

General Institution

BP 3410 NONDISCRIMINATION

References:

Education Code Sections 66250 et seq., 72010 et seq., and 87100 et seq.;;
Title 5 Sections 53000 et seq. and 59300 et seq.;;
Penal Code Section 422.55;
Government Code Sections 12926.1 and 12940 et seq.;;
Title 2 Sections 10500 et seq.;
Accreditation Standard II.B.2.c

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, 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 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, religion, age, gender, gender identity, gender expression, race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, 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.

Date Adopted: June 16, 2015; Edited November, 2016

General Institution

BP 3430 PROHIBITION OF HARASSMENT

References:

- Education Code Sections 212.5, 44100, 66252, and 66281.5;
- Government Code Section 12950.1;
- Title 2 Sections 10500 et seq.;
- Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e;
- Title 5 Sections 59300 et seq.

All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. 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 sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence. It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: race, ethnicity, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, or because he or she is perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees and students 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 harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, 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.

Any student or employee who believes that he/she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435 titled Discrimination and Harassment Complaint Procedures. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities,

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

To this end the Chancellor shall ensure that the institution undertakes education and training activities to counter discrimination 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, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures for students to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents.

This policy and related written procedures (including the procedure for making complaints) shall be widely published and publicized to administrators, faculty, staff, and students, particularly when they are new to the institution. They shall be available for students and employees in all administrative offices.

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.

Date Adopted: June 16, 2015; Edited November 2016

Academic Affairs

BP 4225 COURSE REPETITION

References:

Title 5 Sections 55040, 55041, 55042, 55044, and 58161

Note: This policy is legally required.

Students may repeat courses in which substandard grades (less than "C," and including "W") were earned. The Board has determined reasonable limitations on course repetition as described in AP 4225 titled Course Repetition.

When course repetition occurs, the permanent academic record shall be annotated in such a manner that all work remains legible, insuring a true and complete academic history.

Under special circumstances, students may repeat courses in which a C or better grade was earned. The special circumstances are defined in administrative procedures.

The Chancellor shall rely primarily on the Academic Senates to establish administrative procedures to implement this policy.

The District recognizes that the most recent completion of a course should most accurately reflect a student's academic progress, thus students MAY REPEAT for credit those courses taken for which grades of D, F, or NP were received. Except as provided in the catalog for specific courses or in cases of extenuating circumstances, a student, by state law, is limited to ONE ATTEMPT to repeat a course for the purpose of raising a substandard grade (D, F, or NP). The procedures for repeating a course are included in the Administrative Procedures.

Date Adopted: February 18, 2014; Edited November 2016.

Student Services

BP 5140 DISABLED STUDENT PROGRAMS AND SERVICES

References:

Education Code Sections 67310 and 84850;
Title 5 Sections 56000 et seq. and 56027

Students with disabilities shall be reasonably accommodated pursuant to federal and state requirements in all applicable programs in the District.

The Disabled Students Programs and Services (DSPS) program shall be the primary provider for support programs and services that facilitate equal educational opportunities for disabled students who can profit from instruction as required by federal and state laws.

DSPS services shall be available to students with verified disabilities. The services to be provided include, but are not limited to, reasonable accommodations, academic adjustments, technology accessibility, accessible facilities, equipment, instructional programs, rehabilitation counseling and academic counseling.

No student with disabilities is required to participate in the Disabled Students Programs and Services program.

The District shall respond in a timely manner to provide reasonable accommodations upon request involving academic adjustments. The Chancellor shall establish a procedure to implement this policy which, at a minimum, provides for an individualized review of each such request, and permits interim decisions on such requests pending final resolution by the appropriate administrator or designee.

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

Date Adopted: June 17, 2014; Edited November 2016.

Business and Fiscal Affairs

BP 6300 FISCAL MANAGEMENT

References:

Education Code Section 84040(c);

Title 5 Section 58311

ACCJC Accreditation Standard III.D;

2 Code of Federal Regulations Parts 200.302(b)(6)-(7), 200.305, and

200.400 et seq.

NOTE: This policy is legally required.

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

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

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

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

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

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

Date Adopted: April 1, 2014; Edited November 2016.

Business and Fiscal Affairs

BP 6340 FORMAL BIDS AND CONTRACTS

References:

Education Code Sections 81641 et seq.;
Public Contract Code Sections 20650 et seq. and 22000 et seq.;
Government Code Section 4526; 53060;
ACCJC Accreditation Standard III.D.16;
2 Code of Federal Regulations Part 200.318
~~Labor Code Sections 2750 et seq.~~

NOTE: This policy is legally required.

Expenditures shall not exceed the approved appropriation as itemized in the official budget unless specifically authorized by action of the Board.

The Board delegates to the Chancellor the authority to enter into contracts on behalf of the District and to establish administrative procedures for contract awards and management, subject to the following:

- Contracts are not enforceable obligations until they are approved or ratified by the Board according to the bidding thresholds.
- Contracts for work to be done or services to be performed that exceed the amounts specified in Public Contract Code Section 20651 shall require prior approval by the Board.
- When bids are required according to Public Contract Code Section 20651, the Board shall award each such contract to the lowest responsive and responsible and responsive bidder who meets the bidding document requirements and specifications or rejects all bids.

Public works contracts that meet the bidding threshold shall be made pursuant to the Uniform Public Construction Cost Accounting Act (UPCCAA), found in the California Public Contract Code Sections 22000 et. seq. The Board has adopted the Uniform Public Construction Cost Accounting Procedures as set forth in the applicable Board Resolution.

If the Chancellor concludes that the best interests of the District will be served by pre-qualification of bidders in accordance with Public Contract Code Section 20651.5, pre-qualification may be conducted in accordance with procedures that provide for a uniform system of rating on the basis of a questionnaire and financial statements. (Also see AP 6345 titled Bids and Contracts – UPCCAA)

The Board, in accordance with Education Code Section 81655, has approved the following policy sections:

- The Chancellor shall authorize procurement of goods and services under the current purchasing dollar limit threshold in advance of action by the Board. The Chancellor shall report a summary of expenditures on the agenda of the next regularly scheduled public meeting of the Board of Trustees.
- For contract thresholds under the current UPCCAA limits according to adopted Board Resolution 02-1112 the Chancellor shall report such action for ratification by the Board at a subsequent meeting as part of the approval of the commercial warrants register. For contract thresholds within the current UPCCAA limits according to adopted Board Resolution 02-1112, the Chancellor shall be authorized to award contracts in advance of action by the Board. The Chancellor shall report such action for ratification by the Board at a subsequent meeting as part of the approval of the commercial warrants register.
- For contracts that exceed the current UPCCAA thresholds according to adopted Board Resolution 02-1112, a formal bidding process is initiated. In those instances in which compliance with the State and Federal regulations require that contracts be made by means of advertised bids, the Chancellor shall comply with such regulations. (Also see AP 6340 titled Bids and Contracts)
- If the best interests of the District will be served by a contract or lease through any other public corporation or agency in accordance with Public Contract Code Section 20652, the Chancellor is authorized to proceed with a contract.

Also see BP/AP 6330 titled Purchasing, AP 6340 titled Bids and Contracts, and AP 6345 titled Bids and Contracts – UPCCAA

Date Adopted: April 1, 2014; Edited November 2016.

Human Resources

BP 7120 RECRUITMENT AND SELECTION

References:

Education Code Section 70901.2, 70902(b)(7) & (d), 87100 et seq. and
87458;
Title 5 Sections 53000, et seq. and 51023.5;
Accreditation Standard III.A.1

The Chancellor shall establish procedures for the recruitment and selection of employees including, but not limited to, the following criteria.

An Equal Employment Opportunity Plan will be implemented according to Title 5 and BP 3420 titled Equal Employment Opportunity.

Academic employees shall possess the minimum qualifications prescribed for their positions by the Board of Governors.

The criteria and procedures for hiring academic employees shall be established and implemented in accordance with board policies and administrative procedures regarding the Academic Senate's role in local decision making.

The criteria and procedures for hiring classified employees shall be established after first affording classified employees an opportunity to participate in the decisions under the Board's policies regarding local decision making.

The final selection of the best qualified applicant for a vacant position will be made by the Chancellor upon recommendation of the College President or Vice Chancellor. Such selection will, in all cases, be subject to the final appointment and approval of the Board, and will be in accordance with existing federal and state laws and regulations relating to staff diversity and equal employment opportunity.

Date Adopted: August 18, 2015; Edited November 2016

Human Resources

BP 7310 NEPOTISM

References:

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

~~Family Code Sections 297 et seq.~~

NOTE: The following is legally advised.

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

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

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

Date Adopted: June 16, 2015; Edited November 2016.

Human Resources

BP 7360 DISCIPLINE AND DISMISSAL – ACADEMIC EMPLOYEES

References:

Education Code Sections 87660 et seq. and 87732

A contract or regular employee may be dismissed or penalized for one or more of the grounds set forth in Education Code Section 87732. If the employee is to be penalized, the Board shall determine the nature of the penalties. If the Board decides to dismiss or penalize a contract or regular employee, it shall assure that each of the following has been satisfied:

- The employee has been evaluated in accordance with standards and procedures established in accordance with the provisions of Education Code Sections 87660 et seq., and any administrative procedure for evaluation contained in a collective bargaining agreement;
- The Board has received all statements of evaluation which considers the events for which dismissal or penalties may be imposed;
- The Board has received a recommendation from the Chancellor.
- The Board has considered the statements of evaluation and the recommendations in a lawful meeting.

If the Board decides it intends to dismiss or penalize a contract or regular employee, it shall take the actions required by the Education Code, and the Chancellor or designee shall thereafter assure that the employee is afforded the full post-termination due process required by the Education Code Sections 87660-87683 and 87740.

The Chancellor shall establish procedures that define the conditions and processes for dismissal, discipline, and due process and ensure they are available to employees.

Further information on discipline and dismissal for represented employees can be found in the collective bargaining agreement.

Date Adopted: August 18, 2015, Edited November 2016.

Human Resources

BP 7600 SECURITY OFFICERS

References:

Education Code Section 72330.5

NOTE: The U.S. Department of Education and the U.S. Justice Department issued a "Dear Colleague" letter on September 8, 2016, addressing Campus Policing. In this letter, colleges with police departments are advised to review the Final Report of the President's Task Force on 21st Century Policing and adopt and implement the recommendations contained in the Final Report as part of local campus policing efforts.

The District shall employ security officers who shall provide services as security guards or patrol persons on or about the campus(es) owned or operated by the District. Their duties include, but are not limited to protecting persons or property, preventing the theft of District property, and reporting any unlawful activity to the District and local law enforcement.

The Chancellor shall establish procedures necessary for administration of security officers. In addition, the Chancellor shall enter into an agreement with local law enforcement, which includes that security officers shall cooperate with local law enforcement in performing their duties.

Every security officer who works more than twenty hours per week shall complete a course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs as required by Education Code Section 72330.5 (b). If an officer is required to carry a firearm, he/she shall also satisfy the training requirements of Penal Code Section 832.

Every security officer shall meet other requirements set out in Education Code Section 72330.5.

Date Adopted: June 16, 2015; Edited November 2016.