited to hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all position classifications shall be based on job-related criteria as well as be responsive to the District's needs.

The District shall from time to time as necessary provide professional and staff development activities and training to promote understanding of diversity.

## Nondiscrimination References for Employment:

Education Code Sections 87100 et seq.

Title 5 Sections 53000 et seq.

Government Code Sections 11135 et seq. and 12440 et seq.

### Attachments

- [AP 3410 Nondiscrimination- Comments](#)
- [AP 3410 Nondiscrimination- Legal Citations](#)
- [Legal Update 32 Overview Rev. 4-21-18.docx](#)

**Comment by**  uinones, Brooke

3/15/2021, 3:45PM EDT

Changes per CCLC legal review updates

**Edited by**  uinones, Brooke

3/15/2021, 3:45PM EDT

Changes per CCLC legal review updates

**Comment by** Goodrich, Kelly

3/24/2021, 6:38PM EDT

4/6/2021 DA Info - CCLC Legal Update - Simple Legal Update

BP 3410 Nondiscrimination - The Service updated this policy to conform to Title 5 regulatory updates Title 5

Sections 53000 et seq. issued in September 2020.

Current Status: *Active*

PolicyStat ID: 7916783



**Origination:** 04/2004  
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**Next Review:** 04/2030  
**Owner:** *Academic Senates Academic Senates*  
**Policy Area:** *Chapter 4 Academic Affairs*  
**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
	Policy Stat	04/2020

Edited by Stat, Policy

4/13/2020, 1:25PM EDT

4/13/20 BOT approved

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4/13/2020, 1:26PM EDT

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**Comment** by Goodrich, Kelly

2/11/2021, 7:24PM EST

03-02-21 DA 1st Read No Changes

**Comment** by Goodrich, Kelly

3/24/2021, 12:58PM EDT

4/6/21 DA Info Only

C O P



Current Status: Draft

PolicyStat ID: 9509166



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Next Review:	N/A
Owner:	Academic Senates Academic Senates
Policy Area:	Chapter 4 Academic Affairs
References:	Legally Advised

## 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~~

[Education Code Sections 66301](#)

**Attachments**

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

**Comment** by Goodrich, Kelly

2/1/2021, 7:14PM EST

03-02-2021 DA 1st Read - Needs review in response to CCLC Legal [update 37 to add a reference to Education Code Section 66301.

**Draft saved** by Goodrich, Kelly

3/24/2021, 12:55PM EDT

**Comment** by Goodrich, Kelly

3/24/2021, 12:56PM EDT

Revised per Legal [update 37 to add reference to Ed Code Section 66301.

4/6/21 DA Info Only 10[1 Review

Current Status: *Active*

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**Next Review:** 07/2030  
**Owner:** *Academic Senates Academic Senates*  
**Policy Area:** *Chapter 5 Student Services*  
**References:** *Legally Required*

## 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

ACC 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](#)

## Approval Signatures

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

**Sent for re-approval** by Stat, Policy

7/16/2020, 2:55PM EDT

7/16/20 Board approved

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7/16/2020, 2:55PM EDT

**Last Approved** by Stat, Policy

7/16/2020, 2:55PM EDT

**Activated**

7/16/2020, 2:55PM EDT

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10/28/2020, 7:40PM EDT

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**Comment** by Goodrich, Kelly

2/16/2021, 7:32PM EST

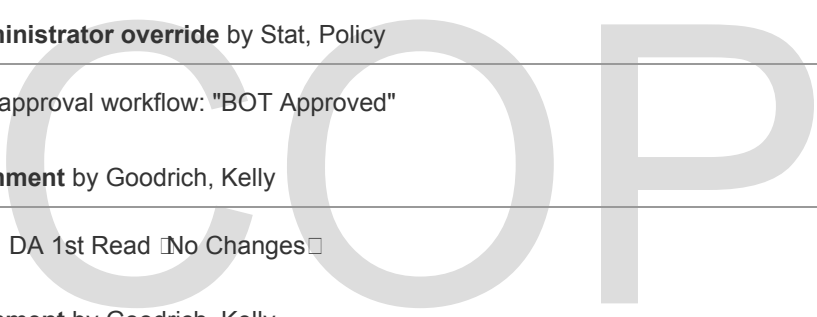
3/2/2021 DA 1st Read  No Changes

**Comment** by Goodrich, Kelly

3/24/2021, 12:28PM EDT

3/2/21 Presented at DA for 10<sup>th</sup> Review  No Changes

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**Policy Area:** *Chapter 5 Student Services*  
**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/their 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/their 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/their 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 re□uest 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 □nited States, the Secretary of Health, Education, and Welfare, an administrative head of an education agency, state education officials, or their respective designees, or the □nited 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 re□uirements.
  - c. other state and local officials or authorities to the extent that information is specifically re□uired to be reported pursuant to state law adopted prior to November 1□, 1□74.
  - 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/ their 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 6603.3 and 76200 et seq.;  
Title 5 Sections 54600 et seq. and 5410;

20 U.S. Code Section 1232g  
U.S. Patriot Act  
Civil Code Section 178.85  
ACC 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](#)

**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

2/1/2021, 7:20PM EST

3/2/2021 DA 1st Read requires review to incorporate Legal Update #37 to add a legal reference to Title 5 Section 5410.

**Comment** by Goodrich, Kelly

3/24/2021, 12:30PM EDT

3/2/21 Presented at DA for 10/1 Review No Changes

4/6/21 Presented at DA for 2nd Month No Changes

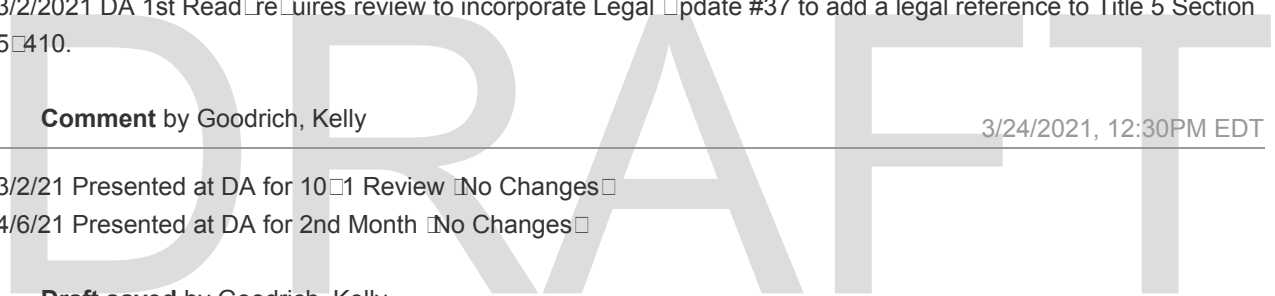
**Draft saved** by Goodrich, Kelly

3/24/2021, 12:48PM EDT

**Comment** by Goodrich, Kelly

3/24/2021, 12:50PM EDT

Revised per Legal Update 37: AP 5040 Student Records, Directory Information, and Privacy The Service updated this procedure to add a legal reference to Title 5 Section 5410.



Current Status: *Active*

PolicyStat ID: 3498557



**Origination:** 06/2004  
**Last Approved:** 12/2018  
**Last Revised:** 12/2018  
**Next Review:** 12/2024  
**Owner:** [Academic Senates Academic Senates](#)  
**Policy Area:** [Chapter 5 Student Services](#)  
**References:** [Legally Required](#)

## 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 is 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, 12:28PM EDT

**Last Approved** by Academic Senates, Academic Senates

4/11/2017, 12:02PM EDT

4/4/17 Academic Senates approved

**Last Approved** by District Assembly, DA

4/11/2017, 12:31PM 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, 12:41PM 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

8/23/2017, 7:41PM EDT

**Draft discarded** by Stat, Policy

8/2/2017, 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, 5:00PM 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, 1:17PM EDT

Reviewed and approved by CHC counseling chairs on 3/23/2018

**Draft saved** by Allen, Denise: Professor

3/23/2018, 1:17PM 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, 5:10PM EDT

see comments for actual approval dates

**Comment** by Stat, Policy

7/16/2018, 12:50PM EDT

- 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, 12:50PM 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

10/16/2018, 4:44PM EDT

BP/AP 5050 DA approved 5/1/18. Send to Board for 1st reading

**Comment** by Stat, Policy

2/16/2018, 7:16PM EST

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

**Administrator override** by Stat, Policy

2/16/2018, 7:16PM EST

BOT approved 2nd reading 12/13/18

**Administrator override** by Stat, Policy

8/5/2018, 12:07PM EDT

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

**Administrator override** by Mesa, Krystal: kmesa

11/1/2018, 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

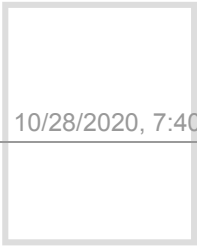
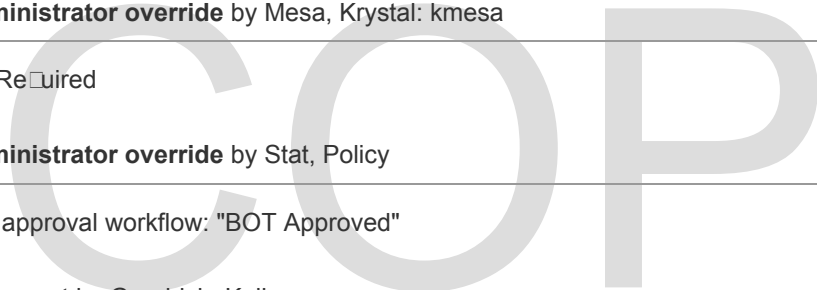
3/2/2021 DA 1st Read as Part of 2021 Schedule

**Comment** by Goodrich, Kelly

3/24/2021, 12:31PM EDT

3/2/21 Presented at DA for 10/1 Review [No Changes]

4/6/21 Presented at DA for 2nd Month [No Changes]





Current Status: *Active*

PolicyStat ID: 3958096



Origination:	07/2008
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>

## 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
	Stacey Nikac: Administrator	07/2018
	Stacey Nikac: Administrator	07/2018

**Sent for re-approval** by Stat, Policy

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:

10/30/2017, 5:46PM EDT

**Approval flow updated in place** by Stat, Policy

11/25/2017, 5:28PM EST

**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

**Edited** by Stat, Policy

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

**Last Approved** by Stat, Policy

7/13/2018, 5:17PM 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

**Comment** by Stat, Policy

7/16/2018, 1:09PM EDT

9/5/17: DA approved 1st reading

5/8/18: DA approved 2nd reading

**Draft saved** by Stat, Policy

7/16/2018, 1:09PM EDT

**Sent for re-approval** by Stat, Policy

7/16/2018, 1:09PM EDT

**Last Approved** by Stat, Policy

7/16/2018, 1:10PM EDT

**Last Approved** by Stat, Policy

7/16/2018, 1:13PM EDT

**Last Approved** by Stat, Policy

7/16/2018, 1:13PM EDT

**Last Approved** by Stat, Policy

7/16/2018, 1:13PM EDT

**Last Approved** by Stat, Policy

2/19/2019, 7:13PM EST

**Last Approved** by Stat, Policy

2/19/2019, 7:14PM EST

**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

**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, 2:59PM EDT

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Legally Required

**Administrator override** by Stat, Policy

10/28/2020, 7:40PM EDT

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Deleted approval workflow: "BOT Approved"

**Comment** by Goodrich, Kelly

2/22/2021, 8:43AM EST

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3/2/2021 DA 1st Read - Part of 2020-21 Schedule

**Comment** by Goodrich, Kelly

3/24/2021, 12:32PM EDT

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3/2/21 Presented at DA for 10+1 Review (No Changes)

4/6/21 Presented at DA for 2nd Month (No Changes)

COPY



**Current Status:** *Active* **PolicyStat ID:** 6287791



**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	04/201□
	Policy Stat	04/201□
	Policy Stat	04/201□
	Policy Stat	04/201□
	Policy Stat	04/201□
	Policy Stat	04/201□

Edited by Stat, Policy

4/16/201□ 3:54PM EDT

4/11/1  Board Final Approval

<b>Last Approved</b> by Stat, Policy	4/16/201 <input type="checkbox"/> 3:54PM EDT
<b>Last Approved</b> by Stat, Policy	4/16/201 <input type="checkbox"/> 3:54PM EDT
<b>Last Approved</b> by Stat, Policy	4/16/201 <input type="checkbox"/> 3:54PM EDT
<b>Last Approved</b> by Stat, Policy	4/16/201 <input type="checkbox"/> 3:54PM EDT
<b>Last Approved</b> by Stat, Policy	4/16/201 <input type="checkbox"/> 3:55PM EDT
<b>Last Approved</b> by Stat, Policy	4/16/201 <input type="checkbox"/> 3:55PM EDT
<b>Activated</b>	4/16/201 <input type="checkbox"/> 3:55PM EDT
<b>Administrator override</b> by Stat, Policy	8/5/201 <input type="checkbox"/> 12:07PM EDT

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

<b>Administrator override</b> by Mesa, Krystal: kmesa	<input type="checkbox"/> 17/201 <input type="checkbox"/> 6:13PM EDT
Legally Re <input type="checkbox"/> uired	
<b>Administrator override</b> by Stat, Policy	10/28/2020, 7:40PM EDT

Deleted approval workflow: "BOT Approved"

<b>Comment</b> by Goodrich, Kelly	2/22/2021, 8:47AM EST
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3/2/2021 DA 1st Read - Part of 2020-21 Schedule

<b>Comment</b> by Goodrich, Kelly	3/24/2021, 12:32PM EDT
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3/2/21 Presented at DA for 10  1 Review  No Changes

4/6/21 Presented at DA for 2nd Month  No Changes





Current Status: Active

PolicyStat ID: 6287772



**Origination:** 02/2009  
**Last Approved:** 04/2019  
**Last Revised:** 04/2019  
**Next Review:** 04/2025  
**Owner:** Academic Senates Academic Senates  
**Policy Area:** Chapter 5 Student Services  
**References:** Good Practice/Optional

## 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.
- 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.□□  
 Title 5 Sections 58106 and 58108

## Attachments

- [AP 5055 Enrollment Priorities - Comments](#)
- [AP 5055 Enrollment Priorities - Legal Citations](#)
- [AP 5055 □pdate #30.pdf](#)
- [AP5055 -OLD.pdf](#)
- [Legal □pdate 32 Overview Rev. 4-21-18.docx](#)

## Approval Signatures

Step Description	Approver	Date
	Policy Stat	04/201□
	Policy Stat	04/201□
	Policy Stat	04/201□
	Policy Stat	04/201□
	Policy Stat	04/201□
	Policy Stat	04/201□

**Edited by** Stat, Policy

4/16/201□ 3:51PM EDT

4/11/1□ Board Final Approval

**Last Approved by** Stat, Policy

4/16/201□ 3:51PM EDT

**Last Approved by** Stat, Policy

4/16/201□ 3:51PM EDT

**Last Approved by** Stat, Policy

4/16/201□ 3:52PM 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

**Administrator override** by Mesa, Krystal: kmesa

11/11/2019, 3PM EDT

Good Practice/Optional

**Administrator override** by Stat, Policy

10/28/2020, 7:40PM EDT

Deleted approval workflow: "BOT Approved"

**Comment** by Goodrich, Kelly

2/22/2021, 8:46AM EST

3/2/2021 DA 1st Read - Part of 2020-21 Schedule

**Comment** by Goodrich, Kelly

3/24/2021, 1:31PM EDT

4/6/2021 DA Info - Reviewed No Changes

C O P

Current Status: *Draft*

PolicyStat ID: 9512545



**Origination:** N/A  
**Last Approved:** N/A  
**Last Revised:** N/A  
**Next Review:** N/A  
**Owner:** *Business & Fiscal Services*  
*Business & Fiscal Services*  
**Policy Area:** *Chapter 6 Business & Fiscal Services*  
**References:** *Good Practice/Optional*

## BP 6620 Naming of Buildings and Other Properties

*(Replaces current SBCCD BP 6620)*

- **From current SBCCD BP 6620 titled Naming of Buildings and Other Properties**

The Board of **Trustees** retains authority for naming college facilities and properties. This shall include buildings, portions of buildings, college streets or roads, stadiums and fields, areas of major assembly or activity, malls, and other large areas of campus circulation, and other facilities and properties, which are significant because of their use or visibility.

All recommendations for naming buildings and other properties shall be submitted to the Board by the Chancellor for action. No commitment for naming shall be made prior to approval by the Board of Trustees of the proposed name.

Each proposal for naming a *college* **D**district-owned facility or property shall be considered on its own merits.

### References:

None

### Attachments

[BP 6620 Naming Buildings and Other Properties - Comments](#)  
[BP 6620 Naming Buildings and Other Properties - Legal Citations](#)  
[BP6620 -OLD.pdf](#)

Comment by Goodrich, Kelly

3/24/2021, 5:46PM EDT

4/6/21 DA 1st Read - Scheduled Review □ Minor Clerical Edit

Current Status: *Draft*

PolicyStat ID: 9433458



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Next Review:	N/A
Owner:	<i>Business &amp; Fiscal Services</i> <i>Business &amp; Fiscal Services</i>
Policy Area:	<i>Chapter 6 Business &amp; Fiscal Services</i>
References:	<i>Good Practice/Optional</i>

## AP 6620 Naming of Buildings and Other Properties

~~(Replaces current SBCCD AP 6620)~~

• ~~From current SBCCD AP 6620 titled Naming of Buildings and Other Properties~~

This procedure serves as a guideline for the San Bernardino Community College District (**hereafter referred to as "the District"**) with the naming of facilities. It is established to assure an appropriate reflection of the history of the District as well as consistency, fairness, fitting recognition and good value in exchange for the honor or privilege of name association with a program, fund, or physical aspect of the District. As gifts can encourage others to give, this procedure is intended only as a guide and allows for flexibility on a case by case basis.

The *San Bernardino Community College District* (hereafter referred to as "*the District*"), the Chancellor, College Presidents, and Board of Trustees, seek private funds to enhance the District's ability to meet the higher education needs of its community, particular toward a level of excellence that would otherwise not be possible given state funding levels and restraints on student tuition and fees. To that end, the District seeks to provide appropriate recognition to donors for their generosity. Although such recognition may take many forms, this procedure seeks to establish guidelines for the naming of facilities, campus spaces and programs as donor recognition.

This procedure is to establish the criteria to guide the process for naming facilities at the District.

### A. Guidelines for Naming

1. A significant monetary contribution to the actual construction cost, if for new construction  a major portion of the replacement or major renovation cost, if for an existing building or facility  or the fundraising goal.

The donation may be made in cash or a legally binding pledge and can be paid over time, usually within five years of naming the facility, unless other arrangements are made.

- a. A portion of the gift may be in the form of an irrevocable trust or planned gift.
- b.  ualified contributions are received by the District and intended by the original donor for the District or students.
- c. The *San Bernardino Community College District* Board of Trustees reserves the right to remove names from facilities when the gift remains unpaid beyond the five-year limit or the agreed upon date.

2. Specific contribution levels may be established with either fixed or minimum dollar amounts for sponsorship of other physical property.
  - a. Such property may include, but is not limited to hardscape, benches, fountains, gardens, walls, equipment, and outdoor plazas, etc.
  - b. Amounts for these naming opportunities shall be reviewed periodically by the District.
3. A temporary naming [a minimum of 3 years] in recognition of distinguished service may honor a gift of time or talent that has had a significant positive impact on the institution over an extended period of years. This honor is usually reserved for extraordinary positive leadership. A naming associated with a donation will replace a temporary naming following the minimum three-year period.
  - a. A period of not less than one year shall lapse between the end of the individual's service to the District and consideration for naming.
  - b. The Chancellor or a shared governance committee designated by the Board of Trustees will determine whether the person proposed is worthy of the honor, as well as the degree of internal and external support for the proposed naming, prior to submitting the name for approval.
4. Generally there will be no named buildings for living political figures or for current employees of the District.

**B. Guidelines for Naming Based on Monetary Contributions**

Facility Commemoration Opportunities	Gift Minimums and Ranges
New Building	□2,000,000 to □5,000,000
Existing Building	□1,000,000 minimum
Classroom or Laboratory	□25,000 to □100,000
Entrance hall, lobby, student/staff lounge	□50,000 to □150,000
Athletic Facilities [or parts of]	□50,000 to □500,000
Endowed Chair or Faculty member	□250,000 minimum
Conference room, Division Offices or Departments	□25,000 to □100,000
Outdoor areas, commemorative table/bench	□1,000 to □25,000
Pavers, bricks, tiles, sidewalk/concrete etched names etc.	□250 - □5,000
Faculty/Other Offices	□2,500 minimum

**C. Permanency of Names**

1. When a gift is received for a naming, a facility receives a designation that shall last the lifetime of the facility, subject to paragraph 3 of this rule.
  - a. Demolition or significant renovation shall terminate the designation.
  - b. The individual, family, corporation, foundation [donor] involved in the initial naming may be offered an opportunity to retain the naming before any other naming gifts are considered.
2. When a name is to be removed from an existing facility, approval shall be sought through the same procedures as are required for naming a facility.
3. Any legal impropriety or other act which brings dishonor to the District on the part of the donor or a corporate donor who is no longer in existence shall make the gift and naming subject to reconsideration by the college.

**D. Responsibility**

1. Prior to approval, the District Board of Trustees shall have reasonable assurance that:
  - a. The proposed name shall bring additional honor and distinction to the District.
  - b. Any philanthropic commitments connected with the naming shall be realized.
2. The Chancellor has the right to:
  - a. Determine content, timing, location and frequency of any public announcements associated with the gift.
  - b. Approve the color, design, and size of any physical marker that provides information about the designee or donor and/or the nature of the gift or honor.
  - c. Determine and carry out the exact nature of any ongoing care and maintenance of any memorial or tribute gifts or their physical markers.
3. The final authority of any naming, memorial or tribute decision rests with the Chancellor of the *San Bernardino Community College* District and the elected Board of Trustees.
4. The guidelines set forth in this procedure statement shall not be deemed all-inclusive. Flexibility and donor centeredness is a key to successful philanthropic naming opportunities.
5. The Chancellor and Board of Trustees reserve the right to consider any and all factors regarding the privilege of name association with the program, fund or physical aspect of *San Bernardino Community College* the District as particular acts and circumstances warrant. Decisions will be made consistent with the stated mission of the District.

**References:**

None

**Attachments**

[AP 6620 Naming of Buildings and Other Properties - Comments](#)  
[AP 6620 Naming of Buildings and Other Properties - Legal Citations](#)  
[AP6620 -OLD.pdf](#)

Comment by Goodrich, Kelly

3/24/2021, 5:43PM EDT

4/6/21 DA 1st Read - Scheduled Review □ Minor Clerical Edit



Current Status: *Active*

PolicyStat ID: 6760881



**Origination:** 11/2016  
**Last Approved:** 07/2019  
**Last Revised:** 07/2019  
**Next Review:** 07/2029  
**Owner:** *Human Resources Human Resources*  
**Policy Area:** *Chapter 7 Human Resources*  
**References:** *Legally Required*

## AP 7337 Fingerprinting

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

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

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

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

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

### References:

Also see AP 7126 titled Applicant Background Checks

Education Code Sections 87013 and 88024-87405

Penal Code Sections 11102.2 and 11077.1

### Attachments

No Attachments

## Approval Signatures

Step Description	Approver	Date
	Policy Stat	08/201□
	Policy Stat	08/201□

**Edited** by Stat, Policy

8/5/201□, 1:32PM EDT

BOT approved 7/11/1□

**Last Approved** by Stat, Policy

8/5/201□, 1:32PM EDT

**Last Approved** by Stat, Policy

8/5/201□, 1:32PM EDT

**Activated**

8/5/201□, 1:32PM EDT

**Administrator override** by Stat, Policy

8/5/201□, 1:33PM EDT

BOT approved 7/11/1□

**Administrator override** by Stat, Policy

8/5/201□, 7:32PM EDT

**Administrator override** by Stat, Policy

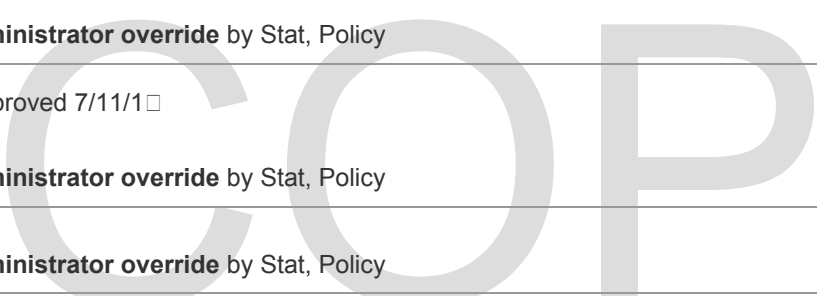
10/28/2020, 7:40PM EDT

Deleted approval workflow: "BOT Approved"

**Comment** by Goodrich, Kelly

3/24/2021, 6:51PM EDT

4/6/21 DA Info - Scheduled Review□No Changes Recommended





Current Status: Active

PolicyStat ID: 2993988



**Origination:** 11/2016  
**Last Approved:** 12/2016  
**Last Revised:** 12/2016  
**Next Review:** 01/2021  
**Owner:** [Human Resources Human Resources](#)  
**Policy Area:** [Chapter 7 Human Resources](#)  
**References:** [Good Practice/Optional](#)

## BP 7600 District Police Department

The Board of Trustees has established a District Police Department under the supervision of a Chief of Police, who shall report directly to the Chancellor. The purpose of the District Police Department is to enforce the law on or near the campus and other grounds or properties owned, operated, controlled, or administered by the District or by the State acting on behalf of the District.

District police officers shall be employed as members of the classified service but shall, when duly sworn, be peace officers as defined by law. Prior to employment, they shall satisfy the training requirements set out in Penal Code Sections 830 et seq.

The Chancellor shall establish minimum qualifications of employment for the Chief of Police including, but not limited to, prior employment as a peace officer or completion of a peace officer training course approved by the Commission on Peace Officers Standards and Training.

The Chancellor shall ensure that every member of the District Police Department first employed by the District before July 1, 1999 satisfies the requirements of state law regarding qualifications for continued employment.

Every member of the District Police Department shall be issued a suitable identification card and badge bearing the words "San Bernardino Community College District Police Department."

The Chancellor, in cooperation with the Chief of Police, shall issue such other regulations as may be necessary for the administration of the District Police Department.

### References:

Education Code Sections 72330 et seq. Government Code Sections 3300 et seq. Penal Code Sections 830 et seq.

### Attachments

No Attachments

Initial import

11/15/2016, 4:40PM EST

Accepted by Stat, Policy

11/17/2016, 4:45PM EST

<b>Administrator override</b> by Stat, Policy	12/23/2016, 2:23PM EST
<b>Administrator override</b> by Stat, Policy	12/23/2016, 2:23PM EST
<b>Administrator override</b> by Stat, Policy	1/4/2017, 11:54AM EST
<b>Administrator override</b> by Stat, Policy	1/10/2017, 5:13PM EST
ownership change	
<b>Administrator override</b> by Stat, Policy	1/10/2017, 5:57PM EST
ownership change	
<b>Administrator override</b> by Stat, Policy	2/12/2017, 1:16AM EST
bulk override changes to the approval flow	
<b>Administrator override</b> by PolicyStat Staff	2/23/2017, 1:16AM EST
PolicyStat added a new feature to allow hyperlinks directly to policy headings. For more details about this feature, see this <a href="#">article</a> .	
<b>Administrator override</b> by Stat, Policy	3/15/2017, 7:36PM EDT
per Amalia Perez, hold Chapter 7 for schedule revisions.	
<b>Administrator override</b> by Stat, Policy	3/16/2017, 6:31PM EDT
updated last approval date	
<b>Administrator override</b> by Torres, Maria	3/24/2017, 3:54PM EDT
Updated doc from drop box	
<b>Administrator override</b> by Stat, Policy	4/11/2017, 1:48PM EDT
Deleted approval workflow: "Chapter 7"	
<b>Administrator override</b> by Torres, Maria	8/23/2017, 6:41PM EDT
updated next review date	
<b>Administrator override</b> by Stat, Policy	8/28/2017, 4:27PM EDT
change workflow to include chapter owner	
<b>Administrator override</b> by Stat, Policy	8/5/2017, 12:07PM EDT

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

**Reference changed** by Stat, Policy

4/5/2019, 7:42PM EDT

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**Reference changed** by Stat, Policy

4/5/2019, 7:46PM EDT

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**Administrator override** by Stat, Policy

10/28/2020, 7:40PM EDT

---

Deleted approval workflow: "BOT Approved"

**Comment** by Goodrich, Kelly

3/24/2021, 7:07PM EDT

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4/6/2021 DA Info Only - Schedule Review  No Change Recommended

C O P

Current Status: *Active*

PolicyStat ID: 2882496



**Origination:** 04/2016  
**Last Approved:** 12/2016  
**Last Revised:** 12/2016  
**Next Review:** 01/2021  
**Owner:** *Human Resources Human Resources*  
**Policy Area:** *Chapter 7 Human Resources*  
**References:** *Legally Advised*

## AP 7600 District Police Department

The Chancellor is delegated the responsibility to establish minimum qualifications of employment for the Chief of Police including but not limited to the conditions contained in BP 7600 titled District Police Department.

Every member of the police department first employed by the District before July 1, 1999 must, in order to retain his/her employment, meet the requirements of Education Code Section 72330.2, including but not limited to:

- Submission of one copy of his/her fingerprints which shall be forwarded to the Federal Bureau of Investigation
- A determination that the employee is not a person prohibited from employment by a California community college district, and
- If the employee is required to carry a firearm, is not a person prohibited from possessing a firearm.

Every member of the college police shall be supplied with, and authorized to wear, a badge bearing the words "San Bernardino Community College District Police Department." Every member of the District Police Department shall be issued a suitable identification card.

Salaries for District Police Department employees shall be established after appropriate negotiations with their exclusive representative. If no such unit is established, salaries shall be recommended by the Police Chancellor of HR.

The Chancellor in cooperation with the Chief of Police, shall issue such other regulations as may be necessary for the administration of the District Police Department.

- Schedules and shifts
- Call back procedures
- Weapons practices, especially drawing weapons
- Use of vehicles
- Pursuit practices
- Discipline procedures
- Training

The District Police Department shall cooperate with local law enforcement in accordance with an agreement to be entered into in accordance with the requirements of Education Code Section 67381. The agreement shall address, but not be limited to, the following:

- Operational responsibilities for investigations of the following violent crimes: willful homicide, forcible rape, robbery, aggravated assault

- Geographical boundaries of the operational responsibilities
- Mutual aid procedures

## References:

Education Code Section 72330 Government Code Sections 3300 et seq.

## Attachments

- [AP 7600 District Police Department - Comments](#)
- [AP 7600 District Police Department - Legal Citations](#)

<b>Initial import</b>	10/11/2016, 3:22PM EDT
<b>Accepted</b> by Stat, Policy	10/11/2016, 4:58PM EDT
<b>Administrator override</b> by Stat, Policy	11/1/2016, 4:03PM EDT
<b>Administrator override</b> by Stat, Policy	12/23/2016, 2:23PM EST
<b>Administrator override</b> by Stat, Policy	1/10/2017, 5:13PM EST
ownership change	
<b>Administrator override</b> by Stat, Policy	1/10/2017, 5:42PM EST
board approved on 12/8/16	
<b>Administrator override</b> by Stat, Policy	1/10/2017, 5:57PM EST
ownership change	
<b>Administrator override</b> by Stat, Policy	2/12/2017, 1:16AM EST
bulk override changes to the approval flow	
<b>Administrator override</b> by PolicyStat Staff	2/23/2017, 1:16AM EST
PolicyStat added a new feature to allow hyperlinks directly to policy headings. For more details about this feature, see this <a href="#">article</a> .	
<b>Administrator override</b> by Stat, Policy	3/15/2017, 7:36PM EDT
per Amalia Perez, hold Chapter 7 for schedule revisions.	
<b>Administrator override</b> by Stat, Policy	3/16/2017, 6:31PM EDT

updated last approval date

**Administrator override** by Torres, Maria

3/22/2017, 7:24PM EDT

Updated doc from drop box

**Administrator override** by Stat, Policy

4/11/2017, 4:48PM EDT

Deleted approval workflow: "Chapter 7"

**Administrator override** by Torres, Maria

8/23/2017, 6:50PM EDT

updated next review date

**Administrator override** by Stat, Policy

8/28/2017, 4:27PM EDT

change workflow to include chapter owner

**Administrator override** by Stat, Policy

8/5/2017, 12:07PM EDT

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

**Reference changed** by Stat, Policy

8/5/2017, 7:42PM EDT

**Reference changed** by Stat, Policy

8/5/2017, 7:46PM EDT

**Administrator override** by Mesa, Krystal: kmesa

8/11/2017, 6:14PM EDT

Legally Advised

**Administrator override** by Stat, Policy

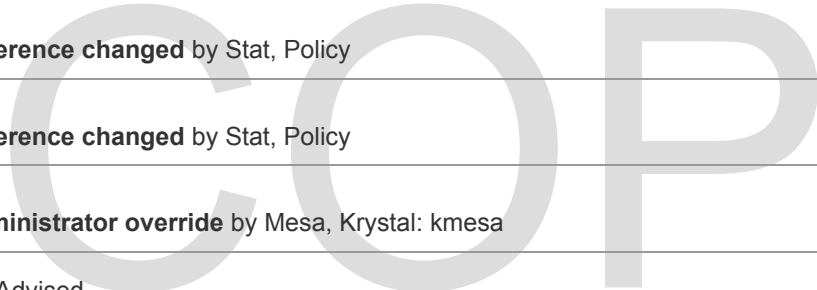
10/28/2020, 7:40PM EDT

Deleted approval workflow: "BOT Approved"

**Comment** by Goodrich, Kelly

3/24/2021, 7:06PM EDT

4/6/2021 DA Info Only - Schedule Review - No Change Recommended





# 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 4<sup>th</sup> 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](mailto: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</u> <u>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](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 \_\_\_\_\_



Current Status: Draft

PolicyStat ID: 9483809



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

## AP 3721 Social Media

### 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 with the predominant intention of promoting social networking.~~

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 the Chancellor/President or designee, no~~ Only approved District employees 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 Chancellor/President or designee.~~

District employees may be approved to create an official District presence of Social Media by completing the established training provided by the Marketing Department and Professional Development. Training will include the best practices, expected conduct, branding expectations and communication guidelines to be followed in relation to Social Media.

Employees 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.

~~The Chancellor/President or designee~~ Approved District employees 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.

## **PROHIBITED CONTENT ON DISTRICT RELATED SOCIAL MEDIA ACCOUNTS**

~~In general, the~~ The District invites discussion of important ideas and issues through Social Media. However, ~~the official~~ District Social Media shall not be used to engage in blatant bullying, slurs, defamation, intimidation, or sexual harassment. Further, the District reserves the right to remove posts or comments that are ~~obscene,~~ defamatory, ~~offensive~~ threatening, contain threats of violence, abusive, spam or advertising, inaccurate or non-factual, 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 terms and conditions of use policies promulgated ~~set~~ 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:~~

- ~~A. Honest about who you are~~
- ~~B. Clarity that your opinions are your own~~
- ~~C. Respect and humility in all communication~~
- ~~D. Good judgement in sharing only public information—including financial data~~
- ~~E. 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.~~

### Attachments

No Attachments

Comment by Stat, Policy

3/1/2021, 2:53PM EDT

3/18/21 recommendations from SBCC Academic Senate President Davena Burns-Peters. Additional comments to be addressed:

1. 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. This may need wordsmithing to indicate the statement is not exclusionary to District employees owning social media accounts if it is not within their job description i.e. Faculty Department Chairs.
2. 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. This implies the District will own access to all social media accounts. Is this addressing the District to remove postings, replies and comments made on accounts they own? Accounts owned by faculty, for the purpose of distributing campus related information, would not be accessible directly by District.
3. • Content that violates a legal ownership interest of any other party. Clarification on what this means.
4. • Images and/or video from incidents which have not been cleared for usage by the department. Does this mean a need for signed release forms? Who would be responsible for clearing such images? When marketing events and activities to the community, timing is critical and being tied up in the approval process is detrimental to the purpose. I would refer to the suggestion that there be an approved list of employees that have gone through training and been provided clear guidelines that results in them then being able to post freely within those given guidelines.
5. USE OF SOCIAL MEDIA ON PERSONAL TIME

General concerns from faculty include the lack of clarity on District's ability to address their personal social media

interactions outside of any sites representative of District related activities. Examples given are Faculty with a personal page that indicates their place of work being with the District, does that fall under the category of District related? Having a personal page being reviewed for content may impinge on constitutional rights of the faculty member.

6. 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. Is this statement contradictory to the first line?

7. General Comments: the issue of student privacy and protection may need to be included in this policy. To reiterate, the faculty voices are strong in that they need access to Social Media without a set of barriers to overcome to get information out in a timely manner. On that same note, having all social media traffic funneled through a single or limited source/s will prevent information from being shared in a timely manner. This is especially the case with Department Chairs when they are recruiting for courses and events. Another strong voice is the desire for faculty to maintain a personal page in which they may interact with students on topics related to instruction i.e. promoting office hours, having students connect for live support, etc. Clarity that these types of pages may be considered professional but are personally owned may be needed. Finally, personal pages and a person's right to express their own opinions on a personal page is of grave concern as well. Is the sticking point on this simply the fact they are an employee of the district and therefore must be in compliance at all times? Given this policy allows for action by the District and appears to be outside of the union protection, the faculty want it done right.

**Comment by Stat, Policy**

3/1/2021, 6:20PM EDT

3/1/21 recommendations from CHC Academic Senate President Brandi Bailes.

**Comment by Stat, Policy**

3/22/2021, 1:32AM EDT

3/1/21 comments from CHC Academic Senate President Bandi Bailes:

1. For the strikeout of the paragraph "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," the comment: "Faculty may use official social media to promote groups/clubs/programs without listing these duties in their job description."
2. For the strikeout of the section "Use of Social Media on District Time," the comment: "There is no such thing as "District Time" in the CTA Bargaining Agreement."
3. For the strikeout of the section "Use of Social Media on Personal Time," the comment: "The district should not set limitations on activities during employees' personal time unless required to do so by law."

Current Status: *Draft*

PolicyStat ID: 8976042



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

## BP 5030 Fees

The Board of Trustees authorizes the following fees. All fees must comply with Education Code and Title 5 regulations. The Chancellor is responsible for establishing procedures for the collection, deposit, waiver, refund, and accounting for fees as required by law. The procedures shall also assure those who are exempt from or for whom the fee is waived are properly enrolled and accounted for. Fee amounts shall be published in the college catalogs or class schedules [Schedule of Classes]

### **Enrollment Fee** [Education Code Section 76300]

Each student shall be charged a fee for enrolling in credit courses as required by law.

### **Course Auditing Fees** [Education Code Section 76370]

Persons auditing a course shall be charged a fee [see AP 5030]. The fee amount shall be adjusted proportionally based upon the term length. Students enrolled in classes to receive credit for 10 or more semester credit units shall not be charged this fee to audit three or fewer units per semester.

### **Parking Fee** [Education Code Section 76360]

Students shall be required to pay a fee [see AP 5030].

To encourage ride sharing, a student may certify in writing at the time of payment of the fee that he/she regularly has two or more passengers commuting with him/her.

### **Instructional Materials** [Education Code Section 76365] Title 5 Sections 5400 et seq.

Students may be required to provide required instructional and other materials for a credit or non-credit course, provided such materials are of continuing value to the student outside the classroom and provided that such materials are not solely or exclusively available from the District. [See BP/AP 5031 titled Instructional Materials Fees]

### **Physical Education Facilities** [Education Code Section 76355]

Where the District incurs additional expenses because a physical education course is required to use non-district facilities, students enrolled in the course shall be charged a fee for participating in the course. Such fee shall not exceed the student's calculated share of the additional expenses incurred by the District.

### **Student Representation Fee** [Education Code Section 76060.5]

Students will be charged a fee [see AP 5030] to be used to provide support for student governmental affairs representation. A student may refuse to pay the fee and shall submit such refusal on a form provided by the District to collect fees.

### **Student Transportation Costs** [Education Code Section 76361]

Students shall be charged a fee [see AP 5030] for the purpose of recovering transportation costs incurred by

the District for services provided by common carriers to students. These fees will only be paid by students who use the transportation services, unless a vote of the students in accordance with the Education Code establishes otherwise.

**Transcript Fees** [Education Code Section 76223]

The District shall charge a reasonable amount for furnishing copies of any student record to a student or former student. The Chancellor is authorized to establish the fee [see AP 5030] which shall not to exceed the actual cost of furnishing copies of any student record. No charge shall be made for furnishing up to two transcripts of students' records, or for two verifications of various records. There shall be no charge for searching for or retrieving any student record.

**International Students Application Processing Fee** [Education Code Section 76142]

The District shall charge students who are both citizens and residents of a foreign country a fee to process his/her application for admission. This processing fee and regulations for determining economic hardship may be established by the Chancellor. The fee shall not exceed the lesser of 1) the actual cost of processing an application and other documentation required by the U.S. government or 2) one hundred dollars (\$100) which shall be deducted from the tuition fee at the time of enrollment.

**Fee Refunds**

The Board of Trustees authorizes refunds to be made according to administrative procedures established by the Chancellor. All refunds must comply with Education Code and Title 5 regulations, and the refund schedule shall be published in the college catalogs and class schedules.

## References:

Education Code Sections 66025.3, 68120, 70021, 76300, 76300.5, 76370, 76360, 76365, 76365, 76365, 76060.5, 76361, 76223, and 76142

Title 5 Sections 51012, 58520, 58620, and 5400 et seq

California Community College Chancellor's Office [CCCCO] Student Fee Handbook  
ACCJC Accreditation Standard I.C.6

## Attachments

[BP 5030 Fees - Comments](#)

[BP 5030 Fees - Legal Citations](#)

**Comment** by Goodrich, Kelly

12/8/2020, 6:43PM EST

2021-02-02 DA Info - Minor Clerical Edit

**Draft saved** by Goodrich, Kelly

12/8/2020, 6:43PM EST

**Comment** by Goodrich, Kelly

3/24/2021, 5:22PM EDT

4/6/21 DA 1st Read [F] Only [No Changes]



Current Status: *Draft*

PolicyStat ID: 8976023



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

## AP 5030 Fees

*(Replaces current SBCCD AP 5030 and AP 5033)*

### Required fees include:

- Enrollment (Education Code Section 76300 and 76300.5; Title 5 Sections 58500 and 58509)

As prescribed by state law.

- Nonresident tuition with these permissive exemptions (Education Code Sections 76140 and 76140.5):

As prescribed by state law and established by the Board of Trustees no later than March 1 for the succeeding fiscal year.

- All nonresident students enrolling for 6 or fewer units; or
- A student who is a citizen and resident of a foreign country who demonstrates financial need and this required exemption (Education Code Section 68130.5);
- All students, other than non immigrant aliens under 18 U.S. Code Section 1101(a)(15), who meet the following requirements:
  - high school attendance in California for three or more years;
  - graduation from a California high school or attainment of the equivalent thereof;
  - registration or enrollment in a course offered for any term commencing on or after January 1, 2002;
  - completion of a questionnaire form prescribed by the State Chancellor's Office verifying eligibility for this nonresident tuition exemption; and
  - in the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her immigration status, or will file an application as soon as he/she is eligible to do so.
- Student representation (Education Code Section 76060.5; Title 5 Sections 54801 and 54805)

### Fees authorized by law include:

- Non-District physical education facilities (Education Code Section 76395)
- Noncredit courses (Education Code Section 76385)
- Community service courses (Education Code Section 78300)
- Auditing of courses (Education Code Section 76370)
- Instructional materials (Education Code Sections 73365, 81457, and 81458; Title 5 Sections 59400 and 59408)
- Athletic insurance (Education Code Section 70902(b)(9))

- Cross-Enrollment with the California State University (CSU) or University of California (UC) (Education Code Section 66753)
- Health (Education Code Section 76355)
- Parking (Education Code Section 76360)
- Transportation (Education Code Sections 76361 and 82305.6)
- Student Center (Education Code Section 76375; Title 5 Section 58510)
- Copies of student records (Education Code Section 76223)
- Dormitory (Education Code Section 81670)
- Child care (Education Code Sections 79121 et seq. and 66060)
- Nonresident capital outlay (Education Code Section 76141)
- Nonresident application processing (Education Code Section 76142)
- Credit for Prior Learning (Education Code Section 76300; Title 5 Section 55050)
- Use of facilities financed by revenue bonds (Education Code Section 81901(b)(3))
- Refund processing (Title 5 Section 58508)
- Telephone registration (Education Code Section 70902(a))
- Physical fitness test (Education Code Section 70902(b)(9))
- Instructional Tape Lease/Deposit (Education Code Section 70902(b)(9))
- Credit Card Use (Education Code Section 70902(b)(9))
- International Student Medical Insurance (Education Code Section 70902(b)(9))

## Prohibited fees include:

- Late application (CCCCO Student Fee Handbook)
- Add/drop (CCCCO Student Fee Handbook)
- Mandatory student activities (CCCCO Student Fee Handbook)
- Student Identification Cards (CCCCO Student Fee Handbook)
- Student Body Organization (CCCCO Student Fee Handbook)
- Nonresident application (CCCCO Student Fee Handbook)
- For dependents of certain veterans (Education Code Section 66025.3)
- For dependents of certain victims of the September 11, 2001, terrorist attacks (CCCCO Student Fee Handbook)
- For certain recipients of the Medal of Honor and certain children of the recipients of the Medal of Honor (Education Code Section 66025.3)
- For surviving spouses and children of a firefighter employed by the federal government whose duty assignment involved the performance of firefighting services in California (Education Code Section 68120)
- For students who have been exonerated of a crime though writ of habeas corpus or pardon that meet certain conditions (Education Code Section 69000)
- Required or funded services (CCCCO Student Fee Handbook)
- Refundable deposits (CCCCO Student Fee Handbook)
- Distance education (other than the statutorily authorized enrollment fee) (CCCCO Student Fee Handbook)
- Mandatory mailings (CCCCO Student Fee Handbook)
- Rental of practice rooms (CCCCO Student Fee Handbook)
- Apprenticeship courses (Education Code Section 76350)
- Technology fee (CCCCO Student Fee Handbook)
- Late payment fee (Title 5 Sections 58502 and 59410)
- Nursing/healing arts student liability insurance (Title 5 Section 55234)

- Cleaning (CCCCO Student Fee Handbook)
- Breakage (CCCCO Student Fee Handbook)
- Test proctoring (CCCCO Student Fee Handbook)

## Collection and Refund of Fees

### A. Associated Students Discount Sticker

- \$9.50 - CHC
- \$7.50 - SBVC
- \$4.00 - Replacement for lost card

### B. Breakage/Lost Property Fee

Replacement cost of item(s) broken or lost

### C. Campus Center Fee

\$1.00/unit (not to exceed \$10 per fiscal year)

### D. Capital Outlay Fee

As allowed by law and approved by the Board of Trustees prior to March 1 for the succeeding fiscal year.

### A. Catalog

\$6.00 - purchased on campus

### B. Credit by Examination

\$20.00 plus class unit fee

### C. Document Fee Handling

\$40.00 per hour for personnel time to find, retrieve, copy and re-file requested documents;  
minimum charge of 1 hour  
\$0.15 per side copy cost

Fees must be paid prior to document release

### D. Enrollment Fee

\$46.00/unit

### E. Insufficient Funds Check

\$15.00

### F. International Student Application

\$25.00 (nonrefundable)

### G. Key Deposit/Replacement

\$15.00 plus cost of rekeying if needed (metal/electronic key)

### H. Learning Center Reproduction Fees, SBVC

- \$0.20 - Laser printout: text, black and white printer
- \$0.50 - Laser printout: graphics, black and white printer (over ½ page)
- \$1.00 - Laser printout: graphics and/or text, color
- \$2.00 - Scan text or graphics to disk, per scan

### I. Library Fines – SBVC/CHC

\$0.10 - Books: per day for 50 days; after 50 days, bill \$5 fine plus the replacement value \$0.25 - Reserve Books/Multimedia: per hour to a maximum of the replacement value of the reserve materials; after 14 days, bill \$5 fine plus the replacement value

\$0.50 - Videos: per day for 50 days; after 50 days, bill \$5 fine plus the replacement value

\$0.10 - Per page for laser printout of Internet, CD ROM, Periodicals

\$2.00 - replacement for lost library card

J. Parking Permit Fees

\$100.00 - annual permit

\$39.00 - one semester (\$20 BOGG student)

\$22.00 - summer session

\$3.00 - daily

K. Parking Violation Fees

\$ 50.00 - illegal parking

\$ 50.00 - decal violation

\$275.00 - handicap violation

L. Refund Processing Charge

A fee of \$10.00 will be charged for each refund transaction, not to exceed \$10.00 per student per semester as defined in the Fee Refund Policy.

M. Replacement – Diploma/Certificate

\$10.00

N. Student Health and Accident Insurance

~~\$22~~ \$21.00 - per semester (includes \$1.50 accident insurance)

\$18.00 - summer session (includes \$1.50 accident insurance)

\$1.50 - accident insurance only

O. Student Representation

\$2.00

P. Supplemental Health Services Fee

\$10.00 - TB skin test (one-step test)

\$10.00 - TB skin test (two-step test)

At cost - All Vaccines

\$25.00 - Physical Exams

\$50.00 - DMV Physical Exams

At cost - Prescription medications

At cost - In-house Lab Tests

At cost - Lab Test sent to external lab

At cost - Optional Medical Procedures

At cost - Optional Medical Supplies

\$ 8.00 - Vision screening (Titmus vision tester)

\$ 2.00 per item - Duplication of medical records

\$10.00 - Hearing Screening (Audiometer)

At cost - Birth Control Pills

Q. Testing Fees

At cost - Paramedic National Registry Testing

\$ 25.00 - Retest per skill

\$ 10.00 - CPR card

Repeat course from Career Tech Department

0.5 units - \$12.00

1.0 units - \$23.00

2.0 units - \$46.00

3.0 units - \$70.00

R. Transcripts/Verification

No cost - First two transcripts

\$10.00 - Additional transcripts

\$20.00 - Immediate requests for transcripts

\$5.00 plus cost - Online transcripts

S. Transportation Fee

Students registering for Spring or Fall semester to pay:

\$9.00 for 6 or more credits/semester

\$8.00 for less than 6 credits/semester

\$6.00 for 6 or more credits/summer

\$5.00 for less than 6 credits/summer

T. Crafton Hills College Recreation Fee

Students registering for CHC for Spring, Fall, or Summer semesters have the option to pay for the use of the aquatic and fitness centers:

\$8.00 per semester

## Fee Refunds

A. Designated Fees

This regulation covers the following fees:

1. Enrollment fee
2. Nonresident tuition
3. Parking fee
4. Health fee
5. Accident Insurance fee
6. Student Services Card fee
7. Student Center fee
8. Student Representation Fee
9. Capital Outlay Fee
10. Student Transportation Fee

B. Conditions

If a refund is requested for parking or student services card fees, the parking decal or the student services card must be attached to the refund request.

C. Military Service Exception

If a student who is a member of an active or reserve military service receives orders compelling a withdrawal from courses, the District shall, upon petition and a copy of received orders of the affected

student, refund the entire enrollment fee unless academic credit is awarded.

#### D. Refund Schedule

This refund schedule applies to all fees listed in Paragraph A, above.

1. Fees collected in error

Fees collected in error will be refunded in their entirety.

2. Class cancelled by the college

If a class is cancelled by the college, enrollment and/or non-resident tuition fees will be refunded in their entirety. If that cancellation results in a student's withdrawal from the college, refunds of the appropriate fees listed in Paragraph "A" will apply.

3. Withdrawal from the College

- a. Enrollment Fee/Nonresident Tuition

If a student withdraws during the first two weeks of a full-term class or during the first 10% of a short-term class, enrollment fees or nonresident tuition fees will be refunded.

- b. Parking Fee, Health Fee, Accident Insurance Fee, Student Services Card Fee, Student Center Fee, Student Representation Fee, Capital Outlay Fee, Student Transportation Fee.

In order to be eligible for a refund, a student must withdraw prior to the first day of the term for a full-term class or prior to the first day of instruction for a short-term class.

4. Unit Reduction

If a change of program within the first two weeks of a full-term class or during the first 10% of a short-term class results in a reduction in the number of units taken, the enrollment fee or non-resident fee will be refunded at the per unit cost of the reduction.

5. A student who withdraws from a class or the college after the second week of instruction for a full-term class or the first 10% of a short-term class is not eligible for any refund.

#### E. Refund Processing Fee

A charge of \$10 will be collected for each refund transaction not to exceed \$10 per student per semester, except for cancelled classes or over-payment.

## Waiver of Fees

The District may waive enrollment fees which were not collected in a previous session where the enrollment fees were not collected as a result of the District's error in awarding a Board of Governors Fee Waiver to an ineligible student and not through the fault of the student, and to collect the enrollment fee would cause the student undue hardship.

## References:

Education Code Sections 66025.3, 68120, 70902(b)(9), 76300, and 76300.5  
Title 5 Sections 51012, 58520, and 58629

California Community College Chancellor's Office (CCCCO) Student Fee Handbook  
ACCJC Accreditation Standard I.C.6

## Attachments

- [AP 5030 Fees- Comments](#)
- [AP 5030 Fees- Legal Citations](#)

**Comment** by Goodrich, Kelly

12/8/2020, 6:35PM EST

Legal Update 37 - The Service updated this procedure to remove field trip fees as a prohibited fee.

**Comment** by Goodrich, Kelly

12/8/2020, 6:36PM EST

2021-02-02 DA Info

**Draft saved** by Goodrich, Kelly

3/24/2021, 4:37PM EDT

**Comment** by Goodrich, Kelly

3/24/2021, 4:38PM EDT

4/6/21 DA 1st Read to increase student health fee per State allowance

DRAFT



Current Status: Active

PolicyStat ID: 4357435



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**Last Approved:** 06/2020  
**Last Revised:** 06/2020  
**Next Review:** 06/2030  
**Owner:** [Human Resources Human Resources](#)  
**Policy Area:** [Chapter 7 Human Resources](#)  
**References:**

## BP 7210 Academic Employees

*(Replaces current SBCCD BP 7210)*

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

Academic employees are all persons employed by the District in academic positions. Academic positions include every type of service, other than paraprofessional service, for which the Board of Governors has established minimum qualifications for the California Community Colleges.

Faculty members are those employees who are employed by the District in academic positions that are not designated as supervisory or management. Faculty employees include, but are not limited to, instructors, librarians, counselors, and professionals in health services, DSPS, and EOPS.

Decisions regarding tenure of faculty shall be made in accordance with the evaluation procedures established for the evaluation of probationary faculty and in accordance with the requirements of the Education Code. The Board of Trustees reserves the right to determine whether a faculty member shall be granted tenure.

The District may employ temporary faculty from time to time as required by the interests of the District. Temporary faculty may be employed full time or part time. The Board delegates authority to the Chancellor to determine the extent of the District's needs for temporary faculty.

Notwithstanding this policy, the District shall comply with its goals under the Education Code regarding the ratio of full-time to part-time faculty to be employed by it and the for making progress toward the standard of 75% of total faculty work load hours taught by full-time faculty.

### References:

Education Code Sections 87400 et seq.; 87411; 87482.8, and 87600 et seq.  
Title 5, Section 51025

### Attachments

[BP 7210 Academic Employees- Comments](#)  
[BP 7210 Academic Employees- Legal Citations](#)  
[BP7210 -OLD.pdf](#)



## Approval Signatures

Step Description	Approver	Date
	Policy Stat	06/2020
	Policy Stat	06/2020
	Policy Stat	06/2020
	Policy Stat	06/2020
	Policy Stat	06/2020
	Policy Stat	06/2020

**Edited by** Stat, Policy

12/11/2017, 4:10PM EST

Chapter owner to review and move forward

**Last Approved by** Hannon, Kristina

12/11/2017, 5:01PM EST

**Last Approved by** Chancellor's Cabinet, Chancellor's Cabinet:

1/22/2018, 12:14AM EST

1/3/18 Cabinet approved with no additional changes

**Approval flow updated in place by** Stat, Policy

3/6/2018, 12:13PM EST

**Draft saved by** Stat, Policy

10/28/2017, 4:41PM EDT

**Sent for re-approval by** Stat, Policy

6/15/2020, 8:50PM EDT

6/11/20 Board approved

**Last Approved by** Stat, Policy

6/15/2020, 8:50PM EDT

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6/15/2020, 8:50PM EDT

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6/15/2020, 8:50PM EDT

**Last Approved by** Stat, Policy

6/15/2020, 8:50PM EDT

**Last Approved by** Stat, Policy

6/15/2020, 8:50PM EDT

**Last Approved by** Stat, Policy

6/15/2020, 8:50PM EDT

**Activated**

6/15/2020, 8:50PM EDT

**Administrator override** by Goodrich, Kelly

8/17/2020, 7:21PM EDT

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To comply with change in review period per SN

**Comment** by Goodrich, Kelly

8/18/2020, 5:48PM EDT

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10-06-2020 DA 2nd Read - F□ Only, No Changes

**Comment** by Goodrich, Kelly

8/21/2020, 7:26PM EDT

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10-06-2020 DA 2nd Read F□ Only

**Administrator override** by Stat, Policy

10/28/2020, 7:41PM EDT

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

C O P □

Current Status: *Draft*

PolicyStat ID: 9529304



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Next Review:	N/A
Owner:	<i>Human Resources Human Resources</i>
Policy Area:	<i>Chapter 7 Human Resources</i>
References:	<i>Good Practice/Optional</i>

## AP 7210 Academic Employees

# ACADEMIC EMPLOYEES, NON-MANAGEMENT HIRING OF FULL-TIME FACULTY

The San Bernardino Community College District seeks a qualified and diverse administration, faculty, and staff dedicated to student success. The District is committed to an open and inclusive hiring process that supports the goals of equal opportunity and diversity, providing equal consideration and opportunities for all qualified candidates. The goal of every hiring process is to select the qualified candidate who best meets the needs of our students and has the ability to develop inclusive curriculum and/or provide an inclusive environment that represents the ethnic and socioeconomic demographic of the college's student population.

The faculty, staff, and administration recognize the importance of an effective hiring process that reflects mutual professional responsibility and interest in achieving the common goal of hiring outstanding faculty that will enhance the learning experience for all students and fulfill the mission and goals of the College and the District.

Hiring faculty, classified staff, and administrators is accomplished through selection committees, which produce a recommendation of a final candidate from the President, or other appropriate administrator, to the Chancellor to recommend to the Board for employment.

## HIRING QUALIFICATIONS

### Minimum Qualifications

The San Bernardino Community College District has established the following hiring qualifications for all faculty positions:

- ~~Demonstrated sensitivity to, understanding of and respect for the diverse academic, socioeconomic, cultural, religious, sexual orientation, disability, and ethnic backgrounds of community college students.~~ For faculty and administrative positions, job requirements shall include (A) a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, gender identity, sexual orientation, and ethnic backgrounds of community college students as demonstrated by skills and abilities in cultural responsiveness and cultural humility; and (B) a demonstrated commitment to recognizing patterns of inequity in student outcomes, taking personal and institutional responsibility for the success of students, engaging in critical assessment of own practices, and applying a race-conscious awareness of the social and historical context of exclusionary practices in American Higher Education.

2. The Minimum Qualifications for discipline expertise adopted by the Board of Governors for California Community Colleges or possession of a valid and appropriate California Community College Credential as provided in Education Code 87355.
3. All applicants will be provided the opportunity to have ~~equivalent~~ qualifications for discipline expertise reviewed and considered for meeting minimum qualifications that meet or exceed those listed adopted by the Board of Governors through alternate means.

## Application Procedure

1. The Human Resources Office will determine which applicants meet minimum education and expertise qualifications as set forth in the job announcement based on information provided on the official application for employment and verified by copies of transcripts provided by the applicant. Applicants not having minimum qualifications but requesting consideration of equivalent qualifications will be separated from those determined to meet minimum qualifications. If there is any discrepancy between the established minimum qualifications and the qualifications presented by an applicant as meeting minimum qualifications, that applicant's file will be grouped with the applications requesting consideration of equivalent qualifications. Applicant groups for equivalency review will have their qualifications evaluated by the Equivalency Committee, in accordance with the Equivalency Policy and Procedures. Human Resources will also evaluate the diversity of the pool of applicants to determine if further outreach is required before proceeding.
2. The files of all applicants who meet minimum qualifications or who have had equivalent qualifications determined by the Equivalency Committee will be reviewed by the selection committee. The selection committee will not review the file of any applicant who does not meet minimum qualifications or who has not been determined as possessing equivalent qualifications by the Equivalency Committee. The HR Selection Committee Chair will provide a list of candidates who did not meet the MQs with a brief explanation of how the MQs were not met. This review with the selection committee may result in the determination that the MQs were met by some of the candidates who were originally identified as not meeting the MQs. Should the selection committee have any concern about the pool or process, the selection committee chair may confer with the Vice Chancellor of Human Resources ~~& Employee Relations~~ and Police Services regarding these concerns.
3. For disciplines for which the master's degree is not generally expected or available (as designated in *Minimum Qualifications for Faculty & Administrators in California Community Colleges*, adopted by the Board of Governors), a "year of professional experience" shall be considered the period of time which the District accepts as a regular work year on a full-time basis. One year of professional experience must have been completed within the three years prior to the closing date for applications for the position. The minimum qualifications listed on the job announcement should identify the specific types of professional experience required for the position.
4. For disciplines for which the master's degree is not generally expected or available (as designated in *Minimum Qualifications for Faculty & Administrators in California Community Colleges*, adopted by the Board of Governors), the appropriate, valid certification or license to practice shall be stipulated based on the instructional responsibilities of the position. If no certificate or license is appropriate to the position, no certificate or license will be listed as a minimum qualification.

## Desirable Qualifications

1. Job announcements may include a set of "desirable qualifications," separate from the minimum qualifications. These desirable qualifications should describe characteristics that support the responsibilities of the position.

2. The combination of the minimum qualifications and the job-related desirable qualifications will be used as the basis for decision-making throughout the selection, interview, and recommendation of applicants.

### **Establishing Minimum and Desirable Qualifications**

1. The minimum and desirable qualifications will be ~~identified~~reviewed by discipline faculty in consultation with the Division/Department Dean or other appropriate administrator and included in an initial draft. When no full-time faculty member currently teaches the discipline, at least two full-time faculty in a reasonably related discipline will draft the desirable qualifications in consultation with the Division/Department Dean or appropriate administrator. The academic senate may elect to recommend additional qualifications related to the ability to serve our diverse students well in any faculty position. The Division/Department Dean or appropriate administrator will make the final decision the desired qualifications.
2. The Vice Chancellor of Human Resources and ~~Employee Relations or her/his~~Police Services or their designee will monitor the minimum and desirable qualifications for adverse impact on groups that have been historically under-represented. If the Vice Chancellor of Human Resources and ~~Employee Relations or~~Police Services or their designee believes the qualifications appear to be too restrictive, ~~he/she~~they will meet with the discipline faculty and the Division/Department Dean or appropriate administrator ~~to review to~~review the qualifications. If discriminatory intent or effect is identified, the Vice Chancellor of Human Resources and ~~Employee Relations~~Police Services or their designee shall confer with the appropriate Vice President and the Academic Senate President to determine necessary remedies.

## **PROCEDURES**

The goal of every hiring process is to select the qualified candidate who best meets the needs of our diverse student population.

### **Establishing the Position**

Any request to fill new or vacant positions must be processed through the appropriate Manager and the Human Resources Office, and must receive approval by the Chancellor before any position announcement is made.

1. Faculty positions are identified by a process established by each College and Fiscal Services.
2. Chancellor approves faculty positions from those requested by the Colleges.
3. Human Resources receives the Staffing Requisition approved by the Chancellor and begins the search process.

### **Position Announcement**

1. The Announcement of a Position will be drafted by the faculty of the discipline and the Division/Department Dean or appropriate administrator who established the minimum and desirable qualifications for the position (See "Establishing Minimum and Desirable Qualifications") in consultation with the Vice Chancellor of Human Resources and ~~Employee Relations~~Police Services or designee and the appropriate Vice President.

Job announcements shall clearly state job specifications setting forth the minimum and desired qualifications for the position. Job announcements including any "desired" qualifications beyond the minimums shall be reviewed by Human Resources before the position is announced to ensure conformity with the guidelines of the Board of Governors for the California Community Colleges, the requirements of Title 5 and State and Federal non-discrimination laws.

2. Position announcements will include the following sections:

- a. Position Title
- b. Application Deadline or Initial Review Date
- c. Introduction: A brief description of the position and the relationship of the position to college offerings and activities. This includes a brief description of the college and the community served.
- d. Minimum Qualifications: A statement including the established minimum qualifications, the appropriate valid credential(s), the provision for equivalencies, ~~and reference to “demonstrated sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic background of community college students.” (See *Minimum Qualifications for Faculty and Administrators in California Community Colleges.*)~~
- e. Desirable Qualifications: Those job related qualifications that are desirable but not essential to perform the job.
- f. Duties of the Position: A list of typical duties including the following:
  - A brief description of the primary responsibilities (e.g. Faculty will teach to the outline of record for the specific assignment and maintain a current syllabus). Faculty will facilitate learning through a variety of modalities to maximize the success of our diverse student population.
  - A description of any co-curricular responsibilities (e.g. coaching, directing).
  - Reference to scheduling considerations (e.g. assignment to evening duties).
  - Leadership responsibilities related to the academic and/or co-curricular assignment (e.g. advisory committee, standing committees, curriculum development).
  - A description of institutional service responsibilities (e.g. five hours of institutional service, five office hours).
  - A commitment to ongoing professional development that includes cultural responsiveness, inclusiveness, and equity, as well as disciplinary relevance.
  - A description of any other duties unique to the position.
- g. Salary and Benefits: A statement of the salary range and a brief narrative description of fringe benefits in effect at the time of the announcement.
- h. Closing Date and Address for Submission of Application Materials
- i. Application Process: Instructions regarding the completion of the application process and a statement that incomplete applications will not be considered by the selection committee. In addition, instructions will also include the need for the candidate to address how the desired qualifications have been met by the candidate in the cover letter or in the supplemental questions. The application process will include the following:
  - An official district application form including a separate form for requests for equivalency along with a brief narrative description of the equivalency criteria appropriate to the minimum qualifications for the position. Applicants will be instructed to provide a narrative description of their equivalent experience along with transcripts and other documentation to support their request for equivalency. ~~Letter of Application (A cover letter indicating explicitly how each of the minimum qualifications are met.)~~
  - A Letter of Application (A cover letter indicating explicitly how each of the minimum and desired qualifications are met.)

- Official or unofficial transcripts for all college course work, including those generated from the Internet, to establish an applicant's file (An official transcript will be required before any offer of employment for the applied-for position).
- A curriculum vitae or resume.
- When appropriate, verification of credentials (community college instructor credential, vocational credential, and/or license).
- When appropriate, verification of "professional experience" as articulated in the minimum and desirable qualifications.
- When appropriate, additional support materials may be requested. Such materials may include letters of recommendation, work samples (e.g. ~~videotapes~~ videos, portfolios, written materials) and other materials directly related to the criteria established in the minimum and desirable qualifications.

j. Selection Process: A brief description of the selection process including:

- The review by a selection committee to select candidates for interviews
- An interview of candidates by the selection committee that may be comprised of faculty, administration, academic senate representatives, associated student government representatives, and other appropriate district personnel. Candidates are advised that all interview questions will be evaluated through the lens of both minimum qualifications and the desired qualifications.
- An interview of finalists by the President (and additional interviewers if selected by the Preseident) or designee
- Final recommendation to the Board of Trustees by the Chancellor of the District
- A description of any other selection activities that are anticipated at the time of the announcement (e.g. a sample teaching demonstration, guest lecture, role playing, sample assignments, a questionnaire or impromptu writing sample)

k. Notice to All Candidates:

- The requirements of the Immigration Reform and Control Act of 1987
- Initial assignment information
- Reasonable accommodation notice: *If accommodations are needed for the application process in compliance with the Americans with Disabilities Act, please inform the Human Resources Office. The application/interview process may involve speaking, reading, writing, and answering questions or other test taking procedures. If you believe you may need reasonable accommodation to perform any of these tasks, need to inquire as to the specific nature of the tasks, or to assure physical access to the interview site, please contact the Office of Human Resources at (909) 382-4040 and ask for the individual responsible for the scheduling and monitoring of employment interviews.*

l. Statement of Equal Employment Opportunity including reference to "encouraging applications from underrepresented minorities and the disabled."

3. The Vice Chancellor of Human Resources ~~& Employee Relations or~~ and Police Services or their designee will review the draft of the job announcement for the potential for adverse impact pursuant to provisions in #2 of "Establishing Minimum and Desirable Qualifications."

4. The final draft of the job announcement will be reviewed by the discipline faculty and the Division Dean or appropriate administrator, and then returned to the Office of Human Resources. The Division/Department Dean or appropriate administrator will make the final decision on the desired qualifications prior to submitting the DQs to Human Resources.
5. Upon the approval of the final draft of the announcement, the Division/Department Dean or appropriate administrator for the position will set a tentative timetable for the hiring process (e.g. Selection committee orientation/training, application review) in consultation with the discipline faculty, the Vice Chancellor of Human Resources ~~& Employee Relations or~~ and Police Services or their designee and the appropriate Vice President.

## Applications

Human Resources accepts applications and supplemental materials until 4:30 pm on the closing date.

Human Resources will review the composition of the applicant pool to ensure that any failure to obtain projected representation for any monitored group is not due to discriminatory recruitment procedures. If necessary to establish an adequate and representative pool, the application closing date shall be extended and additional recruitment shall be conducted. (A "monitored group" means those groups identified by state and federal regulations for which monitoring and reporting are required. According to the provisions of Title 5 53004 (B), each applicant shall be afforded the opportunity to identify his or her gender, ethnic group identification, and if applicable, his or her disability.) After the pool is approved, all complete applications will be forwarded to the selection committee for consideration.

## Recruitment and Advertising

Faculty positions are advertised for a minimum of thirty (30) days.

Any ads placed in publications will contain the statement "An Equal Opportunity Employer."

New faculty will be recruited by means of wide dissemination of job announcements, with special efforts to contact referral sources for underrepresented minorities, persons with disabilities, and women. This dissemination will be the responsibility of the Office of Human Resources in accordance with the EEO Plan.

A complete record will be maintained of all efforts to disseminate information and the response regarding the job opportunity. The record to be kept by the Office of Human Resources includes: (1) recruitment sources, (2) number of applicants for a specific position, and (3) gender, race, and disability status of applicants.

Notification of position openings will be mailed by Human Resources to colleges, universities, and organizations committed to providing equal employment opportunities to a wide range of applicants. In addition, positions are advertised locally and in professional journals and related publications when appropriate, and the State Chancellor's Office Job Registry and on the internet as recommended by the appropriate Division/ Department Dean or a Vice President.

## ~~SELECTION~~ SCREENING COMMITTEE

### Membership

~~Selection~~ Screening committees for faculty positions will be established and convened by the Division/ Department Dean or other appropriate administrator or ~~his/her~~ their designee.

- The Division/Department Dean or appropriate administrator for the position will ~~consult with the faculty in the discipline covered by the job announcement to~~ formulate a preliminary list of candidates to serve as selection screening committee members. ~~If no full-time faculty currently teaches in the discipline, the~~



~~Division/Department Dean or appropriate administrator will consult with at least two full-time faculty in reasonably related disciplines.~~

- The President of the Academic Senate, after consultation with faculty in the discipline of the position and with the appropriate Division Dean, will appoint the faculty to serve on the selection committee.

~~Membership on all selection committees is confidential.~~

- An Equal Opportunity Representative from outside of the department/program shall be appointed to the Committee by the Vice Chancellor of Human Resources and ~~Employee Relations or his/her~~ Police Services or their designee. The Equal Opportunity Representative is a non-voting member.
- The Committee should also include representation from those employees or employee groups who are served by or otherwise interact with the position. If a classified employee is selected to serve on the committee, the President of CSEA will provide the names of individuals nominated to serve as the representative from the Senate. The hiring supervisor will select appropriate committee member(s) from those nominees.
- The ~~Search~~ Screening Committee should normally have no fewer than five (5) and no more than nine (9) members.
- A majority of the membership of the selection committee shall be faculty.
- Every ~~selection~~ screening committee will include the Division/Department Dean or appropriate administrator or their designee
- The chair of the Committee will be chosen by a majority vote of the committee.
- When possible, every effort will be made, within the limits allowed by federal and state law, to ensure ~~selection/~~ screening committees include a diverse membership, which will bring a variety of perspectives to the assessment of application qualifications. Selection/screening committees will be encouraged to include members from monitored groups and may include members from other colleges to include members from monitored groups.
- The supervising administrator on the Committee will provide clerical/technical support and coordination\

If unusual circumstances prevent the formation of a ~~selection~~ screening committee as described herein, the Division/Department Dean or appropriate administrator for the position will consult with the Vice Chancellor of Human Resources and ~~Employee Relations or~~ Police Services or their designee to determine a reasonable representation. ~~However, the final composition of the Selection committee shall remain confidential.~~

~~The Selection committee membership list will be forwarded to the Vice Chancellor of Human Resources and Employee Relations or designee for review. If the Vice Chancellor of Human Resources and Employee Relations or designee has concerns about the membership list relative to the representation requirements set forth in this regulation, that officer will recommend changes to the Division/Department Dean or appropriate administrator. It will be the responsibility of the Division/Department Dean or appropriate administrator to communicate the resolution of any concerns to the individual(s) in question. The Human Resources Generalist will be copied on all membership lists.~~

The Vice Chancellor of Human Resources and Police Services or their designee will approve all screening committee members to ensure diversity.

## Training

All faculty, staff, and administrators involved in hiring faculty must receive training on diversity and the employment process for each Committee on which they serve. Such training will be provided by the Office of Human Resources at the first meeting of the Committee. It is the responsibility of the Chair to insure that each Committee member receives the required training that includes:

- Discussion of District commitment to equal opportunity, diversity, and student success

- The search and selection process
- Role of the selection committee
- Development of selection criteria
- Writing effective interview questions
- Development of selection criteria including DQ's as part of the job posting process
- Role of the Equal Opportunity Representative
- Confidentiality
- Effective reference checks (administrators only)

## Responsibilities of the ~~Selection~~Screening Committee

~~Members of the Search Committee have the following responsibilities:~~

The Screening Committee Handbook defines the role and responsibility of the screening committee. Those responsibilities include:

1. Participate fully in all selection committee meetings.
2. Disclose personal relationships with or knowledge of or potential conflict of interest regarding any applicant.

The relative or spouse or registered domestic partner of an applicant will not serve on a selection committee for which a relative/spouse/registered domestic partner is a candidate. For the purpose of this regulation, a relative is the mother, father, grandfather, grandmother, grandchild, son, daughter, son-in-law, daughter-in-law, brother, brother-in-law, sister, sister-in-law, niece, or nephew of the committee member. It is the responsibility of the committee member to notify the committee if it is not immediately clear that a candidate is a relative.

~~Review the Administrative Regulations for hiring full-time faculty.~~

3. Review the position announcement.
4. Identify and weight selection criteria based on the minimum and desired qualifications for the position. Selection criteria will include an evaluation of the extent to which applicants explicitly ~~demonstrate~~demonstrated sensitivity to and understanding of, the diverse academic, socioeconomic, cultural, disability, ~~religious~~gender, gender identity, sexual orientation, and ethnic backgrounds of community college students, faculty and staff. The applicant must be able to demonstrate how these factors relate to the need for equity minded practices within the classroom.
5. Develop job related interview questions designed to distinguish candidates who will best meet the needs of the students, the department/division, the College, and the District as well as criteria by which to evaluate applicant responses. Interview questions will be forwarded from the chair of the committee to the Equal Opportunity Representative. In the interest of confidentiality, interview questions will not be forwarded to all committee members via e-mail unless the District is in an emergency. All interview questions will be returned to the Office of Human Resources. All questions will be reviewed and approved by the Vice Chancellor of Human Resources and ~~Employee Relations or~~Police Services or their designee. Interview questions are confidential and will not be shared outside of the committee.
6. Determine whether to require candidates to perform a skills test or make a presentation in addition to responding to interview questions. When appropriate, such demonstrations should reflect the candidate's ability to work effectively in a diverse community college environment. Criteria for evaluating and weighting work examples, such as writing samples, role play, or teaching demonstrations, will be established by the selection committee prior to interviewing the candidates.

~~Screen all applications to select candidates for interview. Establish an interview schedule that accommodates all committee members' schedules including the Equal Opportunity Representative.~~

~~Interview all selected candidates using only the questions previously agreed upon by the committee members. Follow-up questions may be used if they are based directly on a candidate's response to a question, if they are not leading, if they do not seek information outside of the scope of the established hiring criteria, if they do not impinge on the candidate's interview time, and if they are not in violation of equal opportunity guidelines. Refer to Appendix D-II for guidelines on follow-up questions.~~

~~Recommend no more than three candidates for selection to the College President or his/her designee. (In the event that the selection committee is recommending candidates for more than one position in a particular discipline, the committee will recommend no more than three names for each position to the College President or his/her designee.)~~

7. Screen eligible applications for desired qualifications and evaluate the candidates ability to explicitly demonstrated sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, gender, gender identity, sexual orientation, and ethnic backgrounds of community college students, faculty and staff. The applicant must be able to demonstrate how these factors relate to the need for equity minded practices within the classroom
8. Interview all selected candidates using only the questions previously agreed upon by the committee members.
9. Recommend candidates for selection to the College President or their designee.
10. Fill out evaluation forms on all interviewees.
11. Maintain confidentiality of the interviews as well as evaluative comments made during the selection process. Such information may be shared only with members of the SearchScreening Committee and the College President or his/her/their designee. Confidentiality must be maintained permanently. Each member of the committee will receive and agree to abide by the statement of guiding principles as noted in Appendix A along with a copy of the screening committee handbook.

If a committee member is found to have violated confidentiality or engaged in any misconduct, that committee member may be prevented from serving on future selectionscreening committees. Depending on the level and seriousness of the misconduct, the committee member may also be subject to disciplinary action.

## **SelectionScreening & Application Screening Criteria**

SelectionScreening criteria and interview questions must be approved by the Equal Opportunity Representative before the selectionscreening committee can access the applications. SelectionScreening criteria must be job related and are developed from the position description and the qualifications and requirements listed in the position announcement. SelectionWeighted screening criteria help members to review each application objectively. The selectionscreening criteria must be listed on anthe appropriate selection form that rating sheet and must be used by each member of the Committee. Each Committee member must participate in the selectionfully in the screening process.

After applications have been reviewed and scored by all ~~applications have been reviewed by all~~ committee members, the selectionscreening committee will determine which applicants shall be invited for an interview based on the established criteria and the scores given by all committee members. ~~The~~ Committee members will return rating sheets to the HR Generalist before their next meeting. HR will provide the scores of all candidates to the committee for discussion and determination of those who should move forward to an interview. The Committee selects applicants to interview who will best meet the needs of the students, the

division, and the College. The committees will consider the special needs of the division/department/program and the student population to be served in the selection of candidates.

The Committee will determine the number of candidates they wish to interview based on the pool of applicants and the apparent strengths and weaknesses of the candidates. Ideally, no fewer than (3) three candidates will be invited for interview. ~~Each~~All candidates will be scored according to the weighted criteria and all committee ~~member~~members will ~~name by number the candidate or~~also identify the candidates ~~he or she chooses~~they would like to move forward for an interview. ~~If more candidates are selected than the number determined for interview, the committee would discuss until consensus is reached on the highest three.~~

The Equal Opportunity Representative reviews the pool selected for interview to ensure that no selection or selection criteria has adversely affected any monitored group. The Equal Opportunity Representative may recommend that additional candidates be interviewed or that further recruitment be initiated before proceeding.

Applications of those candidates who are not to be interviewed shall be filed in the Office of Human Resources.

## Interviews

~~Interviews are scheduled by the Human Resources Generalist. Each candidate must be provided the same interview information and offered a choice of interview times whenever possible.~~

~~Each member of the Search Committee must be present for all interviews. If a member misses an interview, that committee member is removed from the Search Committee.~~

Interviews are scheduled by the Human Resources Generalist and will follow the process outlines in the Screening Committee Handbook.

Each member of the Screening Committee ~~documents the~~must be present for all interviews. If a member misses an interview ~~in a format agreed upon by the,~~ that committee member is removed from the Search Committee.

The ~~selection~~screening committee will interview all candidates using the list of questions formulated by the Committee. Appropriate job related "follow-up" questions that focus on the intent of the question or appropriate information in the initial response may be included in the interview so long as (1) they are based directly on the candidate's response to a question, (2) do not seek information outside of the scope of the established hiring criteria, (3) are not in violation of Equal Employment Opportunity guidelines and (4) do not exceed or truncate the time allotted for the interview. ~~See Appendix D-II for guidelines on follow-up questions.~~

Each candidate will be asked the same questions, in the same way, for a fair and consistent basis in decision-making.

After interviews are completed, members of the selection committee discuss and evaluate the qualifications of the candidates including how candidates will meet the needs of a diverse student population. ~~Consensus~~No discussion will ~~be achieved in the same way as during the individual assessment. No discussion will~~ occur until all candidates have been interviewed. If consensus is not possible, the Chair may request a vote or a prioritization by each selection committee member. Each selection committee member will have equal voting privileges. The committee chair will be responsible for documentation if less than three candidates are forwarded to the next level.

The ~~Search~~Screening Committee recommends ~~no more than three (at least 3)~~ candidates, unranked, to the College President or ~~his/her~~their designee for second-level interview. ~~Selection of the successful candidate will not be made by the committee.~~

The Equal Opportunity Representative reviews the selected candidate(s) to determine whether any selection criteria or procedures used in the interview phase has had an adverse impact on any monitored group. If the Equal Opportunity Representative believes that adverse impact exists, he/she shall consult with the committee Chair, and the Vice Chancellor of Human Resources and ~~Employee Relations or his/her~~ Police Services or their designee to determine whether additional steps should be taken to ensure equal employment opportunity.

If, after the interviews, in consultation with the Vice Chancellor of Human Resources and ~~Employee Relations or~~ Police Services or their designee, the ~~Search~~ Selection Committee is not satisfied with the interviewed candidates, the Committee may:

~~Review the applicant pool to ensure that qualified applicants have not been overlooked;~~

- On those positions that are opened until filled, request to have any additional complete applications that have been submitted since the first review date forwarded for selection;
- Request that Human Resources contact applicants with incomplete applications to request the missing application materials; or
- Extend or re-open the search.

Immediately following the interviews, the Committee Chair returns all the selection and interview forms and all other non-finalist application materials to Human Resources.

## **Selection**

~~The Committee Chair shall review with the College President or his or her designee the Committee's recommendation of candidates using a summary signed by each Committee member~~

## **Second-Level Interview Procedures**

Second level interviews will be conducted on all finalists by the College President ~~or his/her~~ (and additional interviewers if the President chooses) or their designee with the academic senate president or ~~his/her~~ their designee acting in an advisory capacity. In the case of the District office, second level interviews will be conducted by the appropriate administrator.

Following second level interviews, the College President or appropriate administrator may elect one of the following:

1. Select one of the finalists.
2. Review the applicant pool to ensure that qualified applicants have not been overlooked;
3. Extend or reopen the search.

## **Reference Checking**

Reference checks are made by the ~~Office of Human Resources~~ hiring manager upon the recommendation of the selected candidates by the Committee, and must be completed before a recommendation of employment is made to the Board of Trustees.

Reference checks must be completed in accordance with the policies and principles of equal opportunity. Reference information must be held in strict confidence.

## **Final Selection and Eligibility List**

The appropriate administrator will make the final decision on the candidates and notify the Human Resources Office to forward the selection to the Board of Trustees for approval. Those finalists not selected will be placed on an eligibility list that will be valid for ~~90~~ 120 calendar days following the date a candidate is selected by the

President or other appropriate district manager. In the event a vacancy occurs for the same position, the President or appropriate administrator will conduct second-level interviews from those individuals on the eligibility list.

The ~~Human Resources Generalist~~ hiring manager will contact the successful candidate to make a provisional offer of employment, contingent upon passing reference checks and Board approval.

~~The Human Resources Generalist will conduct all reference checks.~~

Once the successful candidate has been hired and Board-approved, the unsuccessful candidates will be notified by letter that they were not selected.

During the lifetime of the selection committee, all applications for positions will be kept on file at a secure location at the hiring site and will be available to members of the committee for study.

Submitted: 4/12/07

Approved: January, 1990

## APPENDIX A - FACULTY HIRING PROCEDURES

### GUIDING PRINCIPLES:

### SELECTION COMMITTEE MEMBERS

Each committee member agrees to act in the best interest of the College and the District in selecting a candidate who best meets the needs of the diverse students we serve. Each committee member understands that search and selection is a confidential process subject to laws and regulations on privacy and access (Title 5, California Code of Regulations, Section 53023(a); California Government Code, Section 6254). Specifically, each member agrees not to discuss or in any way release information to any non-authorized person regarding:

1. Written materials turned in by the applicant or evaluations made by the committee members about applicants;
2. Oral discussions by or about applicants or committee members during or following the interview process; and
3. Any other information that relates to the search and selection process including the names of applicants.

Each committee member agrees that if he or she is approached by any non-authorized person to discuss any of the above, the member is to refer the individual to the Office of Human Resources. Each committee member understands that failure to maintain confidentiality will not only jeopardize the search and selection process but could also result in a violation of Federal or State regulations and incur liability on behalf of the District. It is also understood that even the perception that confidentiality has been breached may jeopardize the hiring process. Therefore, each committee member agrees to call to the attention of the Vice Chancellor of Human Resources and ~~Employee Relations or~~ Police Services or their designee, any action which might be interpreted as a breach of confidentiality.

Each committee member agrees to comply with Equal Opportunity policies and procedures assuring compliance with the hiring process as outlined in the District's hiring policy and procedures.

Each committee member agrees to operate in an objective and unbiased manner throughout the process and understands that any compromise in objectivity or demonstration of unlawful bias may threaten the process.

Each committee member understands that the process may be stopped at any time based on perceived discrimination against one or more candidates, or if deviation from District procedures has occurred.

## **APPENDIX B - FACULTY HIRING PROCEDURES ROLES AND RESPONSIBILITIES**

### **B-I – ROLES AND RESPONSIBILITIES: SELECTION TRAINING CERTIFICATION**

To accommodate the various needs of search committee training, the Director of Human Resources shall be responsible for providing training certification.

### **B-II – ROLES AND RESPONSIBILITIES: SELECTION COMMITTEE**

#### **GOAL**

*Selection of the qualified applicant who best meets the needs of the students, the division, and the college.*

#### **Identify Selection Criteria**

- Review the Position Announcement.
- Include extent to which applicants have and demonstrate sensitivity to diversity as expressed on the application.
- Agree on selection criteria evaluation "tool."
- Be sure that criteria can be screened on paper.
- Every committee member must screen all complete applications deemed to meet minimum qualifications.

#### **Develop Job Related Questions**

- Review position requirements/responsibilities.
- Decide what you want to know, why you want to know it, and what would constitute an acceptable response.
- Have a variety of questions - basic information/knowledge, situational, how-to, role-play, etc.
- Incorporate diversity inquiries throughout the interview; include specific questions regarding contributions to/participation in/experience with meeting the needs of a diverse student population as it relates to the position. Determine whether to include a demonstration and/or a written question and to the desired qualifications.
- Determine what weight in the overall selection process will be given to a demonstration and/or written question
- Develop interview evaluation form.

#### **Schedule**

- Position closes.
- Committee convenes and establishes selection criteria.
- Applications available.

- Selection dates.
- Meeting date(s) to compose interview questions and select applicants to interview.
- Interview dates.
- Meeting date to recommend finalists (could follow last interview).

## Screen Applications

- Be consistent when reviewing each application.
- Allow enough time to complete the review of all applications.
- Use selection results as a guide to select interviewees.

## Interview

- Be clear and consistent.
- Ask job related follow-up questions that focus on the intent of the question or appropriate information in the initial response.
- Maintain eye contact when appropriate.
- Watch time limit.
- Do not discuss candidates between interviews.
- Use interview and selection information to select finalists.

## Determine Finalists

- Evaluate all job related information about the candidates.
- Consider candidates' contributions to/experience in meeting the needs of a diverse student population.
- ~~Check references.~~
- Forward finalists to the President or District Administrator

*\*Maintain confidentiality throughout the process... and after.*

## B-III – ROLES AND RESPONSIBILITIES: COMMITTEE CHAIR

The Division Dean with authority over the discipline of the position will perform the following tasks:

1. Confirm any faculty and CSEA member participation with the Academic Senate and CSEA.
2. Notify members of Committee including the Equal Employment Representative of meetings.
3. Convene the first committee meeting and conduct an election for committee chair.

The Committee Chair will perform the following tasks:

1. Develop meeting schedule
2. Remind Committee members of confidentiality throughout selection process.
3. Finalize selection criteria and interview questions with committee. Coordinate duplication of selection forms for committee members.
4. Coordinate with Human Resources regarding closing dates/availability of applications.
5. Confirm selection location, schedule, and procedures with committee members. Keep all applications on District premises.
6. Pick up applications and Search Committee materials.



7. Convene Committee to select candidates and schedule interview times. Review interview questions, interview protocol, and format of interview.
8. Identify special instructions to be given to interviewees.
9. Complete and sign Interview List form; secure signature of the Equal Opportunity Representative and forward to Human Resources.
10. Meet each interviewee, establish "ground rules" for interview, and conduct interviews within schedule.
11. Complete Interview Summary Sheet and sign; secure signature of Equal Opportunity Representative.
12. Develop a written summary that the Chair will use in discussing committee perceptions with the College President or designee and request each member to sign this document.

**NOTE:** The President's Office prepares a Board Agenda Item and forwards the Board Agenda Item and backup material to the ~~Administrative~~Executive Assistant ~~for the Vice Chancellor,~~to the Chief Human Resources ~~and Employee Relations~~Officer.

## **B-IV – ROLES AND RESPONSIBILITIES: COMMITTEE MEMBER**

1. Attend training for Search Committee. Commit to reaching the broadest pool of potential candidates in order to hire the candidate who will be the greatest asset to students and the campus community.
2. Attend all meetings of the Search Committee.
3. Participate in the identification of selection criteria.
4. Assist in development of interview questions and identify appropriate responses.
5. Assist in development of an appropriate teaching or related demonstration and the criteria for evaluation of the demonstration.
6. Screen each application and complete a selection form for each application. Be inclusive rather than exclusive.
7. Participate in all interviews.
8. Contribute to the discussion to evaluate and recommend finalists for the position.
9. Understand and promote the District's commitment to equal opportunity throughout the search process.
10. Do not share personal opinions of applicants and candidates with the Committee.
11. Maintain strict confidentiality throughout the process.

## **B-V – ROLES AND RESPONSIBILITIES: EQUAL OPPORTUNITY REPRESENTATIVE**

The Equal Opportunity Representative is a San Bernardino Community College District employee who has been certified to serve as an advocate for fairness and diversity in the employment process. The Equal Opportunity Representative is a "non-voting" member of the search and selection committee with a specific responsibility to:

## Advocate

The Equal Opportunity Representative is an advocate for fairness to all candidates in the search and selection process. The advocacy role includes the following responsibilities:

- a. Assist in the development of a recruitment plan to ensure that a comprehensive search is implemented in consultation with the Human Resources Generalist.
- b. Persuade committee members that good hiring practice demands reaching and interviewing the broadest pool of potential candidates and hiring the candidate who will be the greatest asset to students and the campus community.
- c. Ensure that sensitivity to, experience with, and knowledge of a diverse student population is included in the position announcement, selection criteria, and interview questions and is considered in the evaluation of all applicants.
- d. Advocate for equal assessment and advancement of candidates at each level of the process.
- e. Challenge the committee to evaluate candidates according to their demonstrated ability to respond effectively to such issues of diversity as academic preparation, culture, gender, race, ethnicity, sexual orientation, socioeconomic circumstances, and disability and their demonstrated experience in developing or participating in successful efforts to assist and encourage community college students and others like them in achieving their goals.

## Monitor

Ensure that procedures, practices, and criteria are related to the position and are applied fairly and consistently to all applicants.

- a. Observe and evaluate the selection process to ensure that selection criteria are applied fairly to all applications.
- b. Observe and monitor the interview process to ensure that all applicants are treated equally throughout the interview in terms of time allowed, questions asked, respect and responsiveness, etc.
- c. Observe and monitor the discussion of applicants and interviewees to ensure that only job related criteria are considered in determining the selection of finalists.

## Interview

- a. Take notes on all interviews.
- b. Keep committee on track and mindful of time constraints.
- c. Advocate for advancing the broadest representation of candidates in the finalist pool.
- d. Advise the committee of cultural differences and how they may affect the interview process.
- e. Respond to questions regarding procedure or appropriateness of follow-up questions or responses provided by applicants.

## Review/Report

Review the applicant pool, interview pool, and finalists to ensure that no criteria, procedure, or activity in the process has had an adverse effect on the candidates. Recommend to continue the process, to add applicants to the pool, or to re-open the position.

# APPENDIX C - FACULTY HIRING PROCEDURES AGENDAS

## C-I – AGENDAS: FIRST MEETING/RECOMMENDED BASIC AGENDA

1. Introductions
2. Training
  - Commitment to equal opportunity for all qualified applicants
  - Review of search process.
  - Role and Responsibility of the Search Committee.
  - Role and Responsibility of the Equal Opportunity Representative
3. Establish Committee meeting times and timelines of search.
4. The following items can be included in the first meeting or scheduled for another meeting:
  - Identification of Selection Criteria and method of evaluation
  - Development of interview questions/teaching demonstration and discussion of appropriate responses

## C-II – AGENDAS: SECOND MEETING/RECOMMENDED BASIC AGENDA MEETING TO SELECT CANDIDATES FOR INTERVIEW

1. Review selection information.
2. Discuss/evaluate applicants.
3. Identify candidates to interview.
4. Evaluate fairness of the process with Equal Opportunity Representative.
5. Determine dates, times, and place of interviews.
6. Review format of interviews.
7. Review remaining timelines.
8. Other issues.

## C-III – AGENDAS: THIRD MEETING/RECOMMENDED BASIC AGENDA MEETING TO SELECT FINALISTS

1. Review selection and interview information.
2. Discuss/evaluate candidates including their potential contributions to success of a diverse student population.

3. Select finalists.
4. Evaluate all phases of the process with Equal Opportunity Representative to ensure that all candidates were treated fairly and equally.
5. Other issues.

## APPENDIX D - FACULTY HIRING PROCEDURES INTERVIEWS

### D-I – INTERVIEWS: INTERVIEW PREPARATION

1. Prior to the interview, make sure that:
  - a. Seating arrangements are as comfortable as possible.
  - b. If water is made available to the candidates, the area is maintained.
  - c. Any accommodations such as ~~overhead~~PowerPoint or other equipment are available.
  - d. All committee members are present.
  - e. Questions have been assigned to specific members and that questions have been read aloud by the questioner to ensure smooth delivery.
  - f. Committee members are reminded that questions must be asked the same way for all candidates.
  - g. You have arranged appropriate waiting area for candidates. It may be awkward to have an exiting candidate "bumping into" the next interviewee.
2. Remember that the candidates are undoubtedly experiencing some stress associated with the process and many may have never experienced a formal interview of this type. Do what is fair and reasonable to make the candidate feel as comfortable as possible under the circumstances.
3. Remind committee members to remain attentive, avoid distracting behaviors, and to be conscious of their body language.
4. Avoid any personal conversation irrelevant to the interview, e.g. common acquaintances, what is happening at ~~his/her~~thier institution.
5. Remind committee members that the College/District is "being interviewed" and evaluated by the candidate.
6. If the process appears to be dragging because of answers or follow-up questions which are too long, the Equal Opportunity Representative will gently remind the candidate and/or committee member of the time constraints.
7. Avoid any discussion of candidates until the designated discussion period.
8. Ultimately, the interview process and structure is designed to be fair to all candidates.

### D-II – INTERVIEWS: GENERAL INTERVIEW QUESTION GUIDELINES

1. Make sure that all questions are JOB RELATED.

2. Avoid questions which can be answered with simple "Yes or No" responses. Ask "why" and "how" questions. Remember: Follow-up questions are permitted. However, leading questions are not. Such questions tempt the candidate to slant answers to suit you. Your purpose in the interview is to obtain a clear and balanced picture of the candidate's qualifications for the job without indicating the responses you hope to hear.
3. Question the purpose of the question. What is it that you need to know and what is the best question to ask to get the information? Will the question give you insight into the individual's ability to be an effective teacher, lab, technician, secretary--employee? Does it provide insight into the candidate's ability to meet the needs of a diverse student population?
4. Ask the appropriate number of questions for the time period allotted.
5. Keep follow-up questions job-related and in line with the time allotted to the entire interview. The following are suggested follow-up questions:

Can you clarify that?  
 What steps did you take?  
 What action did you take?  
 What happened after that?  
 What did you say?  
 How did she/he react?  
 How did you handle that?  
 What was your reaction?  
 How did you feel about that?  
 What was the outcome/result?  
 Were you happy with that outcome/result?  
 What do you wish you had done differently?  
 What did you learn from that?  
 How did you resolve that?  
 Why did you decide to do that?  
 What was the outcome of that?  
 What was your logic?  
 What was your reasoning?  
 Where were you when this happened?  
 What time was it?  
 Who else was involved?  
 Tell me more about your interaction with that person.  
 What was your role?  
 What obstacles did you face?  
 What were you thinking at that point?  
 Lead me through your decision process  
 How did you prepare for that?

NOTE: Use a follow-up only when you need additional job related information, need to clarify the information given by the candidate, or think the candidate misunderstood the question.

6. Practice reading the questions aloud to make sure that they make sense to the listener.
7. Discuss and agree upon the desirable points to be covered in the answer prior to conducting the interview

process.

## D-III – INTERVIEWS: INTERVIEW PROTOCOL

Candidates will be scheduled to report for their interview early, generally 10-15 minutes prior to their interview, during which time they will be given a list of the interview questions to be reviewed outside of the interview room.

Greet the candidate and escort him/her into the room.

Introduce the candidate to the committee and follow with committee introductions (either chair or self-introductions). Remember that handshaking may or may not be a comfortable exercise given the room layout or the candidate's cultural background. Conclusions about a candidate related to this ritual greeting should be avoided.

Ask the candidate to be seated.

Explain the format of the interview indicating:

- The maximum time allotted for questions/answers; reference (if so, they may not be removed from the room);
- That these are questions given to all candidates but that the candidate should feel free to elaborate if it would be helpful to the committee and that committee members may ask follow-up questions;
- That following (or prior to) the interview, the candidate will be asked to perform a teaching or other demonstration.

Following or prior to the interview, escort the candidate to the demonstration area, indicating the location of the available materials.

Indicate the maximum time allotted for the demonstration/exercise.

Following the demonstration/exercise, escort the candidate back to interview site.

Ask concluding questions, e.g. do you have anything to add or questions of us?

Upon conclusion:

- Thank the candidate for coming.
- Indicate the committee's time frame for making its recommendations to the next decision-maker in the process.
- Make sure that the candidate has not left ~~his/her~~ their materials behind or inadvertently picked up the copy of the questions.
- Ask if the candidate needs directions or assistance to return to ~~his/her~~ their vehicle.

## HIRING PROCEDURES—PART-TIME FACULTY

The San Bernardino Community College District seeks a qualified and diverse administration, faculty, and staff dedicated to student success. The District is committed to an open and inclusive hiring process that seeks diversity and provides equal consideration and opportunities for all qualified candidates. The goal of every hiring process is to select the qualified candidate who best meets the needs of our students.

Part-time faculty is essential to the teaching and learning process at the District. It is critical to focus efforts

toward the hiring of part-time faculty where equal employment opportunity is no less important an issue to consider. It is the goal of the District to maintain an adequate pool of qualified candidates in every discipline for part-time teaching positions.

Efforts aimed at recruiting and hiring part-time faculty must be similar to if not the same as that put forth when the opportunity arises to hire contract faculty. Part-time faculty is required to meet the same minimum qualifications as contract faculty or deemed equivalent or participate in an internship program as per Title 5 Sections 53500-53502.

## Definition of Part- Time Faculty

Pursuant to Education Code Section 87482.5, (a) "Notwithstanding any other provision of law, any person who is employed to teach adult or community college classes for not more than ~~60~~67 percent of the hours per week considered a full-time assignment for regular employees having comparable duties shall be classified as a temporary employee, and shall not become a contract employee under Section 87604. (b) Service as a substitute on a day-to-day basis by persons employed under this section shall not be used for purposes of calculating eligibility for contract or regular status".

## Recruitment

In an effort to develop a well-qualified and diverse pool of potential part-time faculty, a year-round process for advertising and recruiting will be conducted and include announcements in the state chancellor's job registry, colleges, universities, and organizations committed to providing equal employment opportunities to a wide range of applicants. In addition, positions are advertised locally and in professional journals and related publications when appropriate. Adjunct faculty will also be recruited by means of wide dissemination of job announcements, with special efforts to contact referral sources for underrepresented minorities, persons with disabilities, and women. This dissemination will be the responsibility of the Office of Human Resources.

Applications for part-time employment will be accepted and maintained all year to reduce the necessity of advertisement to fill a vacancy at the last moment. Each division/department will identify subject areas for which additional part-time faculty may be needed. The division/department will forward a list of part-time teaching opportunities to Human Resources.

When no qualified pool exists, Human Resources will advertise for part-time faculty positions to provide equal employment opportunity to a wide range of qualified applicants. Human Resources will review the composition of part-time faculty pools to ensure that any failure to obtain broad representation is not due to discriminatory recruitment procedures.

Applicants who contact the division/department directly should be referred to Human Resources or to the website for application materials and urged to then contact Human resources to complete the Hiring Process. All application materials are returned to Human Resources.

## Position Announcement

Human Resources will publish a list of potential part-time positions as requested by the division/department.

Upon notification by the division/department, Human Resources will, in consultation with the division/department dean and discipline faculty develop the job announcement. All job announcements will include:

- a. Sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community collegestudents; and
- b. Minimum qualifications as established by the Statewide Academic Senate and adopted by the Board of Governors of the California Community Colleges plus any additional qualifications established by the

department/program in accordance with the San Bernardino Community College District administrative regulation on Minimum Qualifications, Equivalency, and Local Qualifications.

The days and hours of available assignments will be listed when known, which may vary dramatically from semester to semester.

### Application/Selection Process

- a. All applicants must complete a District Part-Time Faculty application form, and submit a resume and transcripts. Unofficial transcripts are accepted for purposes of review.
- b. Human Resources will maintain an annual pool of completed applications for review, when needed, and will forward all applications to the division/department on a regular basis. When there is a need at both colleges, copies of applications will be forwarded to each college. HumanResources will monitor the applicant pool by discipline on a quarterly basis to ensure that any failure to obtain projected representation for any monitored group (those groups identified in section 53004(b) of title 5 for which monitoring and reporting is required pursuant to section 53004(a) of Title 5) is not due to discriminatory recruitment procedures.
- c. All persons interested in part time employment will be referred to Human Resources where a centralized discipline area file will be maintained. All interested persons will receive a timely response from Human Resources and instructions regarding documentation needed to remain in the part time pool. All applications will be forwarded to the division/department on a regular basis.
- d. In the case where there are no qualified candidates in the pool, the division/department dean or designee may search outside of the pool.
- e. The division/department dean or designee in consultation with the faculty chair of the department and, a full time faculty member from the appropriate or related discipline, will screen and review all applications giving full consideration to the special needs of the division/department/program and the student population to be served.
- f. The dean and the faculty member(s) shall have received training in equal opportunity employment before beginning the hiring process. The division dean or designee and the faculty member(s) will interview the qualified applicants who meet the needs of the division/department/program and the needs of a diverse student population.
- g. Each applicant interviewed must submit evidence of qualifications.
- h. It is recommended that each applicant interviewed be required to demonstrate teaching, counseling, librarianship, or other job related skills. The demonstration should reflect the candidate's ability to meet the needs of a varied student population, who will foster overall district effectiveness.
- i. Candidates seeking equivalency will be forwarded to the college's Equivalency Committee for action. Candidates who are deemed to possess equivalent qualifications will be included in the part-time faculty pool.
- j. The Dean or designee will contact the candidates to offer employment and inform them of hiring procedures. Candidates selected for part-time faculty positions will be mailed a "Notification and Acceptance of Assignment" letter by the Human Resources Department.
- ~~Regular evaluation of part time faculty as per contract should guide the decision about whether to offer continued employment.~~
- k. Candidates not immediately selected to teach, will be entered into a part-time faculty candidate pool maintained by Human Resources for use by each college. Applications remain on file for one (1) year.



- I. At the end of one year, Human Resources will notify applicants offering them the opportunity to remain in the pool and to update their application.

ADOPTED: 9/13/07

## **~~EQUIVALENCY PROCEDURES~~**

~~In accordance with Education Code Section 87359 and Section 53430 of the California Code of Regulations, Title 5, the San Bernardino Community College District may grant equivalency to the minimum qualifications of a degree and/or experience required for a position to those applicants who provide conclusive evidence of equivalency to the minimum qualifications.~~

### **~~A. Equivalency for Degree Requirements~~**

~~Equivalency for degree requirements is based on conclusive evidence that an applicant possesses:~~

- ~~1. The general education and the major course work required for the required degree, or~~
- ~~2. Clear and verifiable eminence in the discipline.~~

### **~~B. Equivalency for Required Experience~~**

~~1. Equivalency for required experience is based on conclusive evidence of:~~

- ~~2. Mastery of the skills of the vocation for the specific assignment as well as for other courses in the discipline and extensive, and~~
- ~~3. Diverse knowledge of the working environment of the vocation.~~

## **~~PART ONE: Committee & Criteria~~**

~~Each college will establish an Equivalency Committee as follows:~~

~~Equivalency Committee will include the appropriate Vice President of Instruction or designee, the President of the Academic Senate or designee, and at least one discipline or related discipline expert from the department/division/program in which the position exists, and one additional impartial full-time faculty member. In no case shall a person who serves on the Selection Search Committee for a full-time faculty position or who is recommending equivalency for a part-time faculty position also serve on the Equivalency Committee. If a discipline expert is not available from the division/department/program, a discipline expert from the other college or from another college, university, or the community may be asked to serve on the committee. Equivalency granted by either college committee is acceptable throughout the District.~~

### **~~Criteria:~~**

~~Granting equivalency to minimum qualifications is based on the same criteria, documentation, and committee deliberation for all faculty positions: full-time, part-time, leave replacement, and grant/special funded positions.~~

#### **~~A. Equivalency Where a Master's Degree is Required~~**

~~For disciplines normally requiring a master's degree, equivalency may be granted on the basis of any of the following:~~

- ~~1. Completion of the master's degree from an accredited institution in the discipline under a different name;~~
- ~~2. Completion of the course work and academic requirements (such as a thesis or practicum for the master's degree from accredited institutions in the discipline without the award of the degree);~~

- ~~3. Completion of a bachelor's degree from an accredited institution and not less than 30 graduate units (48 quarter units) of appropriate and relevant course work from accredited institutions if the course work equals a master's degree in the discipline in breadth, depth, and rigor;~~
- ~~4. Completion of a bachelor's degree from an accredited institution plus additional appropriate and relevant graduate course work from accredited institutions and verifiable experience in the discipline which would require knowledge of the discipline equal to the level required in the minimum qualifications; and~~
- ~~5. Clear and verifiable eminence in the discipline acknowledged by written statements by experts in the discipline and/or evidenced by the production of tangible products (such as published works or invited presentations to discipline related professional organizations) that would require a depth and breadth of knowledge in the discipline comparable to the degree level work.~~

**B. ~~Equivalency Where a Master's Degree is Not Required~~**

~~For disciplines in which the master's degree is not generally expected or available, the criteria shall be any of the following:~~

- ~~1. Six years of documented experience in the discipline and 60 undergraduate semester units (90 quarter units) from accredited institutions comparable to the breadth and depth of coursework equal to an associate's degree;~~
- ~~2. Two years of documented experience in the discipline, and 120 undergraduate semester units (180 quarter units) from accredited institutions;~~
- ~~3. Six years of documented experience in the discipline and undergraduate course work from accredited institutions where the combination of course work and additional experience equals the associate's degree in breadth, depth and rigor; and~~
- ~~4. College teaching experience is not equivalent to experience in the discipline.~~
- ~~5. Educational experience does not qualify as work experience~~
- ~~6. Clear and verifiable eminence in the discipline acknowledged by written statements by experts in the discipline and/or evidenced by the production of tangible products that would require a depth and breadth of knowledge comparable to the minimum qualifications.~~

**C. ~~Faculty Internship Program~~**

~~Pursuant to Title 5, Sections 53500-53502, the district may employ as faculty interns for the purpose of building a diverse and representative faculty as well as enhancing the recruitment of qualified persons by introducing graduate student to the community college environment and student population. An individual employed as a faculty intern shall meet the following qualifications:~~

- ~~1. For those disciplines in which a master's degree is required, faculty interns shall be enrolled in a master's or doctoral program at the University of California, the California State University or any other accredited institution of higher education and shall have completed at least one-half of the coursework, or equivalent in that graduate program.~~
- ~~2. For those disciplines in which a master's degree is not expected or required, the faculty intern shall possess any license or certificate require to do that work and
 
  - ~~a. Be within one year of completing the associate degree and have six years of industry experience in the discipline, or~~
  - ~~b. Have completed the associate degree and have completed five years of industry experience in that discipline.~~~~

3. ~~Faculty interns shall only be assigned to teach or to serve in a discipline in which they would be legally qualified to teach or render service upon completion of their graduate studies or associate degree and six years of industry experience in that discipline.~~
4. ~~Faculty interns shall be limited to two years of participation in the program.~~
5. ~~Each faculty intern shall serve under the direct supervision of a mentor who is legally qualified to teach the course or render the serve that the faculty intern is providing. The mentor shall provide substantial, direct in-class supervision and evaluation of the intern's teaching capabilities and is responsible for providing direct monitoring and systematic contact with the faculty intern.~~

## **~~PART TWO:~~**

### **~~Process~~**

#### **~~Applicants~~**

~~The position announcement will provide for the presentation of qualifications equivalent to the minimum qualifications.~~

~~Applicants who believe that they possess qualifications equivalent to the minimum qualifications for a position and wish to request that a determination of equivalency be made in a specific discipline must complete a District Request for Equivalency form and provide supporting documentation as appropriate. Applicants for both full time and part time positions are notified of the opportunity to apply for an equivalency at the time of application.~~

~~It is the applicant's responsibility to complete the form and provide documentation. Search committees will not seek additional documentation. Applicants who do not meet the minimum qualifications and who have not completed a Request for Equivalency will not be considered for employment.~~

- ~~• The Request for Equivalency and supporting documentation are submitted with the application form to Human Resources.~~
- ~~• The application and supporting documentation is forwarded to the Equivalency Committee for a determination.~~
- ~~• The Equivalency Committee reviews the equivalency request and returns the application and supporting documentation to Human Resources with a determination.~~
- ~~• Human Resources forwards the application and equivalency approval to the selection committee.~~

~~If an applicant is approved and subsequently hired to fill a position, the documents and experience that support the equivalency must be verified just as minimum qualifications for other new faculty are verified via transcripts and employment verification letters.~~

#### **~~Current Employees Seeking a Transfer to Another Discipline~~**

~~Employees seeking an equivalency must complete a Request for Equivalency form and provide supporting documentation as appropriate. It is the employee's responsibility to complete the form, provide documentation, and forward the information to the Chair of the Equivalency Committee. The Equivalency Committee reviews the equivalency request and notifies the employee and the appropriate administrator of its determination.~~

### **~~OTHER PROVISIONS~~**

- ~~• Equivalency is granted on a District-wide basis.~~
- ~~• Equivalency is granted for a discipline and not for a specific course within a discipline.~~
- ~~• All deliberations of the Equivalency Committee and all records involved in the proceedings shall remain~~

~~confidential.~~

- ~~• A determination of equivalency does not guarantee an interview, employment, or reassignment. The determination of equivalency establishes that the individual meets the minimum qualifications for the position and does not bestow rights to any position or process.~~
- ~~• The granting of an equivalency is on a case-by-case basis and does not establish precedent for future applicants.~~
- ~~• Equivalency shall not be granted on a "contingency" or "emergency" basis pending additional review or receipt of documentation for any reason.~~
- ~~• Teaching experience is not equivalent to experience in the discipline.~~

Adopted: 9/13/07

# ~~SUPPLEMENTAL EQUIVALENCY REQUEST~~

San Bernardino Community College District

~~Applicant's Name (Please Print) \_\_\_\_\_ Equivalency Request~~

~~Equivalency is the process by which a person can meet the minimum qualifications of his/her discipline. It is the responsibility of the candidate to provide conclusive evidence of equivalency to the State approved requirements through the use of transcripts, publications, statements validating related work experience, and other work products that show a command of the major or occupation in question. Below are listed the criteria for equivalency and evidence. Please check which criteria you wish to be evaluated against, which evidence you are providing, and submit a written statement and all tangible evidence necessary to support your request.~~

## ~~CRITERIA~~

~~I. For establishing the equivalent of a required degree, possession of at least the equivalent in level of achievement and breadth and depth of understanding as exhibited by A or B:~~

~~(-) A. The amount of formal education required for the degree and the number of major course units required for that degree.~~

~~(-) B. Mastery of the skills thorough enough to perform the work.~~

~~A candidate who does not provide conclusive evidence in regard to either A or B does not possess the equivalent of the degree in question.~~

~~II. For the equivalent of required experience, possession of thorough and broad skills and knowledge for each of the following as separate and distinct criteria:~~

~~(-) A. Mastery of the skills thorough enough to perform the work.~~

~~(-) B. Extensive and diverse understanding of the current work environment.~~

~~A candidate who does not present conclusive evidence in regard to either A or B does not possess the equivalent of the experience in question.~~

## ~~EVIDENCE~~

~~(Submit a written statement and all tangible evidence necessary to support your request and submit along with the application materials.)~~

Conclusive evidence shall be:

- ~~(-) 1. A transcript showing that appropriate courses were successfully completed at an accredited college or appropriate foreign institution;~~
- ~~(-) 2. Publications that show a command of the major in question, the general education of the candidate, or his or her writing skills;~~
- ~~(-) 3. Substantial artistic experience and/or accomplishments equivalent to the degree, (e.g., performances, shows, exhibitions, compositions, or books);~~
- ~~(-) 4. Work experience verification (e.g., letters supporting length and level of service or current certification or license appropriate for the specific course assignments.)~~

~~I understand that it is my responsibility to conclusively prove equivalency to the minimum qualifications required for my discipline.~~

~~I certify that the information contained in this form is correct to the best of my knowledge and understand that deliberate falsification or any misstatements or omissions of material facts may be cause for refusal of employment, or if employed, cause for dismissal.~~

Print Name:

Applicant's Signature:Date:

## ~~EQUIVALENCY DETERMINATION FORM~~

The Equivalency Committee met on: \_\_\_\_\_

to consider \_\_\_\_\_ (name)

~~Request for equivalency. It was determined that the equivalency criteria was met for the following discipline(s):~~

\_\_\_\_\_  
\_\_\_\_\_

Reasons:

\_\_\_\_\_  
\_\_\_\_\_

<del>Appropriate Administrator:</del>	<del>Date:</del>
<del>Appropriate Vice President:</del>	<del>Date:</del>
<del>Department Chair/Coordinator:</del>	<del>Date:</del>
<del>Academic Senate Representative:</del>	<del>Date:</del>
<del>Chair, Equivalency Review Committee:</del>	<del>Date:</del>

## ~~SUBSTITUTES~~

### SUBSTITUTES

A. Substitutes will be provided, when possible, for instructor absences authorized under the "Leaves"

Section of this policy series and/or the San Bernardino Community College District Teachers Association Contract.

- B. Compensation shall be at the appropriate hourly rate.
- C. Instructors who are not regular or probationary academic employees will be employed as substitutes when possible.
- D. Regular and probationary academic employees may be used as substitutes temporarily when competent non-contract substitutes are not available.
- E. An employee used as a substitute will be compensated from the first hour of substitution.

Approved: January 11, 1990

## TEACHER EXCHANGE

The District endorses the practice of teacher exchange subject to the provisions of the Education Code. Exchange teacher arrangements will only be considered where the college president gives assurance that a continued high level of instruction is certain during the period of exchange.

1. Instructors who desire to enter into an exchange teacher arrangement shall notify the president of the college not later than ~~April~~ February 1 of the academic year immediately preceding the academic year during which the exchange is to take place.
2. Each exchange teacher arrangement recommended by the college president must have Board approval.
3. No exchange arrangement is final until such time as the visiting exchange teacher has produced proof of meeting minimum qualifications as outlined in Board Policy, and until the District instructor has provided proof of ~~his/her~~ their acceptance by the other participating District.
4. The total number of members of the certificated staff serving as exchange teachers and on sabbatical leave shall not exceed five per-cent (5%) of the college full-time teaching or certificated support staff during any given year. This is monitored by the Office of Human Resources.

Approved: January 11, 1990

## TRANSFER/REASSIGNMENT

A "transfer" is a movement of an employee from one college to another. A "reassignment" is a movement of an employee from one division to another division within a college. The District has the right to transfer or reassign employees.

A transfer/reassignment may be initiated by an employee (voluntary) or by the District (administrative).

### A. Voluntary Transfer/Reassignment

1. An employee may file a request for voluntary transfer/ reassignment at any time. Such request shall be maintained until October 1 of the next school year unless withdrawn earlier by the employee.
2. The District will consider all requests for voluntary transfers/ reassignments from employees who meet minimum qualifications and appropriate FSA requirements.
3. A voluntary or administrative transfer/reassignment shall be based upon the following considerations:
  - a. FSA qualifications.
  - b. Employee meets minimum qualifications for the specific vacancy as specified in any job posting.

- c. Affirmative Action.
- d. Recency of acquired knowledge and/or demonstrated competence based on evaluations and/or recommendations in the subject field or position.
- e. Seniority in the District.
- f. Ability to perform all required tasks of the specific vacancy as specified by the job description.
- g. Ability to work with immediate supervisor(s) and any coworkers, and ability to perform with assigned students. Criteria shall not be applied in an arbitrary or capricious manner.

**B. Denial of Voluntary Transfer/Reassignment**

If requested by an employee, a conference will be held between the administrator who denied the request for voluntary transfer/reassignment and the employee to discuss the reason(s) for the denial of the voluntary transfer/ reassignment.

**C. Administrative Transfer/Reassignment**

If requested by an employee, a conference will be held between the administrator who determined the administrative transfer/ reassignment and the employee to discuss the reason(s) for the administrative transfer/ reassignment. No administrative transfer/reassignment shall be arbitrary or capricious. Absent an urgent need for the immediate services of an employee, any employee who is administratively transferred/reassigned shall be given ten (10) regular scheduled workdays prior notice, except during the summer break when such notice shall be thirty (30) days.

Approved: January 11, 1990

## ACADEMIC SENATE

- A. The Academic Senate is recognized as the body that shall represent faculty interests in all academic and professional matters unrelated to the specific collective bargaining issues identified by law.
- B. The respective senates shall establish their own rules, regulations, and operating procedures as permitted by the Education Code.

Approved: January 11, 1990

## ACADEMIC RECOGNITION PROGRAMS

- A. The college president shall designate those college events that shall be recognized as official occasions for Academic Recognition. Participants in such designated events shall wear traditional academic attire.
- B. For those who have academic degrees, appropriate attire shall consist of gown, hood, and cap are representative of the institution from which the authorized wearer has received ~~his/her~~their highest academic degree.
- C. For members of the official party who do not have a university or college degree, the traditional black gown and cap with a white tassel is appropriate.

Approved: January 11, 1990

## ACADEMIC RANK

**A. Authorized titles:**

~~Lecturer — The title of all hourly, part-time faculty members who are not members of the contract~~

~~college staff.~~

~~Instructor~~ — The title of all certificated staff on probationary status.

1. Adjunct Professor - The title of all non-tenure faculty members.
2. Assistant Professor – The title of all tenure-track faculty and full-time temporary faculty.
3. ~~Assistant~~Associate Professor – The title of all certificated personnel upon ~~the granting of~~of tenure status by the Board.
4. ~~Associate Professor~~ – The title to be granted upon a favorable decision by the ~~college president~~Academic Senate following recommendation by the ~~appropriate college committee~~Committee on Academic Rank.
5. Professor Emeritus – The title to be granted to retiring faculty who have served a minimum of 10 years in the District upon a favorable decision by the ~~college president~~Academic Senate following recommendation by the ~~appropriate college committee~~Committee on Academic Rank.

~~Professor Emeritus~~ — The title to be granted to retiring faculty upon a favorable decision by the college president following recommendation by the appropriate college committee.

- B. The academic title shall bear no relationship to college salary schedules or other privileges.
- C. ~~All titles made applicable by these regulations may be used in publications and/or college publicity.~~ **Use of Academic Rank Titles**

1. All titles made applicable by these regulations may be used in both internal and external District communications, publications and/or college publicity.
2. The title of "Assistant Professor" shall be used in employment announcement of full-time tenure-track positions.

D. **Nomination Procedure**

A nomination for advancement in rank may be generated from an eligible individual on their behalf ~~of him/ herself~~, from an academic peer, or from the department or division chairperson. Nominations shall be submitted to the college Committee on Academic Rank

E. **Committee on Academic Rank**

1. ~~The committee shall consist of the Senate President (or designee) who shall serve as chairperson and six faculty members who are appointed by the Executive Committee of the Senate.~~
2. ~~The committee will be supplemented during its deliberations by a representative of the college president, the chairperson (or designee) of each division (SBVC only) which has a candidate for advancement, and the head of each department (or designee) in which the applicant teaches. Representatives listed here serve without a vote.~~
3. ~~The committee will consider requests for advancement. A decision will be reached by a simple majority vote except as stated in item below.~~
4. ~~Committee recommendations will be submitted to the president of the college for his/her action~~
  1. The committee shall be appointed according to the bylaws of the Academic Senate.
  2. The committee will consider requests for advancement. A decision will be reached by a majority vote.
  3. Committee recommendations will be submitted to the Academic Senate for approval.

F. **Criteria for Advancement to Associate Professor, Professor, or Professor Emeritus**



#### ~~1. Associate Professor~~

- ~~a. Following the granting of the title Assistant Professor, which is conferred with the granting of tenure, the conditions listed below shall be given special consideration.~~
- ~~b. Seven years of satisfactory full-time service in an academic faculty position (includes all academic staff except supervisors and managers).~~
- ~~c. An earned master's degree or doctorate. This requirement may be waived by unanimous vote of the committee in cases of unusual merit.)~~
- ~~d. Evidence of continued successful teaching/service and other departmental performance.~~
- ~~e. Evidence of service to the college.~~
- ~~f. Evidence of service to the college community.~~
- ~~g. Evidence of continued growth in professional areas.~~

#### ~~2. Professor~~

- ~~a. Following the granting of the title Associate Professor, the conditions listed below shall be given special consideration.~~
- ~~b. A minimum of three years as an Associate Professor.~~
- ~~c. Continued professional growth as evidenced by any of the following: research, pertinent travel, sabbatical leave experience, advanced degrees, and publications.~~
- ~~d. Continued evidence of service to the college district.~~
- ~~e. Continued evidence of service to the college community.~~

#### ~~3. Professor Emeritus~~

- ~~a. An application for Professor Emeritus may be submitted signed by any three division or department colleagues of the retiring faculty member.~~
- ~~b. The faculty member being considered must have served a minimum of twenty years in the District.~~

#### 1. Associate Professor

- a. The granting of the title Associate Professor is conferred with the granting of tenure.

#### 2. Professor

- a. An Associate Professor may make application for the rank of Professor after a minimum of three (3) years of full-time service as an Associate Professor and upon fulfillment of the criteria listed below:
  - i. Evidence of professional growth as it relates to the faculty service area.
  - ii. Evidence of service to the college.
  - iii. Evidence of service to the college community.

#### 3. Professor Emeritus

- a. An application for Professor Emeritus may be submitted signed by any three division or department colleagues of the retiring faculty member.

#### G. Special Consideration

- 1. If faculty member transfers to another college within the district having academic rank, the current

rank achieved will be honored.

- 2. The ranks of Professor and Professor Emeritus given before the current version of the AP/BP will be honored.
- 3. A faculty member who joins SBCCD as full-time faculty and who held academic rank in a previous position at another institution, may submit documentation to apply for rank to the Committee on Academic Rank.

**H. Appeals Procedure**

- 1. A decision rendered by the Committee on Academic Rank may be appealed to an Appeals Committee.
- 2. The Appeals Committee shall ~~consist of five members~~be appointed according to the bylaws of the Academic Senate.

~~The Executive Committee of the Academic Senate will appoint four faculty members. One of the appointees must be chosen from the department in which the applicant works.~~

~~The college president (or designee) shall represent the administration.~~

~~No member can serve on this committee if he/she is also a member of the Committee on Academic Rank.~~

- 3. The Appeals Committee shall consist of different faculty members than those who served on the Committee of Academic Rank.
- 4. The Appeals Committee will select one of its own members as chairperson.

Approved: January 11, 1990

**Attachments**

No Attachments



Current Status: Draft

PolicyStat ID: 8394357



Origination: N/A  
 Last Approved: N/A  
 Last Revised: N/A  
 Next Review: 07/2020  
 Owner: Human Resources Human Resources  
 Policy Area: Chapter 7 Human Resources  
 References:

## AP 7381 Health and Welfare Benefits

**NOTE:** ~~This procedure is optional. Local practice may be inserted. Health and welfare benefits are a mandatory subject of bargaining for employees that are represented by an exclusive representative. Procedures as to other employees are at District discretion.~~ Health and welfare benefits are a mandatory subject of bargaining for employees that are represented by an exclusive representative. Procedures as to other employees are at District discretion.

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

~~B. Hospitalization/Medical~~

~~The District pays the insurance premium for the Board approved hospitalization/medical plan for the employee, spouse, and dependents.~~

~~C. Dental~~

~~The District pays the insurance premium for the Board approved dental plan for the employee.~~

~~D. Life Insurance~~

~~The District pays the insurance premium for the Board approved life insurance plan for the employee.~~

~~E. Health Service, Continuation After Retirement~~

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

~~1. Service Retirement #1~~

- ~~a. Has attained the age of 60 before terminating employment with the district.~~
- ~~b. Has completed a minimum of ten years service with the district.~~
- ~~c. Has been an employee of the district immediately preceding retirement status.~~
- ~~d. Must be on retirement with the Public Employees Retirement System.~~

~~OR~~

~~2. Service Retirement #2~~

- ~~a. Has attained the age of 55 before terminating employment with the district.~~
- ~~b. Has completed a minimum of twenty years with the district.~~
- ~~c. Has been an employee of the district immediately preceding retirement status.~~
- ~~d. Must be on retirement with the Public Employees Retirement System.~~

~~OR~~

~~3. Disability Retirement~~

- ~~a. Regardless of age before terminating employment, has completed a minimum of five years of service with the district.~~
- ~~b. Has been an employee of the district immediately preceding retirement.~~
- ~~c. Must be accepted by and remain on disability retirement with the Public Employees Retirement System.~~
- ~~d. Retiree agrees to enroll in Parts A & B and pay the full premium as soon as they are eligible.~~

~~**Sample from another District**~~

~~Health and Welfare benefits for bargaining unit members will be governed by the respective collective bargaining agreement.~~

~~**Insurance Benefits**~~

~~The following fringe benefits will be provided to management/confidential personnel:~~

- ~~• Medical insurance including hospitalization for employee and dependents.~~
- ~~• Dental insurance for employee and dependents.~~
- ~~• Level term life insurance for employee.~~
- ~~• Decreasing benefit life insurance for employee.~~
- ~~• Income protection for employee only.~~
- ~~• Vision insurance for employee and dependents.~~

~~The Board will determine the District premium contribution for management and confidential employees.~~

~~**Sample from another District**~~

~~Health and Welfare benefits are provided to employees of the District as follows:~~

~~'Certificated/academic employee' benefits are pursuant to the Agreement between the District and the Faculty Association.~~

~~Classified employee benefits are pursuant to the Agreement between the District and the Classified Employees (CSEA) Chapter #535.~~

~~Management and confidential employees are provided the same benefits that are negotiated with the District's two bargaining units – CTA and CSEA.~~

~~Specific benefits can be viewed on the District's website~~

~~**Sample from another District**~~

~~The specific provisions regarding health and welfare benefits are contained in the appropriate collective bargaining agreements and personnel plans.~~

~~**References:**~~

~~Government Code Sections 53200 et seq.~~

## Attachments

- [AP 7381 Health and Welfare Benefits - Comments](#)
- [AP 7381 Health and Welfare Benefits - Legal Citations](#)

**Administrator override** by Stat, Policy

10/28/2020, 7:41PM EDT

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

**Comment** by Goodrich, Kelly

3/24/2021, 7:04PM EDT

4/6/21 DA 1st Read - Chapter Owner Initiated - Change of Content

DRAFT

## 2020-21 AP/BP Schedule of Review

AP/BP Number	Title	Reason for Review	Nature of Change	Apr	May BOT	Jun BOT	Jul BOT	Aug BOT
BP 2410	Board Polices & Procedures	FYI Only	No Changes	Pulled	DA 2nd Read	BOT 1st Read	BOT 2nd Read	---
AP 2410	Board Policies & Procedures	Chapter Owner Initiative	Reviewed; Change of Content	Pulled	DA 2nd Read	BOT 1st Read	BOT 2nd Read	---
BP 2435	Evaluation of the Chancellor	CCLC Legal Update	Simple Legal Update (Info Change)	BOT 2nd Read	---	---	---	---
AP 2435	Evaluation of the Chancellor	CCLC Legal Update	Simple Legal Update (Info Change)	BOT 2nd Read	---	---	---	---
BP 2510	Collegial Consultation [Participation]	2020-21 Schedule	Under Review	Pulled	---	---	---	---
AP 2510	Collegial Consultation [Participation]	2020-21 Schedule	Under Review	Pulled	---	---	---	---
BP 2510	Participation in Local Decision Making	Chapter Owner Initiative	Reviewed; Change of Content	Pulled	DA 2nd Read	BOT 1st Read	BOT 2nd Read	---
AP 2510	Participation in Local Decision Making	Chapter Owner Initiative	Reviewed; Change of Content	Pulled	DA 2nd Read	BOT 1st Read	BOT 2nd Read	---
BP 3410	Nondiscrimination	CCLC Legal Update	Simple Legal Update (Info Change)	DA Info	BOT 1st Read	BOT 2nd Read	---	---
AP 3410	Nondiscrimination	CCLC Legal Update	Simple Legal Update (Info Change)	DA Info	BOT 1st Read	BOT 2nd Read	---	---
BP 3430	Prohibition of Harassment	FYI Only	No Changes	DA 2nd Read	BOT 1st Read	BOT 2nd Read	---	---
AP 3430	Prohibition of Harassment	Chapter Owner Initiative	Reviewed; Change of Content	DA 2nd Read	BOT 1st Read	BOT 2nd Read	---	---
AP 3435	Discrimination and Harassment	CCLC Legal Update	Reviewed; Change of Content	DA 2nd Read	BOT 1st Read	BOT 2nd Read	---	---
BP 3515	Reporting of Crimes	FYI Only	No Changes	BOT 2nd Read	---	---	---	---
AP 3515	Reporting of Crimes	Required - Legal	Legal Update	BOT 2nd Read	---	---	---	---
BP 3518	Child Abuse Reporting	CCLC Legal Update	Simple Legal Update (Info Change)	BOT 2nd Read	---	---	---	---
AP 3518	Child Abuse Reporting	CCLC Legal Update	Simple Legal Update (Info Change)	BOT 2nd Read	---	---	---	---
BP 3600	Auxiliary Organizations	FYI Only	Minor Clerical Edit/Format Change	BOT 1st Read	BOT 2nd Read	---	---	---
AP 3600	Auxiliary Organizations	Required - Legal	New Policy	BOT 1st Read	BOT 2nd Read	---	---	---
BP 3725	Information & Communications	FYI Only	No Changes	BOT 2nd Read	---	---	---	---
AP 3725	Information & Communications	CCLC Legal Update	Simple Legal Update (Info Change)	BOT 2nd Read	---	---	---	---
BP 4010	Academic Calendar (No Change)	FYI Only	No Changes	Pulled	DA 2nd Read	BOT 1st Read	BOT 2nd Read	---
AP 4010	Academic Calendar	Chapter Owner Initiative	Reviewed; Change of Content	Pulled	DA 2nd Read	BOT 1st Read	BOT 2nd Read	---
AP 4022	Course Approval	2020-21 Schedule	Currently Under Review	BOT 2nd Read	---	---	---	---
BP 4105	Distance Education	Chapter Owner Initiative	Reviewed; Change of Content	BOT 1st Read	BOT 2nd Read	---	---	---
AP 4105	Distance Education	CCLC Legal Update	Legal Update	BOT 1st Read	BOT 2nd Read	---	---	---
BP 4220	Standards of Scholarship	2020-21 Schedule	Legal Update	BOT 2nd Read	---	---	---	---
AP 4220	Standards of Scholarship	2020-21 Schedule	Legal Update	BOT 2nd Read	---	---	---	---
BP 4231	Grade Changes	Required - Legal	Minor Clerical Edit	BOT 1st Read	BOT 2nd Read	---	---	---
AP 4231	Grade Changes	Required - Legal	Revised per CCLC	BOT 1st Read	BOT 2nd Read	---	---	---

## 2020-21 AP/BP Schedule of Review

AP/BPNumber	Title	Reason for Review	Nature of Change	Apr	May BOT	Jun BOT	Jul BOT	Aug BOT
BP 4235	Credit by Examination [Cr	CCLC Legal Upda	Reviewed; Change of Conte	BOT 1st Read	BOT 2nd Read	---	---	---
AP 4235	Credit by Examination [Cr	CCLC Legal Upda	Reviewed; Change of Conte	BOT 1st Read	BOT 2nd Read	---	---	---
BP 4500	Student News Media	FYI Only	No Changes	DA Info	BOT 1st Read	BOT 2nd Read	---	---
AP 4500	Student News Media	CCLC Legal Upda	Simple Legal Update (Info	DA Info	BOT 1st Read	BOT 2nd Read	---	---
AP 3721	Social Media Policy	Chapter Owner Ini	Reviewed; Change of Conte	DA 1st Read	DA 2nd Read	BOT 1st Read	BOT 2nd Rea	---
BP 5030	Fees	FYI Only	No Changes	DA 1st Read	DA 2nd Read	BOT 1st Read	BOT 2nd Rea	---
BP 5030	Fees	CCLC Legal Upda	Simple Legal Update (Info	BOT 2nd Read	---	---	---	---
AP 5030	Fees	CCLC Legal Upda	Simple Legal Update (Info	BOT 2nd Read	---	---	---	---
BP 5035	Withholding of Student Re	CCLC Legal Upda	Simple Legal Update (Info	BOT 2nd Read	---	---	---	---
AP 5035	Withholding of Student Re	CCLC Legal Upda	Simple Legal Update (Info	BOT 2nd Read	---	---	---	---
BP 5040	Student Records, Director	FYI Only	No Changes	DA Info	BOT 1st Read	BOT 2nd Read	---	---
AP 5040	Student Records, Director	CCLC Legal Upda	Simple Legal Update (Info	DA Info	BOT 1st Read	BOT 2nd Read	---	---
BP 5050	Student Success and Sup	2020-21 Schedule	Reviewed; No Change Rec	DA Info	BOT 1st Read	BOT 2nd Read	---	---
AP 5050	Student Success and Sup	2020-21 Schedule	Reviewed; No Change Rec	DA Info	BOT 1st Read	BOT 2nd Read	---	---
BP 5055	Enrollment Priorities	2020-21 Schedule	Reviewed; No Change Rec	DA Info	BOT 1st Read	BOT 2nd Read	---	---
AP 5055	Enrollment Priorities	2020-21 Schedule	Reviewed; No Change Rec	DA Info	BOT 1st Read	BOT 2nd Read	---	---
BP 5500	Standards of Student Con	CCLC Legal Upda	Legal Update Requiring Re	2nd Month	DA Info	BOT 1st Read	BOT 2nd Rea	---
AP 5500	Standards of Student Con	CCLC Legal Upda	Legal Update Requiring Re	2nd Month	DA Info	BOT 1st Read	BOT 2nd Rea	---
AP 5520	Student Discipline Proced	CCLC Legal Upda	Legal Update Requiring Re	2nd Month	DA Info	BOT 1st Read	BOT 2nd Rea	---
BP 5700	Intercollegiate Athletics	FYI Only	No Changes	2nd Month	DA Info	BOT 1st Read	BOT 2nd Rea	---
AP 5700	Intercollegiate Athletics	CCLC Legal Upda	Legal Update Requiring Re	2nd Month	DA Info	BOT 1st Read	BOT 2nd Rea	---
BP 6320	Investments	2020-21 Schedule	No Changes	BOT 1st Read	BOT 2nd Read	---	---	---
AP 6320	Investments	2020-21 Schedule	Minor Clerical Edit/Format	BOT 1st Read	BOT 2nd Read	---	---	---
AP 6360	Contracts – Electronic Sys	2020-21 Schedule	Suggested Deletion	BOT 2nd Read	---	---	---	---
AP 6370	Contracts – Personal Serv	2020-21 Schedule	Updated to Match Current P	BOT 2nd Read	---	---	---	---
AP 6380	Vendors	2020-21 Schedule	Suggested Deletion	BOT 2nd Read	---	---	---	---
BP 6550	Disposal of Property	2020-21 Schedule	Reviewed; Change of Conte	BOT 1st Read	BOT 2nd Read	---	---	---
AP 6550	Disposal of Property	2020-21 Schedule	Reviewed; Change of Conte	BOT 1st Read	BOT 2nd Read	---	---	---

## 2020-21 AP/BP Schedule of Review

AP/BP	Number	Title	Reason for Review	Nature of Change	Apr	May BOT	Jun BOT	Jul BOT	Aug BOT
AP	5030	Fees	Chapter Owner Ini	Reviewed; Change of Cont	DA 1st Read	DA 2nd Read	BOT 1st Read	BOT 2nd Rea	---
BP	6620	Naming of Buildings and C	2020-21 Schedule	Reviewed; No Change Rec	DA Info	BOT 1st Read	BOT 2nd Read	---	---
BP	6930	Vending Machines	2020-21 Schedule	Minor Clerical Edit/Format C	DA 2nd Read	BOT 1st Read	BOT 2nd Read	---	---
AP	6930	Vending Machines	2020-21 Schedule	Reviewed; Change of Cont	DA 2nd Read	BOT 1st Read	BOT 2nd Read	---	---
BP	7100	Commitment to Diversity	2020-21 Schedule	Reviewed; Change of Cont	BOT 1st Read	BOT 2nd Read	---	---	---
AP	7100	Commitment to Diversity	2020-21 Schedule	No Changes	BOT 1st Read	BOT 2nd Read	---	---	---
BP	7130	Compensation	FYI Only	No Changes	BOT 2nd Read	---	---	---	---
AP	7130	Compensation	2020-21 Schedule	Suggested Deletion	BOT 2nd Read	---	---	---	---
BP	7150	Evaluation	2020-21 Schedule	Updated to Match Current P	BOT 2nd Read	---	---	---	---
AP	7150	Evaluation	2020-21 Schedule	Minor Clerical Edit	BOT 2nd Read	---	---	---	---
AP	6620	Naming of Buildings and C	2020-21 Schedule	Minor Clerical Edit/Format C	DA Info	BOT 1st Read	BOT 2nd Read	---	---
BP	7210	Academic Employees	FYI Only	Currently Under Review	DA 1st Read	DA 2nd Read	BOT 1st Read	BOT 2nd Rea	---
AP	7210	Academic Employees (Ac	Reviewed Prior Ye	Currently Under Review	DA 1st Read	DA 2nd Read	BOT 1st Read	BOT 2nd Rea	---
BP	7230	Classified Employees	2020-21 Schedule	Updated to Match Current P	BOT 1st Read	BOT 2nd Read	---	---	---
AP	7230	Classified Employees	2020-21 Schedule	Suggested Deletion	BOT 1st Read	BOT 2nd Read	---	---	---
AP	7231	Seniority	2020-21 Schedule	Suggested Deletion	BOT 2nd Read	---	---	---	---
AP	7235	Probationary Period - Clas	2020-21 Schedule	Suggested Deletion	BOT 2nd Read	---	---	---	---
AP	7237	Layoffs	2020-21 Schedule	Suggested Deletion	BOT 2nd Read	---	---	---	---
BP	7250	Educational Administrato	Reviewed Prior Ye	Under Review	Pending	Pending	Pending	Pending	Pending
AP	7250	Educational Administrato	Reviewed Prior Ye	Under Review	Pending	Pending	Pending	Pending	Pending
BP	7260	Classified Supervisors, Ma	2020-21 Schedule	Updated to Match Current T	BOT 2nd Read	---	---	---	---
AP	7260	Classified Supervisors, Ma	2020-21 Schedule	Revised per CCLC	BOT 2nd Read	---	---	---	---
BP	7265	Management Internship	2020-21 Schedule	Recommend Deletion or No	BOT 1st Read	BOT 2nd Read	---	---	---
AP	7265	Management Internship	2020-21 Schedule	Recommend Deletion or No	BOT 1st Read	BOT 2nd Read	---	---	---
BP	7270	Student Workers Employe	2020-21 Schedule	Reviewed; Change of Cont	BOT 1st Read	BOT 2nd Read	---	---	---
AP	7270	Student Workers Employe	2020-21 Schedule	Reviewed; Change of Cont	BOT 1st Read	BOT 2nd Read	---	---	---
BP	7330	Cummunicable Disease	CCLC Legal Upda	Simple Legal Update (Info C	BOT 2nd Read	---	---	---	---
AP	7330	Communicable Disease	FYI Only	No Changes	BOT 2nd Read	---	---	---	---



### 2020-21 AP/BP Schedule of Review

AP/BPNumber	Title	Reason for Review	Nature of Change	Apr	May BOT	Jun BOT	Jul BOT	Aug BOT
BP 7335	Health Examinations	2020-21 Schedule	Reviewed; No Change Rec	BOT 1st Read	BOT 2nd Read	---	---	---
AP 7335	Health Examinations	2020-21 Schedule	Reviewed; Change of Cont	BOT 1st Read	BOT 2nd Read	---	---	---
AP 7210	Academic Employees	2020-21 Schedule	Currently Under Review	DA 1st Read	DA 2nd Read	BOT 1st Read	BOT 2nd Read	---
BP 7340	Leaves	2020-21 Schedule	Reviewed; Change of Cont	DA 2nd Read	BOT 1st Read	BOT 2nd Read	---	---
AP 7340	Leaves	2020-21 Schedule	Reviewed; Change of Cont	DA 2nd Read	BOT 1st Read	BOT 2nd Read	---	---
AP 7342	Holidays	2020-21 Schedule	Suggested Deletion	BOT 2nd Read	---	---	---	---
AP 7348	Accommodations	CCLC Legal Upda	Simple Legal Update (Info	BOT 2nd Read	---	---	---	---
BP 7350	Resignations	FYI Only	No Changes	BOT 2nd Read	---	---	---	---
AP 7350	Resignations	2020-21 Schedule	Suggested Deletion	BOT 2nd Read	---	---	---	---
AP 7366	Reinstatement	2020-21 Schedule	Suggested Deletion	BOT 2nd Read	---	---	---	---
AP 7337	Fingerprinting	2020-21 Schedule	Reviewed; No Change Rec	DA Info	BOT 1st Read	BOT 2nd Read	---	---
BP 7400	Travel	Chapter Owner Ini	Minor Clerical Edit/Format	DA 2nd Read	BOT 1st Read	BOT 2nd Read	---	---
AP 7400	Travel	Chapter Owner Ini	Reviewed; Change of Cont	DA 2nd Read	BOT 1st Read	BOT 2nd Read	---	---
AP 7381	Health & Welfare Benefits	Chapter Owner Ini	Reviewed; Change of Cont	DA 1st Read	DA 2nd Read	BOT 1st Read	BOT 2nd Read	---
BP 7600	District Police Department	2020-21 Schedule	Reviewed; No Change Rec	DA Info	BOT 1st Read	BOT 2nd Read	---	---
AP 7600	District Police Department	2020-21 Schedule	Reviewed; No Change Rec	DA Info	BOT 1st Read	BOT 2nd Read	---	---
AP 7210A	Academic Employees	2020-21 Schedule	Under Review	DA 1st Read	DA 2nd Read	BOT 1st Read	BOT 2nd Read	---