

AGENDA
SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES STUDY SESSION
April 10, 2013, 6:00 p.m.
District Office Board Room
3401 CSM Drive, San Mateo, CA 94402

NOTICE ABOUT PUBLIC PARTICIPATION AT BOARD MEETINGS

The Board welcomes public discussion.

- *The public's comments on agenda items will be taken at the time the item is discussed by the Board.*
- *To comment on items not on the agenda, a member of the public may address the Board under "Statements from the Public on Non-Agenda Items;" at this time, there can be discussion on any matter related to the Colleges or the District, except for personnel items. No more than 20 minutes will be allocated for this section of the agenda. No Board response will be made nor is Board action permitted on matters presented under this agenda topic.*
- *If a member of the public wishes to present a proposal to be included on a future Board agenda, arrangements should be made through the Chancellor's Office at least seven days in advance of the meeting. These matters will be heard under the agenda item "Presentations to the Board by Persons or Delegations." A member of the public may also write to the Board regarding District business; letters can be addressed to 3401CSM Drive, San Mateo, CA 94402.*
- *Persons with disabilities who require auxiliary aids or services will be provided such aids with a three day notice. For further information, contact the Executive Assistant to the Board at (650) 358-6753.*
- *Regular Board meetings are recorded; recordings are kept for one month.*
- *Government Code §54957.5 states that public records relating to any item on the open session agenda for a regular board meeting should be made available for public inspection. Those records that are distributed less than 72 hours prior to the meeting are available for public inspection at the same time they are distributed to the members of the Board. The Board has designated the Chancellor's Office at 3401 CSM Drive for the purpose of making those public records available for later inspection; members of the public should call 650-358-6753 to arrange a time for such inspection.*

6:00 p.m. **ROLL CALL**

Pledge of Allegiance

DISCUSSION OF THE ORDER OF THE AGENDA

MINUTES

13-4-1 [Minutes of the Meeting of March 21, 2013](#)

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

NEW BUSINESS

13-4-1A [Approval of Personnel Actions: Changes in Assignment, Compensation, Placement, Leaves, Staff Allocations and Classification of Academic and Classified Personnel](#)

INFORMATION REPORTS

13-4-1C [Update on KCSM-TV](#)

13-4-2C [Report on Public Safety and Related Clery Act Reporting](#)

13-4-3C Follow-up on Internal Control Report

13-4-4C Announcement of Trustee Helen Hausman's Retirement and Related Discussion

RECESS TO CLOSED SESSION

1. Closed Session Personnel Items
 - A. Public Employment: **Cañada College** – Instructional Designer/Distance Education Coordinator, Instruction; **Skyline College** – Project Director, Business Services; **District Office** – Groundskeeper, Facilities/Public Safety
 - B. Public Employee Discipline, Dismissal, Release
2. Conference with Labor Negotiator
Agency Negotiator: Harry Joel
Employee Organizations: AFSCME, AFT and CSEA

CLOSED SESSION ACTIONS TAKEN

ADJOURNMENT

**Minutes of the Regular Meeting of the Board of Trustees
San Mateo County Community College District
March 21, 2013, San Mateo, CA**

The Closed Session meeting was called to order at 5:35 p.m.

Board Members Present: President Helen Hausman, Vice President Karen Schwarz, Trustees Richard Holober, Dave Mandelkern and Patricia Miljanich

Others Present: Chancellor Ron Galatolo, Vice Chancellor Harry Joel, Student and Student Representative

Student Discipline Matter – 1 Case

The Closed Session meeting was adjourned at 6:10 p.m.

Convene to Open Session

The meeting was called to order at 6:15 p.m.

Board Members Present: President Helen Hausman, Vice President Karen Schwarz, Trustees Richard Holober, Dave Mandelkern and Patricia Miljanich, Student Trustee Bailey Girard

Others Present: Chancellor Ron Galatolo, Executive Vice Chancellor Kathy Blackwood, Skyline College Vice President of Student Services Joi Blake, College of San Mateo President Michael Claire, Cañada College President Larry Buckley, District Academic Senate President Diana Bennett

Vice President Schwarz, chairing the meeting in place of President Hausman, announced that no action was taken at the closed session just concluded.

President Hausman announced that she has decided to retire from the Board of Trustees within the next month or so and will announce the exact date by the next Board meeting. She said she will follow the legally required process for resignations. President Hausman said this is a very difficult decision but, because of problems with her eyes, she believes she has no choice but to retire at this time.

DISCUSSION OF THE ORDER OF THE AGENDA

None

MINUTES

It was moved by Trustee Holober and seconded by President Hausman to approve the minutes of the Study Session of March 13, 2013. The motion carried, all members voting “Aye.”

STATEMENTS FROM EXECUTIVES AND STUDENT REPRESENTATIVES

Skyline College Vice President Blake said President Stanback Stroud is attending the Sustainable San Mateo County Awards, at which Skyline College Instructor Bruce Greenstein is receiving an award. Vice President Blake said the sixth annual “Rock the School Bells” was a successful event. The *Skyline View* student newspaper won two awards at the Associated Collegiate Press National College Journalism Convention. Next Thursday, Skyline College will host the César E. Chávez Commemorative Luncheon in an effort to increase enrollment and address the needs of the Latino community. Today, the College hosted the Gateway to College program, with more than 200 court-ordered youth in attendance.

College of San Mateo President Claire said the College hosted approximately 650 Pacific Islander youth at the Mana Conference last Saturday. The emphasis of the conference is on students completing their high school education and attending college. President Claire extended special thanks to Fi Tovo in Admissions and Records who helped make the event a success. President Claire said the new schedule of classes is now available. The College is continuing to use the successful newspaper format and is using the schedule to inform the community about the College. The fall semester schedule will be expanded to include a section on community connections. The “Jazz on the Hill” event, scheduled for June 1, is advertised on the back of the schedule. The Auxiliary Services Department is underwriting a portion of this

event and President Claire thanked Vice Chancellor Tom Bauer for doing so. Also on June 1, the College will hold an Open House in honor of its 50 years “on the hill.”

Cañada College President Buckley said Preview Day took place at the College this morning and attracted more than 300 students from area high schools, as well as GED students. The attendees received orientation to Cañada College’s services and programs. President Buckley attended the Skyline College President’s Breakfast this morning. He offered congratulations to President Stanback Stroud and the entire campus for their model of community engagement. Last week, President Buckley spoke at the Redwood City Chamber of Commerce Breakfast and said the attendees were particularly interested in hearing about student successes. Cañada College student Mayra Rios will travel to Brown University this summer for a paid internship to work on fetal cell research. Two Cañada College students were named to the All-California Academic Team. President Buckley attended a performance of the Theatre Department’s production of *Almost an Evening* and said it is a very entertaining production. There will be additional performances on Saturday night and Sunday afternoon.

Paige Kupperberg, President of the Associated Students of College of San Mateo (ASCSM), said there is student representation on each participatory governance committee on campus and at the District level. Ms. Kupperberg said ASCSM went through a constitutional change last semester and there are now two boards – the Programming Board and the Advocacy Board. There are 26 active clubs, many of which are common interest clubs connected to majors. Since Ms. Kupperberg’s last report to the Board, activities have included an Advocacy Town Hall with Congresswoman Jackie Speier; Stress Relief Week; Holiday Angels; Reboot Week; Valentine’s Day and the Club Fair. During the past two weeks, ASCSM sent students to Sacramento and Washington, D.C. to advocate on behalf of the students of College of San Mateo. Planned future events include Spring Fling, Earth Day, Film Festival, and Women in Leadership Town Hall. Voting for the College’s nomination for Student Trustee will take place on March 26 and 27 and the nominee results will be posted on March 28. The District Student Council will make the selection of the Student Trustee on April 13. Candidates for ASCSM offices will begin campaigning on April 22. Polls will be open from April 30 through May 2 and results will be posted on May 3. Ms. Kupperberg will not be running for office because she will be transferring after the current semester. Vice President Schwarz asked Ms. Kupperberg which college she will be attending. Ms. Kupperberg she has been accepted to Humboldt State University and Sacramento State University. She is waiting to hear from the University of California, Davis.

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

None

NEW BUSINESS

APPROVAL OF PERSONNEL ACTIONS: CHANGES IN ASSIGNMENT, COMPENSATION, PLACEMENT, LEAVES, STAFF ALLOCATIONS AND CLASSIFICATION OF ACADEMIC AND CLASSIFIED PERSONNEL (13-3-1A)

Vice President Schwarz said there is a request to remove the staff assistant position at Skyline College from the “Reassignment” section of the report. It was moved by Trustee Miljanich and seconded by Student Trustee Girard to approve the actions in the amended board report. The motion carried, all members voting “Aye.”

RE-EMPLOYMENT OF CONTRACT AND REGULAR FACULTY FOR THE 2013-14 ACADEMIC YEAR (13-3-2A)

It was moved by Student Trustee Girard and seconded by Trustee Miljanich to approve the actions in the board report. The motion carried, all members voting “Aye.”

Other Recommendations

VOTE TO ELECT MEMBERS OF THE CALIFORNIA COMMUNITY COLLEGE TRUSTEES (CCCT) BOARD (13-3-1B)

Vice President Schwarz said there are seven openings on the CCCT Board. She asked for Board member input on the 15 candidates. During discussion, Board members recommended the following candidates: Howard Rudd, Sierra Joint CCD; Adrienne Grey, West Valley-Mission CCD; Cy Gulassa, Peralta CCD; Isabel Barreras, State Center CCD; Greg Bonaccorsi, Ohlone CCD; Garrett Yee, Ohlone CCD; and Jeffrey Lease, San Jose-Evergreen CCD.

It was moved by Trustee Mandelkern and seconded by Trustee Miljanich to approve the slate of candidates listed above. The motion carried, all members voting “Aye.” Staff will return the official ballot to the CCCT Elections Committee prior to the submission deadline.

APPROVAL OF CURRICULAR ADDITIONS – CAÑADA COLLEGE (13-3-2B)

It was moved by Trustee Miljanich and seconded by Student Trustee Girard to approve the additions as detailed in the report. The motion carried, all members voting “Aye.”

APPROVAL OF SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT PROPOSED GOALS FOR 2013-14 (13-3-100B)

It was moved by President Hausman and seconded by Trustee Miljanich to approve the goals as presented in the report. The motion carried, all members voting “Aye.”

ACCEPTANCE OF EXTERNAL FUNDS FROM THE STATE OF CALIFORNIA DEPARTMENT OF REHABILITATION AND ADOPTION OF RESOLUTION NO. 13-3 AUTHORIZING EXECUTION OF AGREEMENT (13-3-101B)

It was moved by Trustee Holober and seconded by Trustee Miljanich to approve the acceptance of funds as detailed in the report. The motion carried, all members voting “Aye.”

AUTHORIZATION FOR EXECUTIVE VICE CHANCELLOR TO EXECUTE OR RENEW CONTRACT WITH AN ENERGY SERVICE PROVIDER FOR PURCHASE OF ELECTRICITY (13-3-102B)

It was moved by Trustee Miljanich and seconded by Trustee Holober to approve the authorization as detailed in the report. The motion carried, all members voting “Aye.”

APPROVAL OF CONTRACTS FOR DISTRICTWIDE ATHLETIC FIELD REPLACEMENT (13-3-103B)

It was moved by Student Trustee Girard and seconded by Trustee Miljanich to approve the contracts as detailed in the report. Trustee Mandelkern asked how redevelopment funds will be utilized given the demise of Redevelopment Agencies. Barbara Christensen, Director of Community/Government Relations, said the District will continue to receive redevelopment funds into the future and some Redevelopment Agency agreements require that funds be spent to benefit the community, which the athletic fields will do. Trustee Mandelkern asked if the synthetic fields have lived up to expectations. José Nuñez, Vice Chancellor of Facilities Planning, Maintenance and Operations, said the fields have lived up to expectations in terms of performance, energy savings and safety for athletes. Noting that the vendors agreed to hold their pricing through the completion of the first phase of the project, Vice President Schwarz asked if new offers will be requested for the second phase. Vice Chancellor Nuñez said they will, most likely at this time next year. Student Trustee Girard asked about the timeline for the project. Vice Chancellor Nuñez said the work will probably be done in June/July of this year. After this discussion, the motion carried, all members voting “Aye.”

ADOPTION OF RESOLUTION NO. 13-4 AUTHORIZING ISSUANCE OF TAX AND REVENUE ANTICIPATION NOTES (13-3-104B)

It was moved by Trustee Miljanich and seconded by Trustee Mandelkern to approve adoption of the resolution as detailed in the report. The motion carried, all members voting “Aye.”

RATIFICATION OF CONTRACT FOR EMERGENCY REPAIR OF GAS LINES AT COLLEGE OF SAN MATEO UNDER PUBLIC CONTRACT CODE SECTION 20113 (13-3-105B)

Vice President Schwarz said a detailed board report was prepared after cost estimates were determined, which was subsequent to publication of the board packet. A copy of the report was distributed to Board members at the meeting. It was moved by Trustee Holober and seconded by Trustee Miljanich to approve ratification of the contract as detailed in the report. Vice Chancellor Nuñez said staff presented a synopsis of the situation at the March 13 study session. He introduced Karen Powell, Facilities Operations Manager, who will provide an updated report. Ms. Powell showed slides of the gas lines and the affected area. She said there were complaints about the smell of gas but there was difficulty diagnosing the problem and locating the leak. As a result, PG&E brought a sophisticated instrument, found trace elements of gas on the pool deck, and said the gas supply to that line should be turned off. Ms. Powell said that during CIP2, 80% of the gas lines were replaced and this leak occurred in a legacy line. Western Allied Mechanical, a firm that is prequalified by the District and whose work is well known, was brought in to assist in locating and repairing the damaged line. Staff determined that the most expedient solution was to install a new gas line along the Perimeter Road. The work progressed quickly and service has been restored. Ms. Powell acknowledged Facilities

Department staff who worked tirelessly to restore service as quickly as possible. She said the cost for completion of the work was \$185,000 rather than \$225,000 as was estimated in the board report. Trustee Mandelkern asked about the composition of the new line. Ms. Powell said it is PVC, which is durable and reliable. President Claire thanked the Board for granting emergency authorization. He said communication between the College and the Facilities staff was excellent. After this discussion, the motion carried, all members voting "Aye."

APPROVAL OF ADDITIONS AND REVISIONS TO BOARD POLICIES: 2.08, DISTRICT PARTICIPATORY GOVERNANCE; 2.19, NONDISCRIMINATION; 2.60, RESIGNATIONS; 6.01, PHILOSOPHY AND PURPOSE; 6.33, USE OF COPYRIGHTED MATERIALS; 6.35, ACADEMIC FREEDOM; 8.14, BOND OVERSIGHT COMMITTEE AND ACCOUNTABILITY MEASURES; 8.55, CONFERENCE ATTENDANCE AND TRAVEL (13-3-106B)

It was moved by Trustee Miljanich and seconded by Student Trustee Girard to approve the additions and revisions as detailed in the report. Vice President Schwarz asked why the term "participatory governance" is replacing "shared governance" in Policy 2.08. President Claire said "participatory governance" is recommended by the Community College League of California and the State Academic Senate because it is more descriptive of the governance structure at community colleges.

Ms. Christensen said AFT had requested to negotiate Policy 6.35. However, because this policy is needed to meet accreditation requirements, AFT and District staff agreed to adopt this statement as the policy. The statement was adopted by faculty and approved by the Board in the early 1990s. Ms. Christensen said AFT and the Academic Senate may bring a different statement forward in the future. Trustee Mandelkern said the statement refers to the right of faculty to express opinions but does not address the right of other staff or students to do so; he asked if the rights of these groups are addressed in other policies. Ms. Christensen said items (1) and (2) in the policy describe academic freedom in general terms. She said they also will be addressed in the policies on Time, Place and Manner and Use of Communications Systems, both of which will be reviewed by the District Participatory Governance Council and come to the Board in the near future.

Trustee Mandelkern said Policy 8.14 states that a committee member who misses three consecutive meetings without an acceptable excuse will be automatically dropped. He said that, with the recommended change to semiannual meetings, a member could miss meetings for more than a year without being removed. Ms. Christensen said there have been no problems with attendance and committee members are polled in advance in order to find dates that accommodate all members.

After this discussion, the motion to approve the additions and revisions carried, all members voting "Aye."

ADOPTION OF RESOLUTION NO. 13-5 ESTABLISHING TRUSTEE AREAS FROM WHICH DISTRICT GOVERNING BOARD MEMBERS WILL BE ELECTED AND APPROVING THE ELECTION OF SUCH BOARD MEMBERS IN A BY-TRUSTEE AREA ELECTION PROCESS (13-3-107B)

Vice President Schwarz said changes were made to the resolution subsequent to publication of the board packet and additional maps were added to Exhibit A; Board members are provided copies of the revised resolution and the additional maps. It was moved by Trustee Miljanich and seconded by Trustee Mandelkern to approve the adoption of the revised resolution and the election of Board members as detailed in the resolution.

Michael Wagaman, a demographer retained by the Board as a consultant, exhibited the map labeled "Scenario 4A". Vice President Schwarz said that, since the resolution refers to the map and there have been changes to the map, clarification is needed. Mr. Wagaman said the numbering of the districts has changed, but the boundaries remain the same. Vice President Schwarz asked why the changes were made. Mr. Wagaman said it was suggested by the subcommittee that the even numbered districts be grouped together in the north because they would have elections in 2013. The odd numbered districts would have elections in 2015.

Mr. Wagaman exhibited two maps showing Scenario 4A with city boundaries and with school district boundaries. He said the proposed map is a combination of the two. He said there are three lines which do not follow either city or school district boundaries and he exhibited maps of these three areas:

1. South San Francisco split (Districts 2/4)
2. San Mateo-Foster City Elementary School District split (Districts 1/3)
3. Emerald Lake Split (Districts 3/5)

Mr. Wagaman said one of the challenges was to look at a host of criteria and the goals the Board wants to achieve. He said a key piece of redistricting laws is the Federal Voting Rights Act. Based on the provisions of that Act and on preference, the Board expressed a desire to put together a district that had a 50% Asian citizen voting age population. This is shown as District 2. It consists of the Jefferson Elementary School District, the Bayshore Elementary School District, the Brisbane Elementary School District, and a portion of South San Francisco centered along the freeway.

Mr. Wagaman said the Board also expressed a desire to try to maintain a Coastal Community of Interest (COI), which is included in District 3. This resulted in a slightly higher deviation, but it is within acceptable parameters based on past legal cases and advice of counsel. The district also includes a group of cities identified as being ideally kept together because of common socio-economic interests, including Woodside, Portola Valley and Atherton; most of the City of Menlo Park; the unincorporated Emerald Lake area. It extends through Belmont, into Redwood Shores and includes the City of Foster City.

District 1 consists of most of the population of the San Mateo-Foster City Elementary School District, excluding Foster City; the Burlingame Elementary School District and the Hillsborough City Elementary School District.

District 4 consists of the San Bruno Park Elementary School District, the Laguna Salada Union Elementary School District and the remainder of South San Francisco.

Trustee Holober asked for more information about the Emerald Lake area which he said seems to have streets that are not connected. Mr. Wagaman said the roads and the census geography of this area are odd and he drew the boundaries with the intent of avoiding additional fragmentation of the City of Redwood City.

Trustee Miljanich asked in which of the proposed districts Board members currently reside. Mr. Wagaman said District 2 has no Board member in residence. Trustee Holober resides in District 4; Trustee Mandelkern resides in District 1; Trustee Hausman resides in District 3; and Trustee Schwarz resides in District 5. Mr. Wagaman said he worked under the assumption that Trustee Miljanich resided in District 3 but has been informed that she moved since the last election and currently resides in the proposed District 5. Trustee Miljanich noted that, in light of President Hausman's announcement of her intended resignation, there would be two districts (Districts 2 and 3) in which no current Board members will reside.

Trustee Schwarz asked if it would be feasible to include Trustee Holober's residence in District 2. Mr. Wagaman said there is a large population between Trustee Holober's residence and Daly City, and the only way to place his residence in District 2 would be to draw a "finger" to encompass his home.

Trustee Holober said there are two new factors that have come to light: new information on Trustee Miljanich's address and the announcement of President Hausman's resignation. He noted that Vice President Schwarz's residence is close to the border of District 3 and asked if an adjustment of the boundaries could be made to include her residence in District 3. In that case, given President Hausman's announcement, there would be only one incumbent per district. Mr. Wagaman said this would involve trading population between Districts 3 and 5. The "inelegant" way to do so would be to draw a "finger" from the edge of one district to move one of the two members' houses across the line. The other way would be to move the City of San Carlos from District 5 to District 3, along with other changes between the two districts. Mr. Wagaman said he would draw maps demonstrating these changes while the meeting is in progress.

Trustee Miljanich said she is concerned about how geographically large District 3 is, given that a trustee must travel to each area within a district to effectively represent the district.

Vice President Schwarz said she is bothered by the idea of linking President Hausman's announcement of her retirement to the redistricting issue. She said she personally would like to have the retirement stand alone and not worry about how it will affect district elections. President Hausman said her retirement will present a major change in the Board. She said there are many questions and she does not see the urgency of establishing district boundaries and voting on them at the meeting tonight.

Trustee Mandelkern said there is urgency in terms of the process for the upcoming election cycle. If action is not taken, the Board will miss the opportunity for any changes to take place for the 2013 election cycle. William Tunick, the attorney hired by the Board to advise them on this matter, described the timeline for the process of changing the

election method. He said the Board of Governors must approve the change and the only remaining meeting at which they could do so is May 5-6. The Board of Governors requires that a resolution proposing the change be submitted 30 days in advance of their meeting so that they have time to start the process of review. Therefore, the resolution would have to be submitted by early April in order to make the change effective for the 2013 election cycle.

Trustee Mandelkern said he believes there would be some degree of risk and exposure to legal action against the District if by-district elections are not adopted in the next two years. He asked Mr. Tunick if this is a correct assessment. Mr. Tunick said the Board could wait past the 2013 election but this would result in more time during which the District could be at risk. Trustee Miljanich said all Board members are concerned with legal matters; however, the Board is already genuinely engaged in the process and is not necessarily saying it will wait until just before the 2015 election to make a decision. Mr. Tunick said the fact that the Board has been considering this option puts it in a strong position to say the District is looking into making this serious and important change and wants to take the time to do it right.

Trustee Holober said he would like the Board to consider the new drawings which will break up the districts differently in the southern part of the county. He said part of the Board's thinking is to establish a majority/minority district and this is possible only in the northern area of the county. He said an opportunity would exist for the majority/minority district in November and he believes this is an opportunity that the Board may want to seize.

President Hausman said the Board still must decide how to fill the vacancy that will be caused by her resignation. She said there are many questions about the elections issue and she would object to being coerced into taking immediate action. Trustee Mandelkern said he does not believe there is coercion by anyone. He said he agrees that President Hausman's resignation is separate from the elections issue and should remain separate.

Vice President Schwarz said her impression from previous discussions has been that as long as the Board is working on the issue of redistricting in good faith, it likely would have a strong legal case. She said that during all of the previous discussions, the Board did not know that President Hausman would face circumstances that would cause her to resign. Vice President Schwarz said she would prefer to deal with the resignation first and then come back to the elections issue, although this could mean any change would not be effective for the 2013 election cycle. She said her preference would have been to have a current Board member's residence be included in District 2. Mr. Wagaman said the district could be drawn to include a board member's residence but it would mean splitting several cities and several school districts; he said the Board would have to decide whether to accept that tradeoff. Mr. Wagaman said that if the Board decides to wait to make changes until after the 2013 election, there will be at least one new Board member and possibly two new members. He said it is not known where the residences will be and, if the Board wants to consider incumbency as a factor, it might change the drawings of maps.

Trustee Holober said it appears there are three potential timelines: (1) act now; (2) act after the 2013 elections; and (3) act between now and November 2013; this would at least partially eliminate the issue of redrawing districts with consideration of new incumbents' residences because whoever decides to run in 2015 or later would already know where the boundaries are.

Mr. Wagaman displayed his drawing of the revised map, which he will call Scenario 4B. It makes changes to Districts 3 and 5, resulting in straighter boundary lines. The new District 5 includes Foster City and Redwood Shores. San Carlos is moved into District 3 along with two Redwood City neighborhoods. Vice President Schwarz's residence is now in District 3. Upland Road is the new boundary; Vice President Schwarz's neighbors across the street are not in her district but those below her are. The new scenario drops the deviation by approximately one-half point. The largest deviation is in District 5 and the smallest is in District 1. The total deviation is approximately 9%. Mr. Tunick said this puts the District in a good position because any deviation under 10% is difficult to challenge.

Mr. Wagaman explained that if the Board adopts a by-large election method and district boundaries are set, Board members who have been elected in an at-large election would continue to serve the duration of their terms regardless of where they reside. After their terms expire, and when a district election comes up, all candidates would have to run within a district.

Student Trustee Girard said students are interested in this issue and have expressed the belief that by-district elections are a better way to represent the community.

Trustee Holober asked that Mr. Wagaman make sure he has the correct home addresses of Board members. He said that the Board has been addressing the issue of redistricting for more than a year at several public meetings and has looked at maps many times. He said that, with the new information presented tonight, the Board could enable a majority/minority district to be created and filled while at the same time accommodate districts in which no incumbent Board members would have to run against each other. Trustee Holober said he believes this would be a good solution and he would be ready to move ahead.

Trustee Mandelkern said the Board has had lengthy discussions about whether to change the method of elections. He said the Board has discussed maps, posted a map for public comment, and held public hearings. He said he was open-minded when starting the discussions and feels that compelling arguments have been made by members of the public. The public also voted strongly in favor of by-district elections for County Supervisors. Trustee Mandelkern said the Board has served the District well for many years, but it has not been diverse. Therefore, he has come to the conclusion that changing to by-district elections is the right thing to do. He said it is regrettable that President Hausman will be retiring but that decision should not impact the issue of redistricting. Trustee Mandelkern said he believes the time to move forward is now so that the change can be effective for the 2013 election cycle. He said that before a vote, he would like to propose an amendment to the motion to reflect the newly proposed map labeled Scenario 4B.

Trustee Miljanich said she does not in any way disagree with much that has been said. She believes there is consensus among the Board to move to by-district elections and she supports this move. However, she said that when maps are changed at meetings, it is difficult to understand the changes without being given time to absorb the information. She said she is interested in enhancing communities of interest and diversity, but is concerned about the large geographic area encompassed in District 3. Trustee Miljanich said that she supports by-district elections but needs time to study the new scenario presented tonight before deciding whether she favors that scenario.

President Hausman raised the question of whether trustees who are elected by district would pay attention to the colleges that are not in their area. She also said that some Board members seem unsure of the latest drawing of boundaries and should be given time to study the map further.

Vice President Schwarz said she personally is not in favor of by-district elections but, given the support of the public and most of her colleagues on the Board, she would not vote against a change to by-district elections. However, she said she would be very uncomfortable moving forward at this time because doing so would be a disservice to President Hausman who has served on this Board for 24 years. Vice President Schwarz said she wants to devote time and effort to whatever the Board can do to help President Hausman with her retirement and to the time-consuming process of filling the vacancy. She thanked Mr. Wagaman for the many maps he configured but said she does not see the importance of moving immediately. She said she would vote in favor of by-district elections but not at this time.

Trustee Mandelkern said he would like to offer two amendments to the resolution:

1. Change "Plan 4A" to "Plan 4B" in the three places it is mentioned, and
2. After "the trustee areas from which Board members will be elected in November 2013 and November 2017" add "and every four years thereafter." Likewise, after "the trustee areas from which Board members will be elected in November 2015" add "and every four years thereafter." Mr. Tunick said this change is acceptable.

Trustee Miljanich accepted the amendments to her motion.

Trustee Holober said he would like to consider another change to the resolution. He said his reading is that the motivational base is the Voting Rights Act and, while that is a factor, he would prefer a resolution that speaks to the Board's desire to enhance opportunities for the public to participate in college district elections. He asked Mr. Tunick if it would be possible to strike the following language and replace it with a statement about the Board's desire to reduce barriers for participation or enhance opportunities for participation:

"WHEREAS, At-large election processes such as the District's are subject to challenge under California Voting Rights Act of 2001, codified at sections 14025-14032 of the California Elections Code ("CVRA"); and

"WHEREAS, A by-trustee area election process is not vulnerable to a challenge under the CVRA. . ."

Mr. Tunick said this language has been seen by the Board of Governors 15 to 20 times and they might expect to see it. However, he said that whether the language is struck or not, adding another section about the Board's motivation would

be acceptable. Trustee Holober proposed amending the resolution to add, directly preceding the quoted paragraphs above, the following statement:

“**WHEREAS**, the San Mateo County Community College District Board of Trustees desires to enhance opportunities for members of the public to participate in college district elections; and”

Trustee Miljanich accepted the amendment to her motion.

The results of a roll call vote to approve the adoption of the amended Resolution 13-5 were as follows:

President Hausman – No
 Vice President Schwarz – No
 Trustee Holober – Yes
 Trustee Mandelkern – Yes
 Trustee Miljanich – No
 Student Trustee Girard cast an advisory Yes vote.

Vice President Schwarz said the issue will be revisited at another time. Trustee Miljanich said she would appreciate receiving a high-resolution map in the packet prior to the next discussion. Vice President Schwarz said the Board would appreciate receiving the latest map that was produced in as high resolution as possible.

In response to a question from Vice President Schwarz regarding another public comment period, Mr. Tunick said there is no legal requirement for this.

INFORMATION REPORTS

UPDATE ON 2013 ACCREDITATION (13-3-2C)

Susan Estes, Vice President, Instruction at College of San Mateo, said the Accreditation Liaison Officers have been working closely together to make sure there is a coordinated timeline to finish the College self evaluations. The Accreditation Liaison Officers also have worked to coordinate content that refers to all three Colleges, although each self evaluation will reflect the individual nature of the College.

Reports on the progress, review process and timetables of each the Colleges’ self evaluation reports were presented by Vice President Estes; Vice President Blake; and Robin Richards, Vice President, Student Services at Cañada College.

Vice President Estes said the Board will receive drafts of the self evaluation reports in mid-May and will have until the June 12 study session to review the reports. The Colleges will then incorporate the Board’s input and present the final documents to the Board for action in July. The accreditation site visits are scheduled for October 21 through October 24, 2013.

DISCUSSION OF BOARD OF TRUSTEES SELF EVALUATION, 2013 (13-3-3C)

The Board discussed the results of their self evaluation. Comments included:

Section A: Institutional Mission and Educational Policy

- Trustee Miljanich said she believes the Board is supported by the District in this area.

Section B: Institutional Planning

- Trustee Mandelkern said he is surprised by the number of “No Opinion” responses in this and other areas and said it could be a concern if a Board member is not able to assess the Board’s performance.
- Trustee Miljanich said she believes this is an area of strength.
- Vice President Schwarz said she believes the Board invites and respects Districtwide information and research.

Section C: Instructional/Student Services Programs

- Trustee Holober said he would like to see the Board devote more time to discussing the needs, goals and objectives of the instructional and student services programs.
- Trustees Miljanich, Mandelkern and Schwarz said discussions at study sessions and the “Board Series Presentations-Innovations in Teaching, Learning and Support Services” at regular meetings are informative.

Section D: Facilities

- Board members believe they are well informed in this area.

Section E: Financial Resources

- Trustee Miljanich noted the consistently high marks in this area and said the District is fortunate to have experts in the financial arena, both on the Board and administration, who help maximize resources and take leadership positions at the state level.

Section F: Board Operations

- Trustee Holober said he would like to have as few as possible Board meeting agenda items with “no written report” but said that overall the information is well-prepared and presented.
- Trustee Miljanich said she would like to receive copies of the “Board Series Presentations” either before or after the presentations so that the Board can review them at a later time if they wish.
- Vice President Schwarz said she believes the Board does a good job of conducting its meetings in an orderly manner and allowing for sufficient public comment and in treating one another with respect and tolerance. She said she believes staff has gotten better at providing meeting materials to the Board in a timely manner.
- Trustee Miljanich said she believes the Board must be careful to focus on policy and offer suggestions rather than direction on operational issues.

Section G: Board-Chancellor Relations

- President Hausman said she believes the relationship between the Board and the Chancellor is excellent.
- Trustee Miljanich said she believes the Board should avail themselves of the opportunity to receive information and opinions from the Chancellor and, on occasion, the Chancellor has not been provided the opportunity for such input at Board meetings.

Section H: Faculty/Student/Classified Relationships

- Trustee Miljanich said she believes it is important to continue to evaluate and review programs. She added that the Board must always remain student-centered.
- Trustee Mandelkern said he is surprised at a Board member’s lower ranking regarding seeking advice and recommendations from students, as he believes the Board welcomes student input. Student Trustee Girard speculated that the harsh words during the dispute over the gardens at College of San Mateo could be a factor.
- Trustee Mandelkern said it is important to recognize that seeking advice and recommendations does not mean that the Board will always follow the advice and recommendations.
- Trustee Miljanich said the Board is aware that the District is committed to the participatory governance process and that there is a continuous effort to involve all constituencies.
- Trustee Mandelkern said that during the previous student trustee’s term, the Board reviewed the role of students in the participatory governance process. He said the Board is conscious of and sensitive to student involvement in the process.
- Trustee Holober said there have been problems in the past with a lack of engagement and participation by students; he noted that the responsibility lies on both sides.

Section I: Community Relations

- Trustee Mandelkern said he believes Board members represent the Board in a wide range of activities in the community.
- Vice President Schwarz said her priority has been to attend events at the Colleges.
- President Hausman said Board members have different orientations and interests, as well as differing amounts of available time, which will be reflected in the activities in which they participate.

Section J: Community Relationships

- Trustee Mandelkern said Board members have recently not been very active with state and national organizations and might consider re-engaging.
- Trustee Holober said he believes the Community College League of California (CCLC) does important work and Board members might want to make an effort to attend more of the CCLC conferences.
- Trustee Miljanich agreed that the CCLC does important work but said there have been vast differences of opinion on some key issues important to the Board.

- Vice President Schwarz said Board members have not attended as many conferences recently because of budget constraints.

SPRING 2013 CENSUS REPORT (13-3-4C)

The Board accepted the report.

COMMUNICATIONS

Vice President Schwarz said that since the last meeting, the Board received two emails from candidates seeking endorsement for the CCCT Board; one email from a member of the public regarding KCSM-TV; and one email from the public regarding a parking citation dispute and other issues.

STATEMENTS FROM BOARD MEMBERS

Trustee Miljanich said it is a sad evening as she contemplates the fact that that President Hausman soon will not be at the meetings with the rest of the Board. She said Board members disagree at times, but they share a good feeling of camaraderie and are all focused on students and student success.

Student Trustee Girard said there will be an open house with legislators next Thursday. He said there will be a decision on the election of the student trustee for the June 1, 2013 through May 31, 2014 term by the next Board meeting.

Trustee Holoher said he respects President Hausman's decision. He said it has been, and will continue to be until her resignation is final, a delight to serve with her. He said President Hausman has been an excellent ambassador, with intense support for the District and a willingness to take that message wherever she goes. Trustee Holoher said it will be difficult to find a replacement for President Hausman.

Trustee Mandelkern he feels sorry that President Hausman has to come to the decision to retire. He said that, combining her service to the District and her service on the Sequoia Union High School District Board, he believes she is the longest-serving Board member in San Mateo County. Trustee Mandelkern said President Hausman has done an exemplary job.

Trustee Mandelkern said he was in Sacramento and visited with Senator Jerry Hill and Assemblyman Rich Gordon, both of whom keep open doors and care about the District. Trustee Mandelkern said the Skyline College President's Breakfast was an exceptional event with a very large turnout. He said a record amount of money was raised and he acknowledged Vice Chancellor Tom Bauer for the \$25,000 donation from the Auxiliary Services Department. Trustee Mandelkern said he will be out of town on a speaking engagement on the date of the next study session, April 10.

Vice President Schwarz said the Kent Awards will take place on May 20; one of the nominees is the Math Jam program at Cañada College. Vice President Schwarz attended the Foundation meeting and showed a copy of the Foundation Newsletter which all Board members will receive. She was also provided a copy of the Foundation Executive Director's Report; Chancellor Galatolo said staff will send a copy of the report to all Board members. Vice President Schwarz said she was pleased to accept the invitation to serve on the Veterans Community Advisory Board at Cañada College. She said she ran into Cañada College student Faith Elizabeth Schug who is running for a statewide Phi Theta Kappa position. Vice President Schwarz thanked the subcommittee on the redistricting issue for their time and work.

Vice President Schwarz said President Hausman has been a wonderful friend and trustee who will be missed. She said she would like to agendize the appointment/election process for a future meeting and possibly get examples from other districts that have had vacancies. Trustees Holoher agreed with getting examples from other districts and also suggested that outside legal counsel be retained to do research and provide advice on the law and timeline for dealing with board vacancies. President Hausman said Barbara Christensen is very knowledgeable on this subject and could be of assistance. Trustee Mandelkern said he agreed with retaining outside legal counsel. Chancellor Galatolo suggested that since Trustee Mandelkern will not be present at the April 10 study session, this item be placed on the agenda for the regular Board meeting on April 24. Trustee Mandelkern asked that the Board be provided materials on the timeline and other advice by legal counsel in advance of the meeting. Chancellor Galatolo said he would work with staff to gather that information for the Board. President Hausman said she will determine the date of her retirement and announce it by the time of the April study session. She thanked Board members for their comments. She said this was a very difficult decision but one that she felt had to be made.

RECESS TO CLOSED SESSION

Vice President Schwarz announced that during Closed Session, the Board will consider the personnel items listed as 1A and 1B on the printed agenda and (2) conduct a conference with District Labor Negotiator Harry Joel; the employee organizations are AFSCME, AFT and CSEA.

The Board recessed to Closed Session at 9:20 p.m. and reconvened to Open Session at 10:00 p.m.

Vice President Schwarz announced that at the Closed Session just concluded, the Board voted 5-0 to approve the personnel items listed as 1A and 1B on the printed agenda.

ADJOURNMENT

It was moved by President Hausman and seconded by Trustee Holoher to adjourn the meeting. The motion carried, all members voting "Aye." The meeting was adjourned at 10:05 p.m.

Submitted by

Ron Galatolo
Secretary

Approved and entered into the proceedings of the April 10, 2013 meeting.

Karen Schwarz
Vice President-Clerk

BOARD REPORT 13-4-1A

TO: Members of the Board of Trustees
FROM: Ron Galatolo, Chancellor
PREPARED BY: Harry W. Joel, Vice Chancellor, Human Resources and Employee Relations
(650) 358-6767

APPROVAL OF PERSONNEL ITEMS

Changes in assignment, compensation, placement, leaves, staff allocations and classification of academic and classified personnel:

A. REASSIGNMENT

College of San Mateo

Alonzo Guillermo Office Assistant II Counseling Services

Reclassified from an Office Assistant I position (Grade 15 of Salary Schedule 60) into this higher level classification (Grade 18 of Salary Schedule 60), effective April 1, 2013. The Office Assistant I classification will no longer be used.

District Office

Gina Dizon Human Resources Representative Human Resources

Reclassified from Human Resources Assistant position (Grade 22 of Salary Schedule 60) into this higher level classification (Grade 195C of Salary Schedule 50), effective April 1, 2013. The reclassification will more accurately reflect the responsibilities of the position.

B. CHANGE IN STAFF ALLOCATION

Skyline College

1. Recommend approval of change in staff allocation to change one full-time 10-month Office Assistant II position (2C0072) to a 67% of full-time, 12 month position in the Counseling Services Division, effective April 1, 2013. The position is needed year round to better serve students.
2. Recommend creation of a new classification titled, "Director of Respiratory Therapy," at Grade 193E of the Academic-Classified Exempt Supervisory Salary Schedule (35), effective July 1, 2013. Also recommend a change in staff allocation to add one full-time Director of Respiratory Therapy position, effective July 1, 2013. This position will provide improved management and coordination for the Respiratory Therapy Program.

3. Recommend approval of a change in staff allocation to increase one part-time Library Support Specialist position (2C0035) from 48% of full-time to 60% of full time, effective January 1, 2013. The increase, to better serve students, will be funded by Measure G. Also recommend increasing the assignment of the incumbent, Sergio Ferreira, accordingly.

District Office

1. Recommend creation of a new classification titled, "Campus Public Safety Lieutenant," at Grade 184S of the Classified Professional/Supervisory Salary Schedule (40), effective April 11, 2013. Also recommend a change in staff allocation to add one full-time Campus Public Safety Lieutenant position, effective April 11, 2013. This position will supervise and oversee the evening Public Safety operation.

2. Recommend creation of a new classification titled, "Human Resources Representative II," at Grade 205C of the Confidential Salary Schedule (50), effective April 1, 2013. In addition, recommend a change in staff allocation to delete two full-time Human Resources Representative positions (1C0227 & 1C0374) and add two Human Resources Representative II positions, effective April 1, 2013. The new classification will provide an increased level of responsibility in the areas of compensation and benefits for active and retired employees, employee leave of absence and Workers' Compensation, and employee performance evaluations. Also recommend the reclassification of Ingrid Melgoza in to this new classification, effective April 1, 2013.

BOARD REPORT NO. 13-4-1C

TO: Members of the Board of Trustees

FROM: Ron Galatolo, Chancellor

PREPARED BY: Jan Roecks, Interim Dean of Business, Workforce, and Athletics, Cañada College,
306-3450

UPDATE ON KCSM-TV

KCSM-TV, a full power non-commercial UHF transmission facility licensed by the Federal Communications Commission (FCC), has been on the College of San Mateo campus for almost 50 years. It has been supported through membership dues and subsidized by the General Fund of the San Mateo County Community College District (SMCCCD). In order to allocate limited resources to the core educational mission of the District, the Board of Trustees determined that it was no longer feasible to provide subsidies to KCSM-TV from the unrestricted general fund. In June 2011, the Board made the decision to sell KCSM-TV.

In July 2011, District staff began work to create a Request for Proposal (RFP) to solicit bidders to acquire the assets of KCSM-TV and to take assignment of the station licenses. Because of the unique nature of this sale, a team was formed to create and manage the unusual RFP through the sale process. This team consists of District staff Jan Roecks, Director of General Services (currently Interim Dean of Business, Workforce, and Athletics at Cañada College) and Marilyn Lawrence, General Manager of KCSM; Attorney Larry Miller who specializes in FCC law with the law firm Schwartz, Woods and Miller; and Eugene Whitlock, County Counsel for the District.

The team worked to compose an RFP that would attract qualified bidders under the FCC's rules to hold a non-commercial license. The RFP was released in December, 2011 and bids were received in February of 2012. After lengthy negotiations the bid process did not result in a successful bidder and all bids were rejected in October, 2012.

A revised RFP was prepared and released on December 20, 2012. This RFP had options to purchase the assets and assign the station license, or to partner with a company that would be interested in subsidization of station operations and cooperative participation in FCC spectrum auction. Four responses to this RFP were received by the deadline of February 20, 2013. The bidders include:

KMTP TV 32
Oriental Culture and Media Center of Southern California
Locus Point Networks
Public TV Financing

The team is currently working on best and final negotiations and hopes to bring to the Board a contract for review and approval in the next few weeks.

BOARD REPORT NO. 13-4-2C

TO: Members of the Board of Trustees
FROM: Ron Galatolo, Chancellor
PREPARED BY: Mike Celeste, Director of Public Safety, 358-6840

REPORT ON PUBLIC SAFETY AND RELATED CLERY ACT REPORTING

Crime statistics are submitted annually by all postsecondary institutions that receive Title IV funding as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses. The Clery Act also requires institutions to give timely warnings of crimes that represent a threat to the safety of students or employees.

Annual security report

By October 1 of each year, institutions must publish and distribute their Annual Campus Security Report to current and prospective students and employees. Institutions are also allowed to provide notice of the report, a URL if available, and how to obtain a paper copy if desired.

This report is required to provide crime statistics for the prior three years, policy statements regarding various safety and security measures, campus crime prevention program descriptions, and procedures to be followed in the investigation and prosecution of alleged sex offenses.

The District's 2012 Annual Public Safety and Security Report is attached as Exhibit A.

Crime log

The institution's police department or security departments are required to maintain a public log of all crimes reported to them, or those of which they are made aware. The log is required to have the most recent 60 days' worth of information. Each entry in the log must contain the nature, date, time and general location of each crime and disposition of the complaint, if known. Information in the log older than 60 days must be made available within two business days. Crime logs must be kept for seven years, three years following the publication of the last annual security report.

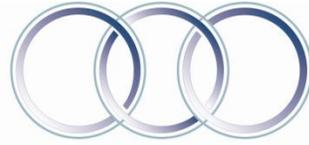
Timely warnings

The Clery Act requires institutions to give timely warnings of crimes that represent a threat to the safety of students or employees. Institutions are required to publish their policies regarding timely warnings in their Annual Campus Security Report. The institution is only required to notify the community of crimes which are covered by the Clery statistics.

Crime statistics

An institution must keep the most recent eight years (as of 2012) of crime statistics that occurred: on campus, in institution residential facilities, in non-campus buildings, or on public property. The report must also indicate if any of the reported incidents, or any other crime involving bodily injury, was a "hate crime."

A chart showing the District's campus crime statistics for 2009, 2010 and 2011 is attached as Exhibit B.



SAN MATEO COUNTY
COMMUNITY COLLEGE DISTRICT

Annual
Public
Safety &
Security
Report

2012

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Mission Statement

The San Mateo County Community College District Public Safety Department is committed to providing quality service to visitors, students, and staff on our college campuses. In exercising our duties, we will be responsive to all in need regardless of their position in life; respectful of the diversity of our campus communities; solicit public support and involvement in our efforts to promote organizational efficiency without detracting from the overall quality of life of our community college district.

Department of Public Safety

Your personal safety and the security of the campus community are of vital concern to San Mateo County Community College District (SMCCCD). San Mateo County Community College District is a caring community where we expect students, faculty and staff to take responsibility for each other and for the campus community as a whole. The Public Safety Department is committed to creating and maintaining a safe and secure environment on campus and works closely with other departments - such as residence life, student affairs, physical plant and campus services to ensure regular monitoring of the buildings and grounds, personal and education, disaster preparedness and timely response to medical or other emergencies.

A safe community begins with each individual so we encourage you to take responsibility for yourself and those around you by becoming familiar with policies and procedures, being alert and aware of your environment - sharing any concerns you may have with appropriate staff and using common sense and care with keys, access cards, and personal belongings.

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act the College prepares an annual report. This report includes statistics for the most recent three year period concerning reported crimes that occurred on campus and is available upon request.

All crime victims and witnesses are strongly encouraged to immediately report the crime to the appropriate police agency and the Department of Public Safety. Prompt reporting will assure timely warning notices on campus and timely disclosure of crime statistics.

What is the "Jeanne Clery" Disclosure Act?

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act , codified at 20 USC 1092 (f) as a part of the Higher Education Act of 1965, is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. All public and private institutions of postsecondary education participating in federal student aid programs are subject to it. Can be "fined" up to \$27,500 by the U.S. Department of Education, the agency charged with enforcement of the Act and where complaints of alleged violations should be made, or face other enforcement action.

The Clery Act, originally enacted by the Congress and signed into law by President George Bush in 1990 as the Crime Awareness and Campus Security Act of 1990, was by Howard & Connie Clery after their daughter Jeanne was murdered at Lehigh University in 1986. They also founded the non-profit Security On Campus, Inc. in 1987. Amendments to the Act in 1998 renamed it in memory of Jeanne Clery. The complete text of the Clery Act and U.S. Department of Education regulations is available on the Security On campus, Inc. web site at <http://www.campussafey.org>.

Annual Report

Schools have to publish an annual report every year by October 1st that contains 3 year's worth of campus crime statistics and certain security policy statements including sexual assault policies which assure basic victims' rights, the law enforcement authority of campus police and where students should go to report crimes. The report is to be made available automatically to all current students and employees while prospective students and employees are to be notified of its existence and afforded an opportunity to request a copy. Schools can comply using the Internet so long as the required recipients are notified and provided the exact Internet address where the report can be found and paper copies are available upon request. A copy of the statistics must also be provided to the U.S. Department of Education.

Crime Statistics

Crimes are reported in the following 7 major categories, with several sub-categories:

1. Criminal Homicide broken down by
 - a. Murder and Non-negligent Manslaughter and by
 - b. Negligent Manslaughter
2. Sex Offenses broken down by
 - a. Forcible Sex Offenses (includes rape)
 - b. Non-forcible Sex Offenses
3. Robbery
4. Aggravated Assaults
5. Burglary
6. Motor Vehicle Theft and
7. Arson

Schools are also required to report the following three types of incidents if they result in either an arrest or disciplinary referral:

1. Liquor Law Violations
2. Drug Law Violations
3. Illegal Weapons Possession

Crime & Other Definitions

Federal Bureau of Investigation Uniform Crime Reporting Handbook/National Incident-Based Reporting System Crime Definitions

Excerpted from the Implementing Regulations of the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" (originally the Campus Security Act) originally published in the Federal Register on April 29, 1994 (Vol. 59, No. 82) and November 1, 1999 (Vol. 64, No. 210).

The following definitions are to be used for reporting the crimes listed in 34 CFR sec. 668.46 (previously 668.47) in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program. The definitions for murder, robbery, aggravated assault, burglary, motor vehicle theft, weapon law violations, drug abuse violations and liquor law violations are excerpted from the Uniform Crime Reporting Handbook. The definitions of forcible and non-forcible sex offenses are excerpted from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Handbook.

- **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.
- **Arson:** The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another kind.
- **Assault (Simple):** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.
- **Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- **Criminal Homicide-Manslaughter by Negligence:** The killing of another person through gross negligence.
- **Criminal Homicide-Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

- **District Premises:** Any building or grounds owned, leased, operated, controlled or supervised by the San Mateo County Community College District.
- **District or School Property:** Includes both personal and real property owned or controlled by the District.
- **District or College sponsored activity:** Any activity on or off the District or College premises that is directly initiated or supervised by the District or a District Organization.
- **Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, Benzedrine)
- **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Larceny:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- **Liquor Law Violations:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)
- **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned - including joyriding.)
- **Murder/Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.
- **Negligent Manslaughter:** The killing of another person through gross negligence.
- **Reckless:** Conduct which one should reasonably be expected to know would create a substantial risk of harm to a person or property or which would otherwise be likely to result in interference with normal College/District sponsored activities.
- **Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

- **Sex Offenses-Forcible:** Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.
 - **Forcible Rape:** The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
 - **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
 - **Sexual Assault with an Object:** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
 - **Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.
- **Sex Offenses Non-forcible:** Unlawful, non-forcible sexual intercourse.
 - **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- **Student:** Any person taking or auditing classes at a College in the San Mateo County Community College District or who has been admitted to any of the Colleges within the District.
- **Vandalism:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.
- **Weapon:** Any object or substance designed or used to inflict a wound or cause injury.

- **Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

Source: Federal Register, April 29, 1994, Vol. 59, No. 82; Federal Register, November 1, 1999, Vol. 64, No. 210.

***Caveat:**

The Department of Public Safety is providing crime information to the SMCCCD community. The Department intends that the information provided by this Annual Safety & Security Report is accurate; however, errors sometimes occur. This annual report does not reflect the full crime index for the San Mateo County community surrounding the Community College District. The report contains only Clery required reportable offenses. The incidents listed are subject to change for a variety of reasons, including late incident reporting, reclassification of some crimes and notification that reported crimes were unfounded by the local law enforcement agency.

Access to Timely Information

The San Mateo County Community College District is required to provide "timely warnings" and a separate more extensive public crime log. It is these requirements which are most likely to affect the day to day lives of the campus community. The timely warning requirement is somewhat subjective and is only triggered when the institution appointees consider an incident to pose an ongoing "threat to the campus community" while the public log records all incidents reported to the campus police or public safety department.

Timely warnings cover a broader source of reports (local police, public safety and other campus officials) than the public log but are limited to those crime categories required in the Annual Safety & Security Report. The crime log includes only incidents reported to public safety but covers all crimes not just those required in the Annual Safety & Security Report; meaning incidents like theft are included in the log.

Public Safety Alerts

To help prevent crimes or serious incidents, the Department of Public Safety, issues Public Safety Alerts in a timely manner to notify community members about criminal activity in and around our campus. Members of the community who know of a crime or other serious incident are encouraged to report the incident as soon as possible to the Public Safety Department, so that an alert can be issued, if warranted. Depending on the nature of the incident campus alerts will be communicated through one or more of the following means: Campus Notice e-mails

(mysmccd.edu); AlertU Emergency Text Message Notification; Emergency Announcement System (EAS); Public Safety Patrol; or via the Public Safety website Homepage. Individuals may register through the San Mateo County Community College District portal for AlertU Emergency Text Message Notifications.

Daily Crime Log

The Department of Public Safety maintains a Daily Crime Log that records, by the date incidents reported to us, all alleged crimes and other serious incidents that occur on campus, in a non-campus building or property, on public property, or within the department's jurisdiction. The Daily Crime Log is available for public inspection at any of the 3 campus public safety offices. The Daily Crime Log includes the nature, date, time, and general location of each crime reported to us, as well as the disposition of the complaint, if this information is known at the time the log is created. We reserve the right to exclude crime report information from the log in certain circumstances.

The Federal Clery Act allows the college to withhold information from the Public Log in special circumstances, such as when:

- * Disclosure is prohibited by law;
- * Disclosure would compromise the confidentiality of the victim;
- * Disclosure would jeopardize an ongoing criminal investigation or the safety of an individual;
- * Disclosure would cause a suspect to flee or evade detection;
- * Disclosure would result in the destruction of evidence

The San Mateo County Community College District

The San Mateo County Community College District is one of the 72 community college districts in California. Our District operates 3 of the 108 community colleges within the California Community College System: Cañada College, College of San Mateo & Skyline College.

The three colleges of our District serve more than 26,000 students and offer the first two years of instruction in a wide variety of transfer programs as well as more than 90 vocational-technical programs. Students can earn either Associate in Arts or Science degrees or receive Certificates of Proficiency in their chosen fields. The University Center at Cañada College partners with other colleges and universities to offer baccalaureate and master's degrees.

On the San Mateo County Community College District campuses, the Department of Public Safety, Counseling and Psychological Services, Health Services, Campus Facilities and others are responsible for a number of measures to ensure personal safety and to protect property.

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act of 1998 (formerly The Student Right to Know Act of 1990), the San Mateo County

Community College District regularly provides information regarding crime statistics and security measures through public safety flyers, e-mails and publications to employees, prospective students, and matriculated students.

The Department of Public Safety reports to the Vice Chancellor of Facilities, Maintenance & Operations. The Public Safety Department works closely with all departments of the Colleges to ensure that safety policies and procedures are uniformly executed and conveyed in a clear and consistent manner to all the college's students, faculty and staff.

Office Information

The College of San Mateo Public Safety office is located at 1700 W. Hillsdale Blvd., San Mateo, CA 94402 Building 1, Room 101.

The Cañada College Public Safety office is located at 4200 Farm Hill Blvd., Redwood City, CA 94061 Building 9, Room 151.

The Skyline College Public Safety office is located at 3300 College Drive, San Bruno, CA 94066 Building 6, Room 106.

Cañada College, the College of San Mateo and Skyline College are all patrolled 24 hours a day, 365 days a year.

All Public Safety Officers employed by the San Mateo County Community College District who work more than 20 hours a week have completed a course of training by the Bureau of Security and Investigative Services of the Department of Consumer Affairs in consultation with the Commission on Peace Officer Standards and Training.

Public Safety officers are responsible for a full range of safety services to the San Mateo County Community College District community, including all crime report investigations, medical emergencies, fire emergencies, traffic accidents, and enforcement of all College policies including those relating to alcohol use, drug use, and weapons possession.

Working Relationship with Other Law Enforcement Agencies

The Department of Public Safety strives to maintain a close working relationship with the Redwood City Police Department (RWCPD), the San Mateo Police Department (SMPD), and the San Bruno Police Department (SBPD). The Department of Public Safety occasionally works with other law enforcement agencies. The Department of Public Safety communicates periodically through the year with PD liaisons about incidents that occur in and around the campus area. There is a written Memorandum of Understanding between the San Mateo County Community College District Department of Public Safety and the Sheriff's Office, the San Mateo Police Department and the San Bruno Police Department.

Local Law Enforcement Policy (2.52)

1. Each College in the District shall enter into a written agreement with local law enforcement agencies. The agreement shall clarify operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location.
2. The written agreement shall designate which law enforcement agency shall have operational responsibility for violent crimes and delineate the specific geographical boundaries of each agency's operational responsibility, including maps as necessary.
3. The written agreements required by this policy shall be public records and shall be made available for inspection by members of the public upon request.
4. The District encourages accurate and prompt reporting of all crimes to campus public safety officers and the appropriate police agencies.
5. Professional mental health and religious counselors are exempt from reporting obligations. However, counselors are encouraged, if and when they deem it appropriate, to inform the persons they are counseling of procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Reference: Education Code Section 67381; 34 Code of Federal Regulations Section 668.46(b)(4)

Reporting Methods on Campus

To report crimes or emergencies, members of the college community should call Public Safety (Cañada (650) 306-3420, College of San Mateo (650) 574-6415 or Skyline College (650) 738-4199) from any campus phone or cell phone. For life threatening emergencies, call 9-911 from any campus phone or from a cell phone, or call the local Police Department (RWCPD (650) 780-7000, SMPD (650) 522-7700 and SBPD (650) 616-7100). Be prepared to advise the dispatcher where the emergency is located. If time permits call Public Safety so that they can be alerted that emergency services are responding so that they can assist in giving directions to your location.

Individuals may also report criminal offenses to any other member of faculty or staff.

Reporting of Crimes Policy (2.51)

1. The Chancellor shall assure that, as required by law, reports are prepared of all occurrences reported to campus security of arrests for crimes committed on campus that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication. The Chancellor shall further assure that required reports of non-criminal acts of hate violence are prepared. Such reports shall be made available as required by law.

2. The Chancellor shall establish procedures related to the responsibility of employees, within the scope of employment or in their professional capacity, to report suspected abuse and neglect of children.

Reference: Education Code Section 67380; Penal Code Sections 261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a, and 11164-11174.3; Welfare and Institutions Code Sections 300, 318, and 601; Family Code Sections 7802, 7807, 7808, 7820-7829, 7890, and 7892

Anonymous Crime Reporting

If you wish to report a crime anonymously, you may do so by completing the Anonymous Crime Reporting Form on the Public Safety Website or by calling the Public Safety Anonymous Tip Line (650) 738-4353. Whether you choose to fill out the Anonymous Crime Reporting Form or call the Anonymous Tip Line, please be as descriptive and detailed as possible. The purpose of Anonymous Crime Reporting is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. Rest assured you are submitting information completely anonymously and the Public Safety Department will investigate the information you provide.

Accurate and Prompt Reporting

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the Department of Public Safety in a timely manner. If assistance is required from the Police Department or Fire Department, we will contact the appropriate service. If a sexual assault or rape should occur, staff on the scene, including Public Safety, will offer the victim a wide variety of services and options for filing a report. Crimes should be reported to the Department of Public Safety to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

Public Safety Department Staff, Interagency Cooperation and Enforcement Authority

Staff is assigned to the Department of Public Safety after a background check. Annual, as well as on-going training is provided. Both full and part-time staff comes from a variety of safety and security backgrounds including law enforcement, military, and private security. These officers are supervised by the Director of Public Safety. Public Safety staff handles internal campus events and monitor the environment of the campus. The San Mateo County Community College District strives to work closely with the Redwood City Police Department, San Mateo Police Department, San Bruno Police Department and the San Mateo County Sheriff's Office. Any reports of incidents involving San Mateo County Community College District students, on or off campus, are forwarded to the Director of Public Safety or a San Mateo County Community College District designee so that the best interests of students, employees and the community

may be served. The San Mateo County Community College District considers personal safety a priority. Incident reports and safety concerns are reviewed and acted upon accordingly.

Students are required to comply with the directives of Public Safety staff and any College official in performance of their assigned duties. Students are required to present valid identification when requested to do so. Public Safety staff may detain a person to investigate their purpose on campus. The Department of Public Safety is responsible for the enforcement of policies, rules and regulations set forth by the San Mateo County Community College District, and to report criminal violations to the proper authorities. All Public Safety staff are held to the highest standard of maintaining an individual's confidentiality and are available to assist in filing reports on incidents.

Security and Access

All keys for academic and administrative buildings in the San Mateo County Community College District are recorded and tracked through the Facilities Planning, Maintenance & Operations Department. It is critical in protecting each campus to maintain accurate and effective control over building access. The District's key policy is designed to ensure that people who request keys are actually authorized to have them and to make each key holder accountable for the return of keys after that authorization has expired.

Procedure for District Key Issuance:

1. Complete a Key Request Form and submit it to the Facilities Office at your campus. Key Request Forms can be found on the Facilities website.
2. All Key Requests must have all required Approval Signatures.
3. Keys will only be issued to the individual whose name is on the Key Request Form. Keys shall not be loaned to others or duplicated at any time.
4. Keys are available for pick up at the College Facilities Maintenance Center for Skyline College and Cañada College and at the Public Safety Office for the College of San Mateo. Valid Photo ID must be presented prior to key release.

E-Keys/Electronic Access Controls

As part of our efforts to provide a safe and secure teaching, learning and working environment, electronic access controls sometimes supplement the mechanical key system. Instead of using a traditional key, doors that have been outfitted with electronic access controls require an electronic key (e-key) to gain access. E-keys are electronic keys. They take the form of either a card or a fob. In a few rare instances, an e-key is not necessary but a code must be entered on the keypad to gain entry.

Use of Keys

Keys shall not be loaned or duplicated. California Penal Code 469 states: *Any person who knowingly makes, duplicates, causes to be duplicated, or uses, or attempts to make, duplicate, causes to be duplicated, or use, or has in his/her possession any key to a building or other areas*

owned, operated or controlled by the State of California, any state agency, board or commission, a county, city or any public school or community college district without authorization from the person in charge of such building or area or his/her designated representative and with knowledge of the lack of such authorization is guilty of a misdemeanor.

All keys and locks issued by the District remain the property of the District and can be recalled at any time.

Return of Keys

All District keys must be returned to the College Facilities Maintenance Center upon departure of employee.

Student Use of Keys:

Keys will not be issued to students. Under special circumstances and only when absolutely required, however, students may be given access to College facilities with approval of a full-time faculty or manager, the appropriate Dean, Vice President, and the Campus Facilities Manager.

Lost or Stolen Keys

Lost or stolen keys must be reported immediately to the Public Safety Department, as well as the Campus Facilities Manager. The safety and security of the College relies upon its key holders to maintain the integrity of the system.

On-Campus Affiliate Keys

The San Mateo County Community College District has a variety of affiliations with education-related organizations that have chosen to locate their offices and programs on the San Mateo County Community College District Campuses. All of the San Mateo County Community College District Security and Access policies apply to the various affiliates as well.

Security Awareness Programs

During orientation and pre-registration campus functions, students are informed of services offered by the Department of Public Safety at the San Mateo County Community College District. Handouts and publications are shared with students outlining area resources, phone numbers, and safety tips. An orientation presentation is available to all new employees as well. A common theme is to encourage students and employees to be aware of their responsibility for their own safety and the safety of others. Periodically, the Department of Public Safety prepares short memorandums/emails on current or pending safety issues of the season for dissemination to the campus community. When time is of the essence, information is released to the College community through Campus Notice e-mails (mysmccd.edu); AlertU Emergency Text Message Notification; Emergency Announcement System (EAS); Public Safety Patrol; or via the Public Safety website Homepage.

Crime Prevention Programs

Public Safety staff are readily available to facilitate any student organization or program in a crime prevention educational endeavor; by providing brochures, video tapes (DVDs), and personal experience on the subject matter.

Alcohol and Drug Policies

Each student at the San Mateo County Community College District is considered an adult who assumes personal responsibility for their own conduct. As adults, the San Mateo County Community College District students are expected to comply with all laws and College policies regarding alcoholic beverages and other drugs.

Definitions

- **Alcohol:** Any beverage containing not less than 0.5% alcohol by weight.
- **Illicit Drug:** Controlled substances and analogs as defined by federal and state law. This also includes substances with psychoactive properties.
- **Possession:** Determined by control over a substance or object with or without regard to ownership
- **Property:** Any space or facility owned, leased or controlled by the San Mateo County Community College District.
- **Student:** Any individual enrolled in any course at the San Mateo County Community College District.

State and Local Laws Pertaining to Alcohol and Drug Use

Alcohol

California law makes it a misdemeanor for any person to sell, furnish, or give any alcoholic beverage to a person under 21 years of age, or to an obviously intoxicated person of any age. Additionally, it is a misdemeanor for minors to purchase or possess alcoholic beverages of any kind. Furthermore, any student responsible for organizing or sponsoring an event where alcohol is served to minors may be subject to legal prosecution. California courts have required individuals to pay civil damage awards for injuries caused by violations of these laws.

Limitations on Alcohol Use

California law prohibits any person under the age of 21 from buying, possessing, consuming, or distributing alcoholic beverages. There is no exemption from this law; the San Mateo County Community College District campus is subject to this prohibition even though it is private property patrolled by its own Public Safety force. College policy requires students 21 and over to refrain from abusive practices in consumption of alcoholic beverages. As an educational institution, the San Mateo County Community College District cannot tolerate inappropriate or excessive consumption that disrupts the educational process or abuses the rights of others.

Drug-Free Workplace and Educational Environment Policy (2.26)

1. It is the policy of the San Mateo County Community College District to maintain a drug-free workplace and educational environment for its employees and students in accordance with the requirements of the Federal Drug-Free Workplace Act of 1988 and Drug-Free Schools and Communities Act Amendments of 1989. In addition to this policy, the District continues to maintain its employee and student policies pertaining to the possession and use of alcohol and drugs on District property. Employees and students who are under the influence of an intoxicant while on District property are subject to disciplinary action, pursuant to current policies which regulate employee and student conduct.
2. The unlawful manufacture, distribution, dispensation, possession, or use of alcohol or a controlled substance in the workplace or educational facilities and on any District property is strictly prohibited. "Controlled substance," as defined in the Act, does not include distilled spirits, wine, malt beverages or tobacco. This policy does not prohibit the lawful use of alcoholic beverages on District property provided that such use strictly adheres to State or other laws which expressly permit its use under specific circumstances and in specified District facilities.
3. As appropriate and permitted by law, the Chancellor is authorized to enact procedures regarding serving alcoholic beverages on campus. Alcoholic beverages shall not be served on campus except in accordance with these procedures.
4. It is the responsibility of each District employee to adhere to the requirements of the drug-free policy and to notify the Office of Human Resources within five (5) days of any criminal drug statute conviction for violations occurring in the workplace or educational setting.
5. Within ten (10) days after receiving notice from an employee of any criminal drug statute conviction, the Office of Human Resources will notify all Federal agencies from which Federal grants are received, pursuant to requirement of the Act.
6. Within thirty (30) days of receiving notice of such conviction, the Chancellor or designee shall initiate the appropriate personnel action or require the employee to participate in a drug-abuse assistance or rehabilitation program.
7. District employees found to be in violation of this policy by unlawfully manufacturing, distributing, dispensing, possessing or using alcohol or a controlled substance in the workplace, educational facility or on any District property, or by failing to notify the District of criminal drug statute convictions as required, will be subject to disciplinary

measures up to and including dismissal, pursuant to established District and collective-bargained policies and procedures.

8. It is the responsibility of each District student to adhere to the regulations of this drug-free policy. Students found to be in violation of this policy by the unlawful manufacturing, distributing, dispensing, possessing or using alcohol or a controlled substance on District property will be subject to disciplinary measures up to, and including expulsion, pursuant to District policy.
9. Notice of the District Drug-Free Workplace and Educational Environment policy will be included in regular student publications and will be made available to employees annually.
10. The District maintains a program of random alcohol and controlled substances testing for all persons who perform safety-sensitive functions such as driving passenger vehicles or operating a vehicle with a weight that is subject to this policy, as defined by the Omnibus Transportation Employee Testing Act of 1991 (hereinafter referred to as "the Omnibus Act"). This policy applies only to those District employees who are directly identified by the Vice Chancellor, Human Resources and appropriate administrator as holding and performing functions which have been identified as safety sensitive and who are considered to be covered by the Federal regulations. These employees include all District employees who hold a commercial driver's license which is necessary to perform job-related duties such as operating a commercial motor vehicle or carrying fifteen (15) or more passengers, including the driver.
11. Employees who are covered by the Omnibus Act will be so notified and receive written information pertaining to it, its testing requirements, and their rights therein.
12. Pursuant to the Omnibus Act, District employees who are affected by this Act are subject to alcohol and controlled substance testing. The presence in the body, possession, use, distribution, dispensing and/or unlawful manufacture or sale of prohibited drugs is not condoned while conducting District business, or while in work areas, or in District vehicles on or off District property. Driving and/or otherwise performing safety-sensitive work while under the influence of alcohol, a controlled substance, or impaired as the result of a legally prescribed medication, are considered "prohibited conduct" for the purpose of this Act.
13. Each driver who has engaged in prohibited conduct (found to be operating under the influence of alcohol or a controlled substance) shall be advised of resources available in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names and locations of substance abuse professionals and counseling and treatment programs. Those employees who are found to be impaired as the result of using a prescription drug will not be permitted to

perform safety-sensitive job duties and will be directed to their treating physician to regulate use of their medication.

14. The referral of a driver to an assistance program or substance abuse professional shall not preclude the imposition of disciplinary action. The employee will be accorded all rights and benefits as specified in the Americans with Disabilities Act and other applicable medical and leave laws as appropriate. Disciplinary procedures which may be imposed on the employee will adhere to District and collectively-bargained policies and procedures.

References: Drug Free Schools and Communities Act, 20 U.S. Code Section 1145g ; 34 C.F.R. Sections 86.1 et seq. and 668.46(b); 49 C.R.F. Part 40; Drug Free Workplace Act of 1988, 41 U.S. Code Section 702; Business and Professions Code Section 25608

Smoking Policy (2.27)

It is the policy of San Mateo County Community College District to provide a safe learning and working environment for both students and employees. It is recognized that smoke from cigarettes, pipes and/or cigars is hazardous to health; therefore, it is the intent of the District to provide a smoke-free environment to the greatest extent possible. To achieve this goal, the District will limit smoking on District property to outdoor areas only, at a minimum of twenty (20) feet away from any doorway, entrance to an indoor facility, or fresh air intake vent.

1. Smoking is prohibited in all indoor locations within the District.
2. Smoking is prohibited within a distance of twenty (20) feet from any District or College doorway, entrance to an interior area or fresh air intake vent. The College President, in conjunction with the College Council, has the discretion to set campus smoking regulations as long as smoking is prohibited within a distance of at least 20 feet from any District or College doorway, entrance to an interior area or fresh air intake vent.
3. District managers are responsible for publicizing the policy to students, employees and visitors, and are responsible for the posting of signs. International no smoking signs will be posted as appropriate. Notification about the policy on smoking will be included in employee and student publications, newsletters and in other written materials as appropriate. In addition, materials that are used to publicize District public events will include policy notification to the public.
4. To assist in the implementation of this policy, the District will provide education and training in the areas of smoking dangers and smoking cessation.

5. It is the responsibility of all students and employees to observe the policy and guidelines on smoking. Failure to comply with the policy on smoking will be treated in the same manner as other violations of District Rules and Regulations and may result in disciplinary action.
6. It is the responsibility of College and District Office managers to enforce the policy on smoking. Disputes over the interpretation of the policy or complaints about individuals violating the policy should be brought to the attention of the person's supervisor, the Vice-President of Student Services at the College level, or the Vice-Chancellor of Human Resources and Employee Relations in the District Office. When the evidence is non-persuasive on either side, such disputes will be settled in favor of the nonsmoker(s) in recognition of the policy of the District to provide a smoke-free environment. Such disputes shall be settled at the lowest management level.
7. This policy does not supersede more restrictive policies which may be in force in compliance with State or Federal regulations.

Reference: Government Code 7597(a)

Student Conduct Policy (7.69)

1. Students enrolled in the Colleges of the San Mateo County Community College District are expected to conduct themselves as responsible citizens and in a manner compatible with the District and College function as an educational institution. Students are also subject to civil authority and to the specific regulations established by the District and/or each College in the District.
2. The following actions are prohibited and may lead to appropriate disciplinary action:
 - a. Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, the open and persistent defiance of the authority of, or persistent abuse of, College/District personnel, or violating the rights of other students.
 - b. Assault, battery or any threat of force or violence to a student or District/College personnel on District/College premises or at any time or place while under the supervision of District/College personnel.
 - c. Causing, attempting to cause, or threatening to cause physical injury or threat of force or violence to the person, property or family of any member of the College community, whether on or off College/District premises as defined below, except in self-defense.

- d. Aiding or abetting, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person.
- e. Harassing, intimidating or threatening a student who is a witness in a school disciplinary proceeding, administrative proceeding or law enforcement investigation for the purpose of preventing the student from being a witness or retaliation for being a witness.
- f. Harassment or bullying by use of electronic devices.
- g. Causing or attempting to cause, threatening to cause or participating in an act of hate violence, as defined in Education Code Section 233(e).
- h. Engaging in physical or verbal intimidation or harassment of such severity or pervasiveness as to have the purpose or effect of unreasonably interfering with a student's academic performance or College/District employee's work performance, or of creating an intimidating, hostile or offensive educational or work environment.
- i. Engaging in physical or verbal disruption of instructional or student services activities, administrative procedures, public service functions, or authorized curricular or co-curricular activities or prevention of authorized guests from carrying out the purpose for which they are on campus.
- j. Terroristic threats against school officials, students or school property as defined in Education Code Section 48900.7(b).
- k. Theft of, damage to, or threat of damage to property belonging to or located on College/District controlled property or facilities, or to the private property located on College/District premises.
- l. Knowingly receiving stolen property belonging to the College District.
- m. Participation in hazing
- n. Unauthorized entry into, or use of, or misuse of College/District owned or operated facilities.
- o. Forgery, alteration, or misuse of College/District documents, records, or identification.
- p. Misrepresentation of oneself or of an organization as an agent of the College/District.
- q. Dishonesty (such as cheating, plagiarism, or knowingly furnishing false information to the College and its officials).
- r. Infringement or violation of copyright laws.
- s. Disorderly conduct or lewd, indecent, or obscene conduct or expression or habitual profanity or vulgarity; any expression which is obscene, libelous or slanderous according to current legal standards or which so incites students as to create a clear and present danger of the commission of unlawful acts, or the substantial disruption of the orderly operation of the Community College on any College/District-owned or controlled property or at any College/District-sponsored or supervised function.
- t. Extortion or breach of the peace on College/District property or at any College/District-sponsored or supervised function.

- u. Unlawful use, sale, possession, offer to sell, furnishing, or being under the influence of any controlled substance (listed in the California Health and Safety Code), alcohol, or an intoxicant of any kind, or a poison classified by laws defining controlled substances while on College/District property, or at College/District functions; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia.
- v. Possession, sale, use, or otherwise furnishing of explosives, dangerous chemicals, deadly weapons or other dangerous objects on College/District property or at a College/District function without prior authorization of the Chancellor, College President, or authorized Designee. Possession of an imitation firearm, knife or explosive on College/District property with the intent to threaten, frighten or intimidate.
- w. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the College/District.
- x. Failure to satisfy College/District financial obligations.
- y. Failure to comply with directions of College/District officials, faculty, staff, or campus security officers who are acting within the scope of their employment. Continued and willful disobedience or open and persistent defiance of the authority of College/District personnel providing such conduct as related to District/College activities or College attendance or on College/District property.
- z. Failure to identify oneself when on College/District property or at a College/District-sponsored or supervised event, upon request of a College/District official acting in the performance of his/her duties.
- aa. Stalking, defined as a pattern of conduct by a student with intent to follow, alarm, or harass another person, and which causes that person to reasonably fear for his or her safety, and where the student has persisted in the pattern of conduct after the student has been told to cease the pattern of conduct. Violation of a restraining order shall constitute stalking under this policy.
- bb. Gambling: Betting, wagering or selling pools; playing card games for money; using District resources (telephones, computers, etc.) to facilitate gambling.
- cc. Committing sexual harassment as defined by law or by District policies and procedures.
- dd. Engaging in harassing or discriminatory behavior based on race, sex, (i.e. gender), religion, age, national origin, disability, sexual orientation, or any other status protected by law.
- ee. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct or where the presence of the student causes a continuing danger to the physical safety of students or others.
- ff. Violation of other applicable Federal, State and Municipal statutes and District and College rules and regulations in connection with attendance at programs or services offered by the College/District or while on College/District property or at College/District sponsored activities.
- gg. Unauthorized computer usage, including: unauthorized entry into a file to use, read, or change the contents, or for any other purpose; unauthorized transfer of

a file; unauthorized use of another individual's identification and password; use of computing facilities to interfere with the work of another student, faculty member, or District official; use of computing facilities to send or receive obscene or abusive messages; use of computing facilities to interfere with the normal operations of District computing.

3. Definitions: When used in this policy:

- a. Student – any person taking or auditing classes at a College in the District or who has been admitted to any of the Colleges within the District
- b. District premises – any building or grounds owned, leased, operated, controlled or supervised by the District.
- c. District or School Property – includes both personal and real property owned or controlled by the District.
- d. District or College sponsored activity – any activity on or off the District or College premises that is directly initiated or supervised by the District or a District organization
- e. Weapon – any object or substance designed or used to inflict a wound or cause injury
- f. Reckless – conduct which one should reasonably be expected to know would create a substantial risk of harm to a person or property or which would otherwise be likely to result in interference with normal College/District sponsored activities
- g. Will and Shall – are used in the imperative sense.

4. Disciplinary Action while criminal charges are pending

- a. Students may be accountable both to law enforcement and to the District for acts that constitute violations of law and of this policy. Disciplinary action at the College/District will normally proceed during the pendency of criminal proceedings, and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

5. No student shall be suspended from a College unless the conduct for which the student is disciplined is related to College/District activity or attendance. Any violation of law, ordinance, regulation or rule regulating or pertaining to, the parking of vehicles, shall not be cause for removal, suspension, or expulsion of a student.

Reference: Education Code Section 76033

Student Disciplinary Sanctions Policy (7.70)

1. The rights and responsibilities of students are not fundamentally different from those of other members of the community. District officials administer the academic community under statutory authority in accordance with the directions of the Board. Discipline is administered outside of civil authority or concurrent with civil authority in matters which affect the academic community.
2. Students charged with misconduct may be subject to the following sanctions:
 - a. Warning: An oral statement to the student that he/she is violating the Student Code of Conduct; that continuation or repetition of the conduct may be cause for further disciplinary action. This action may be taken by any faculty or staff or by the Disciplinary Officer when the case is referred to him/her.
 - b. Reprimand: A written notice by the Disciplinary Officer of violation of the Student Code of Conduct. A reprimand may include the possibility of more severe disciplinary sanctions in the event of future infractions of the Student Code of Conduct.
 - c. Disciplinary Probation: Formal written notice by the Disciplinary Officer of violation of the Student Code of Conduct which includes exclusion from participation in specified activities or locations for a period not to exceed one (1) calendar year. Further violation of the Student Code of Conduct will result in more severe sanctions.
 - d. Restitution: Formal action by the Disciplinary Officer to require the reimbursement for damage to or misappropriation of property. This may take the form of appropriate service or other compensation.
 - e. Removal from Classes/Facility: Exclusion of a student by an instructor or an administrator from a class and/or facility for the day of the offense and/or the next class meeting or day. An instructor removing a student from class shall make written report or meet with the College Disciplinary Officer to discuss the cause for the removal. After-the-fact review by the President/designee shall occur if the student alleges in writing that an instructor or administrator has abused his/her administrative discretion.

Any College instructor, for good cause, may remove a student from the classroom for the day of the incident and the next regular class meeting.

- Before ordering the removal of any student from class, the instructor shall first give or make reasonable efforts to give the student an oral or written notice of the reasons for the proposed removal.

- Immediately following the removal from class, the instructor shall document the removal and notify the Division Dean and/or Disciplinary Officer of the action.
 - If the student is a minor, the parents or legal guardian shall be notified in writing by the Disciplinary Officer as soon as possible and the parent will be asked to attend a conference regarding the removal.
- f. Suspension: Action by the President to exclude the student from all Colleges and District/College programs and activities for a definite period of time. This action shall be posted on the student's electronic record, but shall not be reflected on the academic transcript.

This does not prohibit, where an interim suspension is required in order to protect lives or property and to insure the maintenance of order, an interim suspension pending a hearing, provided that a reasonable opportunity for a hearing be afforded a suspended person within ten (10) instructional days.

Suspension for more than ten days may have impact on a student's financial aid eligibility or financial aid award.

- g. Expulsion: Action by the Board of Trustees to terminate student status in the District indefinitely. The Board may expel a student for good cause when other means of correction fail to bring about proper conduct or when the presence of the student causes a continuing danger to the physical safety of the students or others.

Final action by the Board shall be taken by the Board of Trustees at a public meeting. Action to expel a student will be posted on the academic transcript.

Reference: Education Code Section 76032

Non-Discrimination Statement

The San Mateo County Community College District does not discriminate on the basis of race, color, marital status, age, religious creed, national origin, ancestry, sexual orientation, or disability (in accordance with the Americans with Disabilities Act, 1973 Rehabilitation Act Section 504, and implementing regulations) in its admission policies, scholarship and loan programs, or in the educational programs or activities which it operates.

Equal Employment Opportunity Policy (2.20)

1. The San Mateo County Community College District is committed to equal employment opportunity and full recognition of the diversity of cultures, ethnicities, language groups and abilities that are represented in its surrounding communities and student body. The Board believes that diversity in the academic environment fosters cultural awareness, mutual understanding and respect, and suitable role models for all students. The District shall demonstrate its commitment to the cultural competence¹ of its employees and students through policies, procedures, training programs, services and activities which promote diversity and mutual respect within the District work force and student body.
2. The San Mateo County Community College District is an equal opportunity employer that shall provide an educational and work environment in which no person is denied access to, or the benefits of, any program or activity of the District on the basis of ethnic group identification, national origin, religion, age, gender, sexual orientation, race, color, or physical or mental ability. This includes District decisions about employment, retention, compensation, promotion, termination and/or other employment status.
3. The District shall monitor the success of equal opportunity in its recruitment, selection, retention and promotional policies and procedures by monitoring outcomes to assure no adverse impact against any person or group of individuals, due to ethnic group identification, national origin, religion, age, gender, sexual orientation, race, color, or physical or mental ability.
4. The District complies with the spirit and law of the Americans with Disabilities Act of 1990 as amended by providing equal opportunity for persons with disabilities. The District shall make reasonable accommodations so that persons of all levels of ability enjoy equal access to all aspects of employment and education in our District, including but not limited to, educational services, selection procedures, retention and promotion.

In order to prevent discrimination on the basis of disability, the District will allow an individual with a disability to use a service animal or miniature horse in District facilities and on District campuses in compliance with state and federal law.

5. The District will not tolerate discourteous, offensive or abusive conduct or language including jokes, slurs, derogatory comments, or behaviors or language regarding a person's ethnic group identification, national origin, religion, age, gender, sexual orientation, race, color, or physical or medical condition relating to other employees,

¹ "Cultural Competence" refers to the skills and ability of individuals to act in a sensitive, inclusive and respectful manner in interactions with persons who are different from themselves.

students or the public. This includes District decisions about employment, retention, compensation, promotion, termination and/or other employment status.

Student Privacy Rights

The San Mateo County Community College District complies with the provisions of the 1974 Family Educational Rights and Privacy Act (FERPA). FERPA assures students attending a postsecondary educational institution that they have the right to inspect and review their educational records and to seek corrections of inaccurate or misleading data through informal or formal procedures. FERPA also protects student privacy rights by setting strict limits on disclosure of their educational records without their consent.

The San Mateo County Community College District considers name, address, phone number, email address, dates of attendance, degree(s) awarded, enrollment status, and major field of study to be directory information under FERPA and, as such, may be disclosed to a third party upon request.

Student Records, Directory Information, and Privacy Policy (7.28)

1. The Family Educational Rights and Privacy Act (FERPA) and the California Education Code require educational institutions to provide a student access to official educational records directly related to the student and to provide an opportunity for a hearing to challenge such records on the grounds that they are inaccurate. In addition, the law specifies that a College must obtain the written consent of the student before releasing personally identifiable information from records to other than a specified list of persons and agencies and that these rights extend to present and former students of the College.
 - a) Educational student records generally include documents and information related to admission, enrollment in classes, grades, matriculation, and related academic information. Educational records are more fully defined by the Education Code.
 - b) The Dean of Enrollment Services/Admissions and Records at each College, or the designee of the responsible Vice President, is designated "Records Officer" as required by the Act.
 - c) A student's educational record shall be made available for inspection and review by the student, during working hours, within five working days following completion and filing of a request made with the Records Officer.
 - d) If a student wishes to challenge any information in his/her educational record, the student shall review the matter with the Records Officer. During the informal proceedings, the Records Officer may make adjustments or changes to correct factual errors.

- e) If these informal proceedings do not settle the dispute regarding the student's record, the student may submit a request in writing to the responsible Vice President. The Vice President will assign the matter within ten working days to a "Hearing Officer."
 - f) The Hearing Officer will set a date for a hearing, at the conclusion of which s/he will render a decision to the President of the College, who will determine what action is to be taken. This decision may be appealed by the student in accordance with Rules and Regulations, Section 7.73 and the California Education Code.
2. Federal and State laws provide that the College may release certain types of "Directory Information" unless the student submits a request, in writing, to the Records Officer that certain or all such information is not to be released without his/her consent. "Directory Information" in the San Mateo County Community College District includes: student's name and city of residence, email address, participation in recognized activities and sports, dates of enrollment, degrees and awards received, the most recent previous educational agency or institution attended, and height and weight of members of athletic teams.
 3. Students shall be notified of their legal rights regarding access to student records through publication of this policy in College Catalogs and Schedules of Classes.
 4. Each College shall maintain a log in the Office of Enrollment Services/Admissions and Records for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the record, in accordance with the California Education Code.
 5. A copy of District policy, the Family Educational Rights and Privacy Act, appropriate sections of the California Education Code, and other pertinent information and forms shall be available in the office of the Records Officer.
 6. A fee established by the Board shall be charged for furnishing copies of records, except that the first two copies of a transcript shall be furnished without charge.

References: Education Code Sections 76200, 76210, 76220 76221, 76222, 76232 – 76234, 76240, 67242, 76243; Title 5 Sections 54600 et seq.

Harassment Statement

Harassment based on race, color, national origin, religion, pregnancy, disability, age, medical condition (cancer-related), ancestry, marital status, citizenship, or sexual orientation is not tolerated at the San Mateo County Community College District. The District also prohibits sexual harassment. Concerns can be reported to the Vice President of Student Services or any other College official.

Sexual Assault Education, Prevention & Reporting Policy (2.29)

The San Mateo County Community College District is strongly committed to the establishment of an educational environment in which students, faculty, and staff can work together in an atmosphere free of sexual assault.

1. Any sexual assault or physical abuse, including but not limited to rape as defined by California law, whether committed by an employee, student, or member of the public, that occurs on District property, is a violation of District policies and procedures and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.
2. The Chancellor shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational information about preventing sexual violence is provided and publicized as required by law. The procedures shall meet the criteria contained in the Education Code and Code of Federal Regulations.
3. The District and Colleges will provide information to all SMCCCD faculty, staff, and registered students on the definition of sexual assault, how to prevent it and how to report it if assaulted.
4. The Colleges shall disseminate this information through means such as the student/staff handbooks, District and College websites and orientations to the Colleges. The District Vice Chancellor of Human Resources and Vice Presidents of Student Services may take additional steps to disseminate the information District wide and at each College.
5. The District/Colleges will develop partnerships with community agencies that provide support and assistance to sexual assault victims.
6. All Managers shall be educated on the prevention of sexual assault and how to report any incidents of such assaults on a student, employee or visitor to a campus, whether the assault occurred on campus or not.

References: California Education Code, Sec. 67382, 67385, 67385.7; 20 U.S.C. § 1092(f); 34 C.F.R. §668.46(b)(11)

Sexual Harassment Involving Students Policy (7.67)

It is the policy of the San Mateo County Community College District to prohibit, in any and all forms, the sexual harassment of its students and staff. Sexual harassment of students by other students or staff and/or the harassment of staff by students is considered intolerable behavior that will be investigated and acted upon immediately.

According to both State and Federal laws and guidelines issued by the Equal Employment Opportunity Commission (EEOC), sexual harassment is a form of discrimination. Sexual harassment is misconduct that can change the course of careers, disrupt the climate of an entire class, affect academic performance, and undermine the integrity of educational relationships. It is an abuse of power which confuses the boundaries of personal and professional roles and breaches trusting relationships which should exist among members of the College community.

1. It is the policy of the San Mateo County Community College District to provide its students with a learning environment free of sexual harassment and intimidation. This policy addresses interactions between a student and faculty, staff members, or other students. Because of the seriousness of these matters, the District will make every effort to assure that sexual harassment does not occur and will take disciplinary actions up to and including dismissal or expulsion for policy violation. It is the responsibility of each District employee and student to maintain a level of conduct that is in compliance with District policy.
2. For purposes of this policy, sexual harassment is defined as unsolicited and unwelcome sexual advances, requests for sexual favors, and/or other verbal, physical, or visual conduct of a sexual nature which occur under any of four circumstances:
 - a. Submission is made, either explicitly or implicitly, a term or condition of admission to or retention in a course or program;
 - b. Submission or rejection by a student is used as a basis for grading, enrollment, or other educational decisions affecting the student;
 - c. Submission or rejection by a student affects negatively a student's class performance, opportunity to benefit from class participation, or constitutes a disruption of the learning process;
 - d. Such conduct creates, encourages, or condones an intimidating, hostile, or otherwise offensive environment for learning and/or teaching.
3. Sexual harassment includes, but is not limited to, the following:
 - a. Making unsolicited written, graphic, verbal and/or physical contact with sexual overtones. Written examples: suggestive or obscene letters, notes, invitations. Graphic examples: prurient display of objects, pictures, cartoons, or posters. Verbal examples: derogatory comments, slurs, jokes, innuendos and epithets. Physical examples: assault, touching, gestures, impeding or blocking movement.
 - b. Continuing to express sexual interest after being informed that the interest is unwelcome. (Mutual attraction is not considered sexual harassment.)
 - c. Making reprisal, or implied threats of reprisal, following a negative response. This can include denial of, or actually withholding, support or opportunities

normally provided in the form of counseling or other services, suggesting the assignment of a poorer grade than earned.

- d. Engaging in implicit or explicit coercive sexual behavior which has the effect of controlling, influencing, or affecting the enrollment, grade, academic success, and/or learning environment of any student.
- e. Offering favors or preferential treatment such as: assignment of better grades than earned; opportunities for extra credit; recommendations, favorable assigned duties or shifts; or other benefits in exchange for sexual favors.

4. Complaint Procedures

a. Staff to Student or Student to Student

- i. If a student complainant feels that a specific act or environment is offensive and in violation of this policy, the complainant should first notify the offender in an effort to stop the offensive behavior. If the behavior does not stop, or the complainant does not wish to confront the offender directly, the student should notify the Vice President, Student Services or designee.
- ii. Once received, the complaint will be investigated and acted upon in accordance with District Rules and Regulations. The Office of Personnel Services will be notified of all claims of sexual harassment at the time the complaint is received. Investigations involving faculty or staff members will be coordinated by the Office of Personnel Services.

b. Student to Faculty/Staff

- i. If a faculty or staff member is the complainant and feels that a specific act committed or environment created by a student is offensive and in violation of this policy, the complainant should first notify the offender in an attempt to stop the behavior.
- ii. If the behavior continues, the complainant will then notify the Vice President, Student Services or designee. Such continued behavior constitutes a disruption of the learning and teaching environment.
- iii. Once received, the complaint will be investigated and acted upon in accordance with District Rules and Regulations. The Office of Personnel Services will be notified of all claims of sexual harassment at the time the complaint is received. Investigations involving faculty or staff members will be coordinated by the Office of Personnel Services.

- c. In accordance with the guidelines on sexual harassment of the Equal Employment Opportunity Commission, the District intends: 1) to raise the subject of sexual harassment affirmatively in formal staff training and other

arenas; 2) to express strong disapproval for the inappropriate behavior; and 3) to implement this policy fully.

- d. District employees or students found to be in violation of this policy may be subject to full disciplinary measures up to and including dismissal or expulsion, as appropriate, pursuant to any and all established District procedures.

Hate Crimes

Hate Crimes-consist of any act of intimidation, harassment, physical force or threat of physical force directed against any person, group, family, community organization or property motivated in whole or in part by hostility toward real or perceived race, ethnic background, national origin,, religious belief, gender, age, disability, sexual orientation or political affiliation with the intent of causing fear, injury, intimidation or to deter the free exercise and enjoyment of any right secured by the Constitution or law.

Whenever a member of the community is a victim or receives a report of a suspected hate crime or other activity which reasonably appears to involve a potential hate crime it should be immediately reported to the Department of Public Safety or Campus Security Authority.

Grievance Procedures (7.73)

1. The San Mateo County Community College District shall establish and maintain a uniform system of student grievances and appeals for non-grade related disputes, which shall afford procedural due process to students in the review and appeal of College and District decisions or actions.
2. An explanation of the procedures for submitting student grievances and appeals shall be made available to students in the Student Handbook of each College and shall set forth the appropriate procedure at the respective College, District, and Board levels.
3. In order that the student may have the opportunity to appeal a decision not satisfactorily resolved at the initial level, other than an appeal regarding a grade received in a course or a parking citation, the steps outlined below may be taken. At any time during the progress of the procedure outlined below, informal resolution of the problem may be sought by mutual agreement. For grade grievances, refer to **B, Grade Grievances**. For parking citations, refer to **C, Parking Citation Appeals**.

A. Academic (Excluding Grade) and Non-Academic Grievances and Appeals

B.

Step 1 – College Level

- a. Before initiating formal appeal procedures, the student shall attempt to resolve the dispute informally with the appropriate staff member at the point of initial decision. If the dispute is not resolved, the student may initiate a formal appeal with the Vice President of Student Services and must do so within one (1) year of the incident on which the grievance is based or within one (1) year after the student learned of the basis for the grievance. The Vice President of Student Services shall advise the student, within five (5) days, of his or her rights and responsibilities assist the student in the final preparation of the grievance and determine whether the grievance will be remanded to a hearing of the Grievance Committee or reviewed with an appointed mediator. Specific information regarding timelines for grievances remanded to the Grievance Committee is outlined in the Student Grievances and Appeals Procedures, 7.73.1. The Vice President of Student Services will ensure that a student filing a grievance and the Grievance Committee members are provided copies of grievance procedures, including timelines.
- b. Appeal to the President
 - i. If the College President has been previously involved in the decision or action under appeal, the student may proceed directly to Step 2 (Appeal to the Chancellor).
 - ii. In the event that the dispute has not been resolved during the course of earlier appeal procedures, the student may appeal in writing to the President within five (5) days after receipt of the decision made in response to the initial appeal. The President shall provide the student with a hearing, if requested, and shall review the appeal. A written notice of the President's decision shall be provided to the student within ten (10) days of the hearing by the President.

Step 2 – Appeal to the Chancellor

If a dispute has not been resolved at the College level, the student may appeal, in writing, to the Chancellor within five (5) days after receipt of the decision of the President. The Chancellor, or his/her designee, shall provide the student with a hearing, if requested, and shall review the appeal. A written notice of the decision of the Chancellor shall be provided to the student within ten (10) days of the review of the student's written appeal.

Step 3 – Board Level

- a. If the dispute has not been resolved during the course of earlier procedures, the student may appeal in writing to the Board within five (5) days after receipt of the decision of the Chancellor.
- b. The Board shall provide the student with a hearing, if requested, and shall review the appeal. A written notice of the decision of the Board shall be mailed to the student and to appropriate staff members within twenty (20) days following the hearing. The decision of the Board is final.

B. Grade Grievances

Grades can only be grieved according to the criteria outlined in Education Code 76224. Before initiating formal appeal procedures, the student shall attempt to resolve the grade dispute informally with the instructor. If the dispute is not resolved, the student may initiate a grade grievance with the appropriate division dean. If the grievance is not resolved at the division dean level, the student may appeal to the Vice President of Instruction. The decision of the Vice President on grade-related grievances is final. There is a deadline of one (1) year from the date that the grade is posted for a student to initiate a grade change.

C. Parking Citation Appeals

Appeals for parking citations must be directed to the Redwood City Courthouse.

Reference: Education Code Section 76224

Emergency Response Plan Policy (2.55)

1. The Chancellor shall establish procedures that ensure that the District implements a program or plan to be activated in the event of an emergency, or when a natural disaster or hazardous condition occurs. This program or plan must comply with the National Incident Management System (NIMS), the Standardized Emergency Management System (SEMS) and should incorporate the functions and principles of the Incident Command System (ICS), the Master Mutual Aid Agreement (MMAA) and any other relevant programs. The program must incorporate NIMS and SEMS to facilitate the coordination between and among agencies in the event of an emergency or natural disaster.
2. Compliance with NIMS and SEMS mandates include:
 - a. Establishing a disaster preparedness program or plan

- b. Completion of training sessions by college personnel in compliance with NIMS and SEMS guidelines
 - i. Training requirements vary based on job titles or assigned roles within the emergency management program
3. College personnel must be informed that as public employees, they are also disaster service workers during national, state and local emergencies. The Chancellor should ensure that an ICS team is created to carry out compliance with NIMS and SEMS mandates.
4. Responses to emergencies or natural disasters are organized by SEMS into five categories: field response, local government, operational areas, regions and the state management level.
5. The plan or program should contain information regarding activation and chain of command responsibilities. Compliance with NIMS mandates requires planning and incorporation for all phases of emergency management including mitigation and prevention, preparedness, response and recovery. Colleges must comply with NIMS and SEMS to receive federal or state funding.

References: Education Code Sections 32280 et. seq.; 71095; Government Code Sections 3100 and 8607(a); Homeland Security Act of 2002; National Fire Protection Association 1600; Homeland Security Presidential Directive-5; Executive Order S-2-05;19 California Code of Regulations (CCR) Sections 2400-2450

Emergency Procedures

Emergency Phone Numbers

- Emergency: 9-9-1-1. When using any campus phone, you do need to dial 9 first to get an outside line for an emergency call.
- Police: 9-9-1-1
- Fire Department: 9-9-1-1
- Medical Emergency: 9-9-1-1

If in doubt, phone 9-9-1-1

District Office & College of San Mateo Emergency Contact Numbers

- Public Safety Department
 - District Office (650) 358-6840
 - Cañada College (650) 306-3420

- College of San Mateo (650) 574-6415
- Skyline College (650) 738-4199
- Health Services/Nurse
 - Cañada College
 - College of San Mateo Health Center (650) 574-6396
 - Skyline College
- Facilities Planning, Maintenance & Operations
 - District Office (650) 574-6512
 - Cañada College (650) 306-3276
 - College of San Mateo (650) 574-6113
 - Skyline College (650) 738-4115
- Multimedia and Computer Technical Support
 - ITS Help Center (650) 574-6543

Threat or Event of Criminal Behavior

It is critically important that members of our community report threats or crimes in progress in a timely manner to help keep the campus safe.

DO NOT take unnecessary chances.

If you are the victim of, or you witness an on-campus violation of the law such as assault, robbery, theft, overt sexual behavior, or believe an individual poses an imminent threat to a member or members of the college community please contact the Public Safety Department immediately (District Office (650) 358-6840, Cañada (650) 306-3420, CSM (650) 574-6415, Skyline (650) 738-4199). If in doubt, call 9-9-1-1

- 1) Your Name and Location
- 2) Nature of the Incident
- 3) Description of the person(s) involved
- 4) Description of property involved
- 5) Do not hang up until the dispatcher tells you to do so

If a hostile intruder is discovered in your immediate area, and you deem it unsafe to evacuate, retreat to a secure location such as an office or room that can be locked. Turn off lights, remain quiet, keep low to the ground and hide behind a desk or other furniture

Do not attempt to apprehend or interfere with the suspect except for self-protection.

If safe to do so, stop and take time to get a good description of the criminal. Note height, weight, gender, race, approximate age, clothing, method and direction of travel, and his/her name, if known. If the suspect is entering a vehicle, note the license plate number, make and

model, color, and outstanding characteristics. All of this takes only a few seconds and is of the utmost help to the investigating officers.

Bomb Threat

If you see a suspicious object or potential bomb on campus, do not handle the object. Clear the area and immediately call the Public Safety Department (District Office (650) 358-6840, Cañada (650) 306-3420, CSM (650) 574-6415, Skyline (650) 738-4199) or the Police at 9-9-1-1.

If you receive suspicious mail, do not further handle the letter, envelope or package. Report to your supervisor/dean and call the Public Safety Department (District Office (650) 358-6840, Cañada (650) 306-3420, CSM (650) 574-6415, Skyline (650) 738-4199) or the Police at 9-9-1-1.

If you receive a phone call that a bomb or other explosive device has been placed on campus you should attempt to keep the caller talking as long as possible and ask:

- When is the bomb or device going to explode?
- Where is the bomb right now?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Where are you calling from?
- What is your name?

Immediately notify the Public Safety Department (District Office (650) 358-6840, Cañada (650) 306-3420, CSM (650) 574-6415, Skyline (650) 738-4199) and the Police at 9-9-1-1. Supply them with the information outlined above. Save your notes so that you may turn it over to Police officers later.

1. Law enforcement officers and the Public Safety Department will conduct a detailed bomb search. Employees are requested to make a cursory inspection of their area for suspicious objects. If a suspicious object is found, it should immediately be reported to the Public Safety Department (District Office (650) 358-6840, Cañada (650) 306-3420, CSM (650) 574-6415, Skyline (650) 738-4199) or the Police at 9-9-1-1.
2. If directed to do so by a school administrative official, a police officer or a Public Safety official, evacuate the building quickly by walking to the nearest exit, alerting people as you go. Assist the disabled in exiting the building.
3. To the best of your ability, and without re-entering the building, assist Police officers or college staff in their attempts to determine that everyone has evacuated safely.
4. Once outside, move to a clear area at least 300 feet away from the affected building(s). Keep walkways clear for emergency vehicles.
5. DO NOT return to a building until told to do so.

6. If a campus wide evacuation notice is given, evacuate the campus as per instructions in the Evacuation Procedures guidelines.

Civil Disturbance or Demonstration

Most campus demonstrations will be peaceful, and everyone should attempt to carry on business as normally as possible. Avoid provoking or obstructing the demonstrators.

A threatening disturbance should be reported immediately to the Public Safety Department (District Office (650) 358-6840, Cañada (650) 306-3420, CSM (650) 574-6415, Skyline (650) 738-4199) or Police at 9-9-1-1. The following actions should also be taken:

- Alert all employees in the area to the situation
- Lock all doors; secure all files, documents, and equipment
- If necessary, cease operations and evacuate the building, alerting people as you go. Assist the disabled in exiting the building.

Public Safety/Police officers/college staff will assess the situation. Participants who refuse to disperse may be arrested for a violation of the State Penal Code.

Disruptive Student

If you are inside a building

1. Keep calm and attempt to calm disruptive student down (if you feel safe to do so).
2. If student will not calm down or leave the class / office, and it is safe to do so, call a class break and step out to notify the College Public Safety Department (District Office (650) 358-6840, Cañada (650) 306-3420, CSM (650) 574-6415, Skyline (650) 738-4199) or by calling 9-9-1-1 or by sending a runner. Provide the dispatcher with all available information regarding the situation.
3. If an assessment of the situation indicates it is safer to leave classroom or office, evacuate if possible. If disruptive student follows you, proceed directly to Public Safety department.
4. If an instructor observes imminent danger near your room, immediately secure the room and notify a Public Safety Officer of the danger via telephone, radio system or runner.

Earthquake Information

1. If indoors, stay there. Duck, cover, and hold. Get under a desk or table and hold on, or stand in a corner or doorway that does not have doors on it (do not go in a doorway with doors; they can swing back and forth violently). Protect your head, neck, and face. If in a high-rise building, stay away from windows and outside walls. Do not attempt to use elevators.
2. After the initial shock, evaluate the situation. If emergency help is necessary, call the Police at 9-9-1-1. Protect yourself at all times and be prepared for aftershocks.
3. After the shaking subsides, go outdoors; and stay clear of buildings, walls, power lines, and trees.
4. Follow the procedures in this manual for Fire, Hazardous Materials, and Serious Injuries as necessary.
5. Identify and assist the injured.
6. Keep phone lines clear except when necessary to report serious hazards or injuries.
7. Do not return to an evacuated building unless directed to do so by a Public Safety Official, Fire or Police personnel.
8. If outdoors, move quickly away from buildings, utility poles, and other structures.

Evacuation Procedures

1. Be aware of all the marked exits from your area and building.
2. When the building evacuation alarm is sounded or when you are ordered to leave by the Public Safety/college staff, walk quickly to the nearest marked exit and ask others to do the same. Exit the building following any given instructions or to the safest open area or nearest parking lot.
3. Make sure all staff and students have evacuated the classroom/offices.
4. Assist the disabled in exiting the building and escort them to the parking lot if safe to do so, or unless otherwise directed (see Assisting Students with Disabilities guidelines).
5. To the best of your ability, and without re-entering the building, assist the Police/college staff in their attempt to determine that everyone has evacuated.
6. Once outside, proceed to the safest open area or nearest parking lot. Keep walkways clear for emergency vehicles.
7. Do not return to a building until told to do so.

Explosion

1. Immediately take cover under tables, desks or other objects that give protection from broken glass or debris.
2. After the effects of the explosion have subsided, notify the Police at 9-9-1-1. Give your name and describe the location and nature of the emergency.

3. Evacuate the immediate area of the explosion by quickly walking to the nearest exit, alerting people as you go. Notify your supervisor/dean. Be aware of structural damage. Stay away from glass doors and windows. Do not touch or move any suspicious object.
4. Assist others, especially the injured and disabled (see Assisting Students with Disabilities guidelines) to evacuate the building.
5. Once outside, move to a clear area at least 300 feet away from the affected building. Keep the walkways clear for emergency vehicles.
6. To the best of your ability, and without re-entering the building, assist the Police/college staff in their attempt to determine that everyone has evacuated safely.
7. Do not return to a building until told to do so.
8. If a campus wide evacuation notice is given, evacuate the campus as per instructions in the Evacuation Procedures guidelines.

Fire

NOTE: It is suggested that individuals who use wheelchairs or have mobility impairment prepare for an emergency ahead of time by instructing coworkers or fellow students on how to assist in an emergency.

If you see smoke or fire:

1. Call the Fire Department immediately by activating the nearest fire alarm pull station, contacting the Public Safety Department (District Office (650) 358-6840, Cañada (650) 306-3420, CSM (650) 574-6415, Skyline (650) 738-4199) or by calling 9-9-1-1.
2. Give your name and the location of the fire. Do not hang up until the dispatcher tells you to do so.
3. If you are outdoors, seek shelter in a safe nearby building.
4. If you are indoors, and it is safe to do so, close all windows and doors; open all curtains and blinds. Relocate all combustibles away from windows.
5. ALWAYS EVACUATE A BUILDING IF THE ALARM IS SOUNDING.
6. If time permits, turn off computers, unplug electrical equipment, take your purse or wallet, and close windows and doors before leaving.
7. If you have a mobility impairment, request assistance from those nearest you. If no one is there to render assistance, proceed to the nearest stairway landing, and shout for help.
8. When fire alarms sound, do not use the elevators. An elevator may become a trap. Assist (help carry, if necessary) all disabled persons in using the stairs.
9. If there is a closed door in your exit path, touch the door lightly with the back of your hand to ensure it is not warm. If it is not warm, open slowly. Be prepared to close the door quickly if smoke or flames are present.
10. If there is smoke in your only exit path, crawl on hands and knees, keeping your head as close to the ground as possible to avoid inhaling toxic fumes.
11. Relocate to your designated assembly area, which should be a distance of at least 500 feet from the building, and stay out of the way of emergency personnel.

Flooding & Water Damage

Serious water damage can occur from a number of sources: broken pipes, clogged drains, broken skylights or windows, construction oversights, or inclement weather. If a water leak occurs:

1. Call you campus facilities department and advise them of the problem.
2. Advise the dispatcher, or the coordinator, of the location and severity of the leak. Indicate whether any valuables, art collections, or books are involved, or are in imminent danger. (The Public Safety Department will notify the appropriate authorities and dispatch officers to assist.)
3. If there are electrical appliances or electrical outlets near the leak, use extreme caution. If there is any possible danger, evacuate the area.
4. If you know the source of the water and are confident of your ability to stop it (i.e., unclog the drain, turn off water, etc.), do so cautiously.
5. Be prepared to assist, as directed, in protecting Campus and personal property that is in jeopardy. Take only those steps that are needed to avoid or reduce immediate water damage: cover large objects with plastic sheeting; carefully move small or light objects out of the emergency area.

Hazardous Materials

If a hazardous material spill occurs:

1. Call the Public Safety Department (District Office (650) 358-6840, Cañada (650) 306-3420, CSM (650) 574-6415, Skyline (650) 738-4199) or the local Fire Department, 9-9-1-1
2. If toxic chemicals come in contact with your skin, immediately flush the affected area with clear water for at least 15 minutes. Use chemical showers if available.
3. If you can give responders information as to the chemicals involved or stored in the affected area, it will help them respond more quickly.
4. Notify facilities of the extent and location of the spill. If there is any possible danger, evacuate your area immediately.

If a chemical fire occurs:

1. Remain calm.
2. If time and safety permits, close windows in the room where the fire is located. Close the door behind you as you leave, and immediately sound the building fire alarm.
3. Call the fire department as soon as possible.
4. If you can give responders information as to the chemicals involved or stored in the affected areas, it will help them respond more quickly.
5. If the fire is large, very smoky, or rapidly spreading, evacuate the building immediately. Inform others in the building who may not have responded to the alarm to evacuate

immediately. The alarm may not sound continuously. If the alarm stops, continue to evacuate. Warn others who may attempt to enter the building after the alarm stops. ALWAYS EVACUATE A BUILDING IF THE ALARM IS SOUNDING.

6. When fire alarms sound, do not use the elevators. An elevator may become a trap. Give assistance to (help carry, if necessary) all disabled persons in using the stairs.
7. Relocate to your designated assembly area, which should be a distance of at least 500 feet from the building, and stay out of the way of emergency personnel. Do not return to the building until instructed to do so by Public Safety or public agency personnel.
8. Notify either Public Safety personnel or firefighters on the scene if you suspect that someone may be trapped inside the building.

Unless you have been trained specifically in fighting hazardous material fires, do not attempt to extinguish the fire.

Medical Emergencies

If a serious injury or illness occurs on campus, call 9-9-1-1. Give your name, location, telephone number and describe the nature of the medical problem.

Quickly perform these steps:

1. Call 9-9-1-1 or have someone close by do this for you.
2. Call the Public Safety Department (District Office (650) 358-6840, Cañada (650) 306-3420, CSM (650) 574-6415, Skyline (650) 738-4199) and/or the Campus Health Center/Nurse
3. Ask the victim “Are you okay?” and “What’s wrong?”
4. Check breathing and pulse
 - a. If you are trained, administer artificial respiration or CPR if necessary
5. Control serious bleeding by applying direct pressure on the wound
6. Keep the victim still and comfortable. Have the victim lie down if necessary.

Continue to assist the victim until help arrives:

7. Try to determine the extent of the injury or probable cause of illness
8. Protect the victim from disturbances, reassure the victim and Do Not move him or her unless absolutely necessary.
9. Look for emergency ID, gather information from witnesses and give all information to the emergency personnel arriving on the scene.

Power Outages

If a power outage occurs:

1. Remain calm.
2. Call the Public Safety Department (District Office (650) 358-6840, Cañada (650) 306-3420, CSM (650) 574-6415, Skyline (650) 738-4199).
3. Give your name, location, and telephone number. Advise the dispatcher or coordinator of the situation and of any additional locations that are without power. The dispatcher or coordinator will immediately notify the appropriate department or agency of the outage.
4. Provide assistance to other individuals in your immediate area.
5. Secure files, turn off computers, unplug electronic equipment, and lock windows and doors as you leave.
6. If you are in an unlit area, proceed cautiously to an area that has emergency lights.
7. If you are trapped in an elevator, remain calm. Use the emergency telephone, or emergency call button. Public Safety officers, or the fire department, will be dispatched to your location for assistance.
8. Stand by for instruction from your coordinator or from Public Safety personnel.

Psychological Crisis

Psychological Emergency: A person's temporary inability to cope with a life problem, usually accompanied by a high degree of emotional upset and /or behavior that is outside normal parameters. Examples include suicidal ideation, disconnect from reality, extreme agitation, paranoia, and hallucinations.

1. Respond to the person with calmness and acknowledge their distress.
2. Do not leave the person unattended.
3. Contact the Public Safety Department (District Office (650) 358-6840, Cañada (650) 306-3420, CSM (650) 574-6415, Skyline (650) 738-4199).
4. If no response from Public Safety, contact 9-9-1-1.
5. Give your name, location and contact phone number.
6. Describe the nature of the situation and provide name(s) of person(s) involved, if known, and any other pertinent information.
7. The Public Safety Department will contact Psychological Services as appropriate.

Shooter/ Lockdown

1. Call 9-9-1-1
2. If you see or hear gunfire, notify the Public Safety Department (District Office (650) 358-6840, Cañada (650) 306-3420, CSM (650) 574-6415, Skyline (650) 738-4199) immediately. Provide the dispatcher with all available information regarding the threat.

3. Assess the situation. If it is safer to remain in the classroom/office, then stay put and lock or barricade the doors. Do not open doors unless instructed to do so by a staff or authorized personnel who are recognized by sight or voice. Emergency responders may enter the room using a master key or by providing positive identification.
4. If an instructor observes imminent danger near your room, immediately secure the room and notify the Public Safety Department of the danger via telephone, radio system or runner.
5. The campus may be placed on a heightened security status as a response to an apparent crisis situation. Remain quiet until more can be learned about the situation.
6. Calmly and quietly review emergency evacuation procedures and prepare for possible evacuation.
7. Until the situation has been assessed, remain in classroom or office area unless authorization is received from appropriate authority.

Assisting Students with Disabilities

To Assist Visually Impaired Persons

1. Explain the nature of the emergency. Alarms or confusion may disorient a person, even when normally familiar with the area.
2. Guide the student (or provide someone to do so). Students will take the guide's arm below the elbow and will follow.
3. Tell the student where you are as you walk.
4. Advise of any obstacles in the path.
5. When you have reached safety: Orient the person to where he or she is and ask if any further assistance is needed before leaving.

To Assist Hearing Impaired Persons

If you must get a person's attention:

1. Flash room lights.
2. Wave your arms.
3. Tap person's shoulder.
4. Gesture what is happening and what to do.
5. Write on board or paper: Nature of emergency & evacuation route.

To Assist Mobility Impaired Persons

1. Always ask students first if they have special needs or requirements.
2. Individuals using wheelchairs can be pushed or accompanied to safety.

3. Individuals using canes, crutches, or walkers should evacuate themselves except in the event that rapid evacuation is deemed essential.
4. Call the Public Safety Department or other trained college personnel and wait for help before transferring a person from a wheelchair or transporting a person on a stairway, unless the situation is imminently life threatening.
5. Special evacuation chairs may be used for stairway evacuation or to transport injured or non-ambulatory persons. These are mounted near the stairwell.

Emergency Drills and Exercises

Drills are held at various locations and campuses and encompass a wide variety of scenarios. Some past scenarios have included active shooter events and earthquakes. Recent drills have required the activation the San Mateo County Community College District Emergency Announcement System (EAS). These drills maybe announced or unannounced. Each drill includes a date, time, location, comprehensive written scenario plan, a post event debriefing, and an after action report. The San Mateo County Community College District publicizes the emergency response and evacuation procedures in conjunction with at least one drill each calendar year.

Safe and Well American Red Cross Service

If you have been affected by a disaster, the [American Red Cross Safe and Well website](#) provides a way for you to register yourself as “safe and well.” From a list of standard messages, you can select those that you want to communicate to your family members, letting them know of your well-being.

Concerned family and friends can search the list of those who have registered themselves as “safe and well.” The results of a successful search will display a loved one’s First Name, Last Name, an “As of Date”, and the “safe and well” messages selected.

Crisis Hotlines and Counseling Centers

Dial 9-1-1 for Police, Fire and Ambulance

AASRA

24 Hour hotline providing victims with immediate support, confidential information, and shelter and service referrals in several Asian Indian languages.

(800) 313-ASRA (2772)

Advocacy, Education, Resources, and Community Activities

California Coalition Against Sexual Assault (calcasa.org)

<http://www.calcasa.org>

Aging & Adult Services 24-Hour Response Team (TIES Line)

(800) 675-8437

Asian Law Caucus

720 Market Street, Suite 500, San Francisco, CA 94102

(415) 391-1655

Asian Women's Shelter

AWS is a comprehensive shelter program in San Francisco that provides safety, food, shelter, advocacy, and other resources to assist women. They have an on-call pool of multi-lingual advocates to respond to the wide range of Asian languages spoken in the Bay Area.

Hotline: (415) 751-0880 or (877) 751-0880

Business: (415) 751-7110

www.sfaws.org

Bay Area Women Against Rape (BAWAR)

7700 Edgewater Drive, Ste. 630, Oakland, CA 94621

(510) 430-1298

California Poison Control

(800) 222-1222

Child Abuse Reporting Hotline/Child Protective Services

(415) 558-2650 or (800) 856-5553 (San Francisco)

Child Protective Services

(800) 632-4615 or (650) 595-7522

Community United Against Violence (CUAV)

24hour crisis line for gay and lesbian victims of domestic violence and hate crimes

(415) 357-1307

CORA – Community Overcoming Relationship Abuse

(Formerly Center for Domestic Violence Prevention)

24 Hour phone line support: (800) 300-1080 or (650) 312-8515

National Domestic Violence Hot Line: (800) 799-SAFE

Disease Control & Prevention

(650) 573-2346

District Attorney's Family Violence Project

Hotline: (415) 552-7550

Business: (415) 553-1865

Eden Information and Referral

Daily updates of East Bay shelter availability, plus links to a variety of comprehensive services.

(510) 537-2552

Spanish (510) 537-2710

www.edenir.org

Family Violence Prevention Fund

383 Rhode Island Street, Suite 304, San Francisco, CA 94103-5331

(415) 252-8900

www.endabuse.org**La Casa de Las Madres**

A 24 hour crisis intervention line that offers referrals and information to battered women and children, as well as emergency shelter and counseling, services also available in Spanish.

Spanish Adult Helpline: (877) 503-1850

Teen Helpline: (877) 923-0700

Counseling and Support Services: (415) 503-0500

Business: (415) 333-1515

www.lacasa.org**Legal Support**

Bay Area Legal Aid

(415) 982-1300

www.baylegal.org**Men Overcoming Violence (MOVE)**

Counseling for batterers and prevention education on domestic violence, masculinity and sexism.

1385 Mission Street, Suite 300, San Francisco, CA 94103

(415) 626-6683

NAACPwww.naACP.org**National Domestic Violence Hotline**

Hotline: (800) 799-7233

Business: (512) 453-8117

www.ndvh.org**Native American Domestic Violence Hotline**

Offers support, advice, and referrals for the unique issues facing Native American communities, with a focus on domestic violence.

(888) 387-7411

www.letswrap.com**Rape, Abuse, and Incest National Network (RAINN)**

Hotline: (800) 656-4673 ext. 3

Business: (202) 544-1034

www.rainn.org**Rape Trauma Services**

(650) 692-RAPE (650-692-7273)

Riley Center - Rosalie House

Serves Bay Area women and their children who are victims of physical, sexual, or emotional abuse, with priority to those in immediate danger.

Hotline: (415) 255-0165

www.rileycenter.org

San Mateo County Offices: Psychiatric Emergency Crisis Services – 24 Hours

225 37th Avenue #125, San Mateo, CA 94403

(650) 549-0350

www.sanmateomedicalcenter.org

San Mateo County Mental Health

(650) 372-8540

San Mateo County Center for Domestic Violence Prevention

CDVP is the only agency in San Mateo County with a shelter program that offers in-house counseling and support services to residents. They serve adults and teens, and provide services in Spanish, English and Tagalog.

(650) 312-8515

www.cdvp.org

San Francisco County District Attorney

(415) 553-9044

San Francisco Man Alive

Provides a violence prevention program designed to teach men to stop their violence. Also has a Woman Alive program for the victims of male batterers.

(415) 861-8614

San Francisco Women Against Rape

3543 - 18th St., #7, San Francisco, CA 94110

(415) 861-2024

www.sfwar.org

Self-Defense Courses

Bay Area Women Against Rape (BAWAR)

7700 Edgewater Drive, Suite 630, Oakland, CA 94621

24 Hour Crisis Line: (510) 845-RAPE (7273)

Business: 510-430-1298

Suicide Prevention and Crisis Intervention

(650) 579-0350 (San Mateo)

United Way of the Bay Area
221 Main Street, Suite 300, San Francisco, CA 94105
Help Link: (800) 273-6222
Business: (415) 808-4300;
Email: contact@uwba.org
www.uwba.org

USA National Suicide Hotlines
Toll-free/24 Hours/7 Days a Week
(800) 273-TALK
Youth Web site: www.onyourmind.net
From anywhere: (800) SUICIDE (784-2433)

W.O.M.A.N., Inc.
A 24 hour crisis intervention and counseling line for battered women and adolescents dealing with domestic and dating violence.
Hotline: (877) DVHELPU
Business: (415) 864-4777
TTY: (415) 864-4765
www.womaninc.org

Women Defending Ourselves/Women's Safety Project
www.wdo.org

YWCA
www.ywca.org

Don't Know Where to Turn? Call 211
If you or anyone you know needs food, housing, health care or other services, just call 211 from any phone. 211 is a toll-free, confidential, 24-hour, one-stop referral service with a mission to connect people to the help they need. Problem dialing 211? Call 800-273-6222 or visit www.211bayarea.org for more information about services throughout San Mateo County and the entire Bay Area.

Disclosure Statement

The Department of Public Safety is committed to working with the San Mateo County Community College District community to resolve all criminal matters in a timely fashion. All members of the Department of Public Safety know that for this to happen they must cooperate and work hand-in-hand with faculty, staff, and students of San Mateo County Community College District. By working together, the Department of Public Safety and the College community can create a safe and secure environment.

In compliance with the Federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the Higher Education Opportunity Act, the following pages contain reported crime statistics for San Mateo County Community College District over the last three calendar years. The statistics are presented in four categories: Student residences, Campus, Non-campus and Public Property.

The Department intends that the information provided by this annual safety report is accurate; however, errors sometimes occur. This annual report does not reflect the full crime index for the entire Redwood City, San Mateo or San Bruno communities. Only Clery required reportable offenses. Any increase or decrease in statistics from previous reporting years may be due to the department's better understanding of the requirements of how incidents should be classified and counted, and aren't necessarily due to in an increase or decrease in reported incidents

The Department of Public Safety reserves the right to update the information contained in this report as necessary.

Campus Crime Statistics

San Mateo County Community College District Crime Statistics

	2009			2010			2011		
	CSM	CAN	SKY	CSM	CAN	SKY	CSM	CAN	SKY
Murder	0	0	0	0	0	0	0	0	0
Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offense - forcible	0	0	0	0	0	0	0	0	1
Sex Offense - non-forcible	0	0	0	0	0	0	1	0	0
Robbery	1	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	1	0	0	0	0	0	2
Burglary	0	3	5	0	4	2	0	1	1
Motor Vehicle Theft	0	0	2	2	0	1	2	0	2
Arson	0	0	0	0	0	0	0	1	0



BOARD REPORT NO. 13-4-3C

TO: Members of the Board of Trustees
FROM: Ron Galatolo, Chancellor
PREPARED BY: Kathy Blackwood, Executive Vice Chancellor, 358-6869

FOLLOW-UP ON INTERNAL CONTROL REPORT

Following the investigation of the fraud case at the District, the services of Crowe Horwath, LLC, were engaged to review the internal control procedures over the purchasing and inventory processes for IT. Crowe Horwath's report is attached. Staff has evaluated the recommendations contained in the report and has prepared a detailed approach to the implementation to include timing and anticipated costs. The following is a summary of report recommendations and our proposed action plans:

1. Develop a purchasing card inventory.

College Internal Audit Group (CIAG) monitors and reviews the number and usage of purchasing cards. CIAG will ensure that the College Business Officers review and approve the holders of purchasing credit cards (ProCards). This will be an annual item on the CIAG work schedule.

2. Purchasing card limitations.

The Director of General Services will review the merchant control codes annually to confirm their appropriateness. This will also be a discussion item with US Bank to determine if the list could be further defined.

3. Perform periodic reviews of purchasing card activity. General analytic review procedures.

While ProCard reviews have been performed monthly, the reviews were not sensitive enough to catch this particular fraud in its early stages. CIAG and the CFO will independently review the purchasing card activity monthly based on the criteria recommended by Crowe Horwath. In addition, CIAG and purchasing staff will seek training from US Bank on the reporting capabilities of the purchasing card system in order to obtain timely reporting of unusual transactions. Staff will develop a schedule of reports to be reviewed by purchasing, CIAG, and managers on a regular basis.

4. Implement a traditional acquisition and purchasing process for certain "high risk" purchases. Review of ProCard related policies and procedures.

As a result of this review, the ProCard Purchasing Guidelines have already been revised to preclude certain kinds of purchases (electronic equipment, for example) with the ProCard. In addition, the Executive Vice Chancellor, CFO and Director of General Services will develop guidelines on when it makes sense to use a standing order (for multiple purchases over time from the same vendor) or a purchase order (for high volume purchases, even if individual items are

within the purchasing limits) instead of the ProCard. The EVC will also conduct training at a Managers Forum meeting. The EVC, CFO and Director of General Services will work with US Bank to obtain training in the reports that would allow visibility of high risk purchases.

5. IT Purchasing Proposal.

Staff have developed a process whereby the Bookstore would place orders for IT, receive them and place them into inventory. IT would then be responsible for preparing the machines and delivering them to the end user and removing them from inventory. The first trial of this process is happening with the revamp of a computer lab at Cañada. The Bookstore was also able to save the District money by negotiating a better price. This process will be refined over time but ensures appropriate reviews and separation of duties.

6. Compile a list of approved vendors.

The CFO is working with IT to develop a list of approved vendors for IT supplies and equipment. So far, the list has only 20 vendors on it, a significant decrease. The CFO will refine the list, review it annually, and also review the pricing from these vendors semiannually.

7. Implement a focused asset management and tracking system.

The District tags all equipment with a value of more than \$5,000. Except for administrative computers, items valued less than \$5,000 have not been tracked. However, there is a need to track equipment of lesser value that is highly desirable and easily converted to cash. IT staff have already developed a new inventory procedure that includes appropriate levels of inventory for supplies as well as a mechanism for tracking equipment that will be placed at the campuses. The new process for making purchases will address the separation of duties and require a different person to enter the equipment into the inventory from the IT Technician who will remove it from inventory. In addition, CIAG will request confirmation from the department or user to make sure the equipment has been installed or received. The CFO will work with IT to review the feasibility of tagging this equipment.

8. Implement a District-wide ethics hotline.

The District has a confidential email box, but not a "hotline". The CFO will investigate the cost of a hotline and determine how best to proceed.

9. External evaluation of the District's internal control environment. Independent auditor's engagement approach.

This kind of external evaluation could be done as a portion of the District's annual audit, or done on an ad hoc basis. This would likely be done one department or function a year, rather than trying to evaluate all of the District's systems in one year. The EVC and CFO will consult with both our existing auditors and other auditors as to the cost of an annual evaluation and add it to our RFP the next time we solicit proposals for our audits. In addition, the EVC and CFO will meet with our existing auditors to review their work plans as they relate to internal controls, and strengthen their reviews.

The Board of Trustees
San Mateo County Community College District
3401 CSM Drive
San Mateo, California 94402

Board Members:

This report summarizes the recommendations developed based on the procedures performed and the information gathered during the course of our forensic accounting engagement provided by Crowe Horwath LLP ("Crowe") to San Mateo County Community College District ("District" or "SMCCCD") and is comprised of the following sections:

- Introduction
- Recommendations for Current Purchasing Card System
- Recommendations for an Expanded Procurement System
- Implementation of Essential Processes and Controls
- Additional Training and Documentation
- Other Matters

INTRODUCTION

The District utilizes a Purchasing Cards (*Pro Card*) system to facilitate the acquisition of goods used by the various departments within the District. We understand the District uses *Pro Cards* to promote organizational efficiency in the procurement. However, this type of purchasing process contains inherent risks, that if not properly mitigated, may result in asset diversion and theft. This risk is potentially attributable to the absence of preventative controls with sufficient sensitivity to the size of the transaction that would promptly prevent or detect an inappropriate transaction. Accordingly, Management may elect to enhance the effectiveness internal controls currently in place or, may choose to implement additional, more sensitive controls which, while reducing risk, may limit the efficiencies realized from using *Pro Cards* for purchasing.

Our recommendations are grouped under the following headings. Recommendations for enhancing controls to limit potential risk become more expansive under each subsequent heading.

RECOMMENDATIONS FOR CURRENT PURCHASING CARD SYSTEM

Develop a purchasing card inventory

Management should prepare a current inventory detail of all *Pro Cards* issued to staff identifying the names of personnel that are authorized to use each card and the corresponding purchasing limits for each card. Once the inventory of cards is prepared, the number of cards issued and the purchasing limits for each card should be reviewed by Management for reasonableness and be reevaluated at least annually. The number of cards issued should be limited to those individuals with assigned responsibilities that are consistent with the assignment of a *Pro Card*.

Management should evaluate requests to issue additional *Pro Cards* and control the maximum level of exposure for the *Pro Card* system. The maximum level of risk may be calculated as the number of outstanding *Pro Cards* multiplied by the expenditure limit for each card, the product of which is then multiplied by the number of months the card is outstanding during the year.

Purchasing card limitations

We understand that management has implemented Merchant Category Codes (MCCs) which are intended to limit certain types of purchases. A MCC is defined as the categorization of the type of business the merchant is engaged in and the kinds of goods and services provided. Most purchasing card vendors offer the ability to block or limit transactions from being authorized and executed for any MCC identified and blocked by the District. However, as noted below, the effectiveness of this in limiting purchasing activity inconsistent with District policies is only effective if personnel assigned to review *Pro Card* activity understand the reports prepared by the bank supporting *Pro Card* activity and, if reviewers understand what kinds of activity ought to be questioned.

Perform periodic reviews of purchasing card activity

Periodically, a sample of *Pro Cards* should be subject to a detailed review of activity. Specific review procedures should be developed to identify trends in purchasing by departments and individual staff members. Any purchasing trends that are considered unusual in terms of dollar volume or products purchased should be subject to escalating levels of review and substantiation. Further, Management should develop a system for generating and analyzing detailed data for *Pro Card* activity. Reporting capabilities should include the ability for Management to review:

- a. New card issuances and limits
- b. Spending data by expense type, Merchant Category Code and geography
- c. Purchases that exceed the District's capitalization threshold
- d. Summaries of purchases made from each vendor
- e. Potential split purchases used to circumvent single-purchase limits (for example, two smaller purchases from the same vendor at the same time instead of one larger purchase)
- f. Average amount spent per card per month or quarter
- g. Repetitive purchasing patterns, such as even dollar amounts or amounts approaching purchasing limits
- h. Purchases made after normal work hours, on weekends and holidays

RECOMMENDATIONS FOR AN EXPANDED PROCUREMENT SYSTEMImplement a traditional acquisition and purchasing process for certain "high risk" purchases

The District may wish to evaluate implementation of controls consistent with traditional procurement systems for specific types of purchases that are inherently subject to greater risk. A traditional system includes, but is not limited to, the following features:

- a. Implementation of a purchase order or purchase initiating document
- b. Review and approval of the purchase order prior to purchase transaction
- c. Agreement of the items received to the purchase order prior to payment
- d. Require that each step in the acquisition and purchasing process have the necessary separation of duties.

Per discussions with Management and per our review of the published SMCCCD purchasing guidelines, there is a robust purchase order system in place. However, the suspect did not, and was not required to use the installed purchase order system to execute the purchases in question. Accordingly, Management should implement criteria to specify the nature of goods and services allowable using a

Pro Card as opposed to the District's purchase order system. The criteria for requiring purchases to be made through the purchase order system should include, but not limited to:

- a. Purchases identified during the annual budgeting process in excess of specific dollar thresholds
- b. Large or bulk purchases that would benefit from quantity discount ordering
- c. Goods or services not expected to be used or needed within three to four weeks of the purchase date (which would allow for the use of the purchase order system)
- d. Purchases from new or infrequent vendors in excess of specific dollar thresholds
- e. Acquisition of capital items that are inherently susceptible to theft or diversion, such as audio visual equipment, computers and laboratory equipment in excess of specific dollar thresholds
- f. Expenditures to be charged to Federal or State programs or to be paid from bond proceeds

One of the main objectives of the *Pro Card* system is to promote efficiency in the purchasing process. Therefore, the District should design the purchase order criteria to balance the efficiency benefits versus the risk of theft or diversion in using the *Pro Card* system. Further, in contemplating the dollar threshold for specific transactions, the source of funding should be considered. Materiality is particularly relevant when considering Federal, State or bond funds.

District's IT purchasing system proposal

Management has developed a new purchasing procedure proposal to implement an improved set of controls surrounding data processing hardware ("IT") purchases. The new system will incorporate a wider array of individuals involved in the purchasing process. The proposed solution calls for collaboration between the end users requesting the equipment, the IT Department for technical assistance and the Bookstore to facilitate the ordering of the equipment. An IT equipment warehouse will be maintained by the IT staff and an annual physical inventory will be conducted. The District's internal audit group will periodically send confirmations to divisions to verify the fulfillment of orders.

The IT equipment warehouse will promote the proper segregation of duties between the purchaser and the receiver of the physical of the IT products. However, a procedure must be in place to ensure that the purchasers and receivers do not have authority to perform both the purchasing and receiving functions. The IT warehouse can further improve the control environment by instructing employees in the IT warehouse to mark each item with an asset tag or number and document the end location and user of the equipment.

The proposed procedures will enhance the current procurement process if they are effectively implemented, consistently applied and subject to periodic confirmation by someone with no direct accountability for the performance of controls. By incorporating involvement from employees from areas outside of IT, the segregation of duties (and the effectiveness of purchasing controls) associated with these types of acquisitions is enhanced. The IT warehouse will promote accountability for the items stored in the facility.

IMPLEMENTATION OF ESSENTIAL PROCESSES AND CONTROLS

Compile a list of approved vendors

We observed that purchases were made from over 500 different vendors during our testing. In addition, we noted numerous instances in which items were purchased from retail outlets instead of from vendors that provide preferential or institutional pricing. In light of these observations, we recommend Management compile a list of approved vendors for use as follows:

- a. Use approved vendors on the list for frequent and large purchases
- b. Highlight and/or specify vendors that provide preferential or institutional pricing
- c. Periodically review an exception report for purchases made from off-list vendors

Implement a focused asset management and tracking system

During the initial stage of our procedures, we were notified that the items purchased by the former employee in question, were not inventoried and recorded due to the amount of the individual expenditures falling below the capitalization and asset tracking threshold. We noted that processes are in place to track electronics purchased and/or assigned to specific personnel. However, the computers and electronics that were purchased for labs and common area uses were not appropriately recorded and tracing the location of specific equipment purchases was not possible. Accordingly, we recommend that the asset tracking system be enhanced to create accountability for purchases and resources that are inherently subject to greater risk of theft or diversion.

We recommend Management implement an asset management and tracking system specifically for computers, large electronic purchases and other capital purchases which are inherently susceptible to diversion or theft that may not be captured by the District's existing asset tracking threshold. The implemented asset management and tracking system should require:

- a. Receipt of items purchased are validated by someone other than the purchaser
- b. Each item is marked with an asset tag or number
- c. The purchaser of the items is recorded
- d. The end location and employee requesting the assets are recorded

Once the asset management and tracking system is in place and functioning, the District's internal auditors should design procedures to audit and monitor the asset inventory. The proposed procedures should include performing periodic and independent physical counts. The counts should compare inventory per the tracking system to the actual inventory on hand. The performance of these procedures will demonstrate Management's determination to create greater accountability for District assets.

Implementation of a District-wide ethics hotline

The District does not fully utilize or have a robust anonymous mechanism for reporting suspected or unethical behavior. We recommend implement of a whistleblower hotline. Once the hotline has been implemented, instruction on usage must be communicated to all personnel for the control to be effective.

The hotline is a simple, cost effective, method of increasing the potential for detecting fraudulent or unethical behavior. The ACFE’s *Report to the Nations* noted that tips were the most frequent means of detecting fraudulent activities. As detailed in the graph below, for each year illustrated tips were the detection method for more than 40% of the fraud cases reviewed for the report.

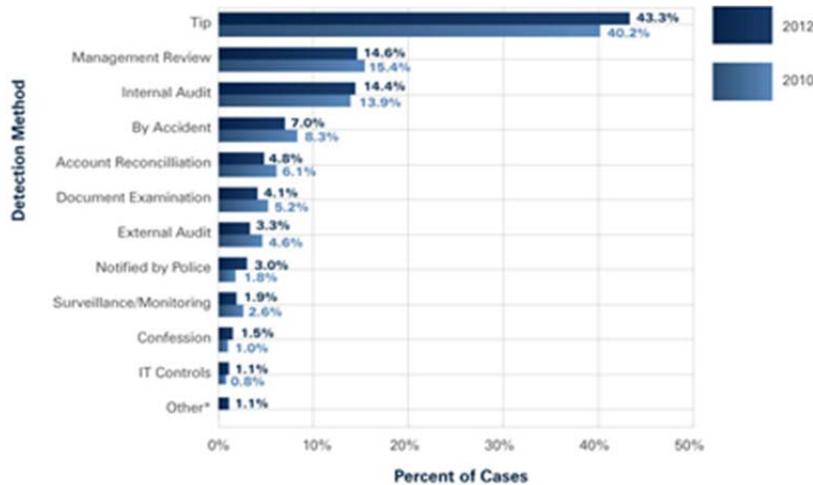


Exhibit 1
Source: ACFE 2012 Report to the Nations

Furthermore the ACFE report noted, “The presence or absence of a reporting hotline has an interesting impact on how frauds are discovered. Not surprisingly, organizations with some form of hotline in place saw a much higher likelihood that a fraud would be detected by a tip (51%) than organizations without such a hotline (35%)”. The ACFE report noted that the presence of a hotline reduced the median fraudulent loss by \$80,000 and shortened the duration of fraudulent activity by 12 months.

External evaluation of the District’s internal control environment

Throughout the performance of our procedures we focused our work on a small number of targeted objectives. We recommend that Management consider working with a consultant to perform an evaluation of the Districts internal control environment and control activities including the design of segregation of duties. The intent of the external evaluation is to perform an operational review and testing of purchases made through the *Pro Card* system. The operational review and testing should be stringent enough to determine that the *Pro Card* system is operating as designed and within the risk tolerances acceptable to the District. The operational review should include newly implemented procedures to ensure that the controls are adequately designed and in place.

The operational review does need to be a recurring annual event. Once the review has been performed to satisfy the concerns of the District, the procedures performed during the review will be instructive for Management to develop their own review procedures that can be conducted internally.

ADDITIONAL TRAINING AND DOCUMENTATION

Based on discussions with Management, the personnel responsible for the oversight of controls over *Pro Card* activity will benefit from additional training specifically designed to assist them in identifying questionable transactions. The following list details the general procedures that can be implemented to highlight expenditures that may require additional inquiry.



General Analytical Review Procedures

Once that expenditure data is available in the Banner system, data analysis procedures can be used to highlight irregular expenditures. The techniques to be used to identify suspect transactions include:

Prepare a pivot table for all expenditures in the relevant period (i.e. week, month, quarter)

The data from Banner will need to be exported into excel to facilitate the construction of a pivot table. Once the pivot table is constructed the data can be manipulated and analyzed from several perspectives. The data can be pivoted on multiple criteria including:

- a. By Vendor – Reviewing the count and sum of all expenditures made by vendor will illustrate the magnitude of funds spent at various vendors and retailers. This data can highlight irregular transactions based on frequency and total dollar amount.

The reviewer should be looking for red flags including large purchases that should have been processed through the purchase order system, purchases made from private parties (via PayPal, etc.) and vendors with a high count of purchases.

- b. By Dollar Amount – Reviewing expenditures by individual dollar amount can quickly reveal irregular purchasing activity. The review should look for spikes in the count for any dollar amount. The reviewer should be especially sensitive for dollar amounts with high frequencies just below approval and capitalization thresholds.

The preparation of the pivot tables should be done by staff accountants in the accounting group. Within the excel file that contains the pivot table, the staff accountants should document the expenditures that they have deemed as irregular and require further inquiry. The pivot tables and recommendations should then be reviewed by the head of the accounting department and items should be added or subtracted based on discretion. The backup and support for the highlighted items should then be reviewed by the appropriate personnel within the District.

Review of Pro Card related policies and procedures

A critical component of the *Pro Card* expenditure review process is having a firm understanding of the nature of purchases that are allowed and prohibited under the District's *Pro Card* system. The District's *Pro Card User's Guide* and *Purchasing Guidelines* clearly state the items and types of transactions that are prohibited from *Pro Card* use. For this control to be effective, personnel assigned responsibility for reviewing *Pro Card* activity must be familiar with the nature of the MCC codes and the reports available from the bank detailing *Pro Card* activity. In conjunction with the purchase data pivot table sorted by vendor noted above, the reviewers of the *Pro Card* purchases can haphazardly select purchases from vendors that may include prohibited items such as IT related electronic equipment.

Based on discussions with Management, we understand that the facilitator of the *Pro Card* system, US Bank, has training resources available to *Pro Card* users. We recommend that the District utilize the available training resources to learn about the reporting capabilities of the *Pro Card* system. Specifically, a "rejected purchases" report would detail the card holders that are attempting to make purchases in violation of District policies.

OTHER MATTERS

Independent Auditor's Engagement Approach

The District's independent auditors should specifically revise their audit approach to search for fraud in response to the circumvention of controls over *Pro Card* activity. Management may elect to confirm with their independent auditors the nature, timing and scope of the specific procedures to be implemented to validate future *Pro Card* activity.

Our findings and recommendations are based upon the information received and the procedures we have performed through the date of this report. Should we receive additional information, we reserve the right to update this memorandum accordingly. The forensic accounting procedures we performed do not constitute an audit, examination, review or compilation of financial statements in accordance with generally accepted auditing standards. None of the contents of this report are intended to provide legal advice.



Crowe Horwath LLP

February 20, 2013
Sacramento, California

BOARD REPORT NO. 13-4-4C

**ANNOUNCEMENT OF TRUSTEE HELEN HAUSMAN'S RETIREMENT
AND RELATED DISCUSSION**

Trustee Helen Hausman has set a resignation date of April 30; it will be final when she submits a letter to the County Superintendent of Schools, which is anticipated to happen on or about April 30.

Education Code 5091 (attached) does not dictate a process for filling a vacancy on a Board; therefore, the Board has a lot of discretion to tailor the process to its needs. However, within 60 days from the date of the vacancy (April 30), or by June 28, the Board must decide either to hold an election or to make a provisional appointment. If the Board does not act by June 28, the County Superintendent of Schools will order an election.

There are two options for filling the vacancy: election or appointment.

- If an appointment is chosen, the Board needs to agree on a process and timeline that will allow the appointment to be made by June 29. Interviews of candidates and selection of a candidate must take place at a meeting open to the public.
- If an election is chosen, it could take place either on the next established election date which, in this case, would be November 5 or on the last Tuesday in August via a mail ballot. A countywide election with a mail ballot is anticipated to cost more than \$500,000.



California
LEGISLATIVE INFORMATION

EDUCATION CODE - EDC

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DIVISION 1. GENERAL EDUCATION CODE PROVISIONS [1. - 32500.] (Division 1 enacted by Stats. 1976, Ch. 1010.)

PART 4. ELECTIONS [5000. - 5442.] (Part 4 enacted by Stats. 1976, Ch. 1010.)

CHAPTER 1. Election of School District Board Members [5000. - 5095.] (Chapter 1 enacted by Stats. 1976, Ch. 1010.)

ARTICLE 3. Vacancies [5090. - 5095.] (Article 3 enacted by Stats. 1976, Ch. 1010.)

5090. Vacancies on school district governing boards or community college district boards are caused by any of the events specified in Section 1770 of the Government Code, or by a failure to elect. A vacancy resulting from resignation occurs when the written resignation is filed with the county superintendent of schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become effective on that date. A written resignation, whether specifying a deferred effective date or otherwise, shall, upon being filed with the county superintendent of schools be irrevocable.

(Enacted by Stats. 1976, Ch. 1010.)



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ARTICLE 3. Vacancies [5090. - 5095.] (Article 3 enacted by Stats. 1976, Ch. 1010.)

5091. (a) Whenever a vacancy occurs, or whenever a resignation has been filed with the county superintendent of schools containing a deferred effective date, the school district or community college district governing board shall, within 60 days of the vacancy or the filing of the deferred resignation, either order an election or make a provisional appointment to fill the vacancy. A governing board member may not defer the effective date of his or her resignation for more than 60 days after he or she files the resignation with the county superintendent of schools.

In the event that a governing board fails to make a provisional appointment or order an election within the prescribed 60-day period as required by this section, the county superintendent of schools shall order an election to fill the vacancy.

(b) When an election is ordered, it shall be held on the next established election date provided pursuant to Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code not less than 130 days after the order of the election.

(c) (1) If a provisional appointment is made within the 60-day period, the registered voters of the district may, within 30 days from the date of the appointment, petition for the conduct of a special election to fill the vacancy. A petition shall be deemed to bear a sufficient number of signatures if signed by at least the number of registered voters of the district equal to $1\frac{1}{2}$ percent of the number of registered voters of the district at the time of the last regular election for governing board members, or 25 registered voters, whichever is greater. However, in districts with registered voters of less than 2,000 persons, a petition shall be deemed to bear a sufficient number of signatures if signed by at least 5 percent of the number of registered voters of the district at the time of the last regular election for governing board members.

(2) The petition shall be submitted to the county superintendent of schools having jurisdiction who shall have 30 days to verify the signatures. If the petition is determined to be legally sufficient by the county superintendent of schools, the provisional appointment is terminated, and the county superintendent of schools shall order a special

election to be conducted no later than the 130th day after the determination. However, if an established election date, as defined in Section 1000 of the Elections Code, occurs between the 130th day and the 150th day following the order of the election, the county superintendent of schools may order the special election to be conducted on the regular election date.

(d) A provisional appointment made pursuant to subdivision (a) confers all powers and duties of a governing board member upon the appointee immediately following his or her appointment.

(e) A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for district governing board members, whereupon an election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

(f) (1) Whenever a petition calling for a special election is circulated, the petition shall meet all of the following requirements:

(A) The petition shall contain the estimate of the elections official of the cost of conducting the special election.

(B) The name and residence address of at least one, but not more than five, of the proponents of the petition shall appear on the petition, each of which proponents shall be a registered voter of the school district or community college district, as applicable.

(C) None of the text or other language of the petition shall appear in less than six-point type.

(D) The petition shall be prepared and circulated in conformity with Sections 100 and 104 of the Elections Code.

(2) If any of the requirements of this subdivision are not met as to any petition calling for a special election, the county superintendent of schools shall not verify the signatures, nor shall any further action be taken with respect to the petition.

(3) No person shall permit the list of names on petitions prescribed by this section to be used for any purpose other than qualification of the petition for the purpose of holding an election pursuant to this section.

(4) The petition filed with the county superintendent of schools shall be subject to the restrictions in Section 6253.5 of the Government Code.

(g) Elections held pursuant to subdivisions (b) and (c) shall be conducted in as nearly the same manner as practicable as other governing board member elections.

(Amended by Stats. 2003, Ch. 811, Sec. 1. Effective January 1, 2004.)



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ARTICLE 3. Vacancies [5090. - 5095.] (Article 3 enacted by Stats. 1976, Ch. 1010.)

5092. Whenever a provisional appointment is made to the governing board of a school district pursuant to Section 5091, the board shall, within 10 days of the provisional appointment of a person to fill a vacancy which occurs or will occur, post notices of both the actual vacancy or the filing of a deferred resignation and also the provisional appointment in three public places in the district and shall publish a notice pursuant to Section 6061 of the Government Code. If there is no newspaper of general circulation published in the district, notice need not be published.

The notice shall state the fact of the vacancy or resignation and the date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation. The notice shall also contain the full name of the provisional appointee to the board and the date of his appointment, and a statement that unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the office of county superintendent of schools within 30 days of the date of the provisional appointment, it shall become an effective appointment.

(Enacted by Stats. 1976, Ch. 1010.)