

CHAPTER II
ADMINISTRATION

- 2.00 Administrative Organization
- 2.02 Chancellor of the District
- 2.05 Delegation of Authority
- 2.06 Academic Senate
- 2.07 Policy Development
- 2.10 Categories of Employment
- 2.11 Philosophy of Personnel Management and Human Resource Development
- 2.12 Employee Rights and Protection
- 2.13 Dissemination of Employee Information
- 2.14 Outside Employment
- 2.15 Collective Bargaining
- 2.16 Public Notice of Negotiations
- 2.17 Emeritus Designation
- 2.18 Student Participation in District and College Governance
- 2.19 Nondiscrimination
- 2.20 Equal Employment Opportunity
- 2.22 Employment of Relatives
- 2.25 Prohibition of Harassment
- 2.26 Drug-Free Workplace and Educational Environment
- 2.28 Safety; Injury and Illness Prevention Program
- 2.29 Sexual Assault Education, Prevention, and Reporting
- 2.30 Political Activity
- 2.40 Public Records
- 2.45 Conflict of Interest
- 2.51 Reporting of Crimes
- 2.52 Local Law Enforcement

2.60 Resignation

2.70 Accreditation

2.75 Institutional Planning

2.80 Claims Against the District

CHAPTER II
ADMINISTRATION

2.00 Administrative Organization

1. Cañada College, College of San Mateo, Skyline College and the District Office shall be organized in the most efficient and effective manner to provide comprehensive educational services for the citizens of the District. Authority flows from the Board of Trustees through the Chancellor-~~Superintendent~~ to the executive staff and Presidents of the three Colleges. Each President, as the College chief executive officer, is responsible for implementation of District policies at the College.
2. Subject to the approval of the Board, the Chancellor-~~Superintendent~~ shall establish and authorize modifications in the administrative organization of the District Office and the Colleges. The District's organizational structure shall be flexible enough to provide for differences in the Colleges and the communities they serve. There shall be a periodic review of the organizational structure to insure that it conforms with the needs of the District and the needs of the public.
3. Current organization charts, which delineate lines of responsibility and authority within the District, shall be maintained by the Chancellor-~~Superintendent~~. To assist District employees and the public in understanding the administrative organization of the District, copies of the organization charts shall be made available upon request to interested individuals and groups.

Reference: Education Code 72400

(Rev. 4/89 5/09)

2.02 Chancellor-~~Superintendent~~ of the District

1. The Board shall employ a full-time Chancellor-~~Superintendent~~ to serve as chief executive officer of the District, whose principal responsibility is leadership of the educational program.
2. The Board shall delegate to the Chancellor-~~Superintendent~~ of the District the executive responsibility for administering policies adopted by the Board and executing all decisions of the Board requiring administrative action. In the initiation and formulation of District policies, the Chancellor-~~Superintendent~~ shall act as professional advisor to the Board.
3. The Board delegates authority to the Chancellor to appoint an acting Chancellor to serve in his or her absence for short periods of time, not to exceed twenty-one (21) calendar days at a time. In the absence of the Chancellor and when an acting Chancellor has not been named, administrative responsibility shall reside with the Executive Vice Chancellor.
4. The Board shall appoint an acting Chancellor for periods exceeding twenty-one (21) calendar days.
5. The Chancellor-~~Superintendent~~ shall establish such administrative procedures as are necessary for the operation of the District and the Colleges.
6. The Chancellor-~~Superintendent~~ shall perform all duties specifically required of or assigned to him/her by the statutes of the State of California and by the Board of Trustees of the San Mateo County Community College District.
7. In situations for which the Board has provided no policy for administrative action, the Chancellor-~~Superintendent~~ shall have the power to act, but his/her decisions shall be subject to review by the Board. It shall be the duty of the Chancellor-~~Superintendent~~ to inform the Board promptly of such action and to recommend a written Board policy if one is necessary.
8. The Chancellor-~~Superintendent~~ will be evaluated by the Board annually based upon goals which are mutually agreed upon by the Board of Trustees and the Chancellor ~~superintendent~~ and in accordance with any other provisions of the Contract of employment for the Chancellor-~~Superintendent~~.
9. The compensation of the Chancellor-~~Superintendent~~ shall be fixed by the Board at the time of appointment, and the terms shall be set forth in the contract for his/her services. By mutual consent, the compensation and contract of the Chancellor-~~Superintendent~~ may be adjusted.
10. In case of a vacancy, the Board shall establish a search process to fill the vacancy. The process shall be fair and open and comply with relevant regulations.

References: Education Code Section: 70902(d) 72400; Title 5 Section: 53000 et seq. 53121(b); Accreditation Standard IV.b.1, IV.B.1.j.

(Rev. ~~12/93~~ 5/09)

2.05 Delegation of Authority

1. In accordance with the Education Code and established Board policies, the Chancellor ~~Superintendent~~ may delegate to authorized personnel of the District powers and duties entrusted to him/her by the Board. The Chancellor ~~Superintendent~~ shall be responsible to the Board for the execution of such delegated powers and duties.
2. Subject to established administrative procedures, the Presidents of the Colleges are responsible to the Chancellor ~~Superintendent~~ for the development of all aspects of the educational and student services program at their Colleges and for the administration and operations of the Colleges.

(Rev. ~~1/89~~ 5/09)

2.06 Academic Senate

1. Academic Senates, organized under the provisions of the California Code of Regulations, Title 5, (~~§53200 et seq.~~), shall represent the faculty and make recommendations to the administration and to the Board with respect to academic and professional matters, so long as the exercise of such functions does not conflict with the lawful collective bargaining agreement.
2. The College Academic Senates shall represent the faculty and make recommendations to their College administration and to the Board concerning academic and professional matters of importance at a single College in the District. (~~Ed Code 70902.b.7~~)
3. A District Academic Senate shall coordinate activities of and communications among the College Academic Senates and shall represent the faculty and make recommendations to the District administration and to the Board concerning academic and professional matters of importance at all Colleges in the District. The District Academic Senate shall bring forth only those recommendations that have the unanimous vote of all three College Senates.
4. The Academic Senates' organization, membership functions and committee structure shall be developed by the Academic Senate at each of the Colleges.
5. "Academic and professional matters" means the following policy development and implementation matters:
 - a. curriculum, including establishing prerequisites and placing courses within disciplines;
 - b. degree and certificate requirements;
 - c. grading policies;
 - d. educational program development;
 - e. standards or policies regarding student preparation and success;
 - f. district and college governance structures, as related to faculty roles;
 - g. faculty roles and involvement in accreditation processes, including self-study and annual reports;
 - h. policies for faculty professional development activities;
 - i. processes for program review;
 - j. processes for institutional planning and budget development; and
 - k. other academic and professional matters as are mutually agreed upon between the governing board and the academic senate. (~~Title 5 §53200.e~~)
6. The Board or its designees will consult collegially with the Academic Senate when adopting policies and procedures (~~Title 5, §53202.b.~~). The Board will rely primarily on faculty expertise on academic and professional matters as listed above through the established Academic Senate processes. The Academic Senate will consult collegially with the administration of the College and/or District.
7. The Academic Senate will provide an opportunity for students and staff to participate effectively in the formulation and development of policies and procedures that have or will have a significant effect upon them. (See Rules and Regulations 2.09 #6.)
8. Recommendations regarding matters identified in Rules and Regulations 2.09 (4) as subject to the shared governance processes of the District shall undergo review by those bodies prior to advising the Chancellor on policy matters for Board action.

2.06 Academic Senate (continued)

9. The recommendations of the Academic Senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendation not be accepted. If a recommendation is not accepted, the Board or its designee, upon request of the Senate, shall promptly communicate its reasons in writing to the Senate. The reasons will be based upon a clear and substantive rationale which puts the decision in an accurate, appropriate, and relevant context (~~Title 5 §53203.d.1~~).

References: Title 5 Sections 53200 et seq; 53200.c; 53202.b; 53203.d.1; Ed Code 70902.b.7

(Rev. ~~5/5/03~~ 5/09)

2.07 Policy Development

1. The Chancellor~~-Superintendent~~ is responsible for development of proposed policies on academic affairs, student services, financial matters, and employment relations. Official District policies must be approved by the Board and included as part of District Rules and Regulations.
2. In the development of policy, the Chancellor~~-Superintendent~~ shall utilize an appropriate consultative process which may involve administrators, faculty, and staff of the District. **The District Shared Governance Council shall be consulted when policy directly affects faculty, staff and/or students of the District.** The Chancellor~~-Superintendent~~ shall be solely responsible for determination of the type and extent of such consultation. Final authority for decision-making and recommendation to the Board shall be vested in the Chancellor~~-Superintendent~~.
3. Senior administrators of the District shall review policies before they are recommended by the Chancellor~~-Superintendent~~ to the Board. These officers shall also review proposed administrative procedures.

(Rev. ~~1/89~~ 5/09)

2.10 Categories of Employment

1. Employees may be categorized as follows:
 - a. Faculty (Contract, Regular or **Temporary Part-time**) – for description and applicable policy, see Chapter III.
 - b. Classified (Probationary or Permanent) – for description and applicable policy, see Chapter IV.
 - c. Short-term **temporary**, Non-Faculty – for description and applicable policy, see Chapter IV.
 - d. Student Assistants – for description and applicable policy, see Chapter IV.
 - e. Management, Confidential, Supervisory, and Professional – for the purpose of labor relations, certain positions in the District are designated as management, confidential, supervisory and professional pursuant to the Government Code. For descriptions and applicable policy, see Chapter V.
2. An employee given an **acting interim** or temporary assignment in a classification different from his/her regular assignment will have the rights, benefits, salary placement and other terms and conditions of employment of the classification to which s/he is assigned. The rights, benefits, salary placement and other terms and conditions of employment of the employee's regular assignment will not apply. Prior arrangements, made in writing with the Office of Human Resources, may modify the application of this provision.

Reference: Government Code 3540

(Rev. ~~7/90~~ 5/09)

2.11 Philosophy of Personnel Management and Human Resource Development

1. The Board subscribes to principles of human resource management which promote equal access, equal **employment** opportunity, equal treatment and fairness, staff development and training opportunities, **affirmative action**, fair compensation and accountability.
2. The District's human resource management program shall be comprehensive and include recruitment, testing, selection, appointment, classification and pay, benefits administration, counseling, **affirmative action**, employee development and training, employee recognition and staff evaluation components. The development and implementation of this broad-based approach to human resource management shall be the responsibility of the Chancellor ~~Superintendent~~, College Presidents and the ~~Director~~ **Vice Chancellor, of Human Resources & Employee Relations**, ~~with~~ **in** consultation with appropriate staff and bargaining units.
3. It is recognized that the District's most valuable resource is its **faculty and** staff and, therefore, the District shall provide appropriate group and individual development and training opportunities for **staff employees** on a continuing basis.

Reference: Education Code Sections 87100, et seq.; Title 5, Section 53000, et seq.

(Rev. ~~1/89~~ 5/09)

2.12 Employee Rights and Protection

1. Any employee shall have:
 - a. The civil right as a private citizen to support or oppose any political issue or candidate. Such activities must be conducted on the employee's own time and must not interfere with District or College operations. The employee shall take reasonable steps to clarify that he/she is acting in an individual capacity and does not represent the District.
 - b. The right to inspect materials in the employee's personnel files in accordance with provisions of the Education Code and appropriate collective bargaining agreements.
 - c. The right to an appropriate process for resolution of any public charge against the employee which is taken under consideration, as well as protection from any action based solely on charges lodged anonymously.
 - d. The right to appear before the Board. The employee shall apply through the Chancellor ~~Superintendent~~ who will make necessary arrangements for such appearances.
 - e. Except as otherwise provided by law, employees shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. Employees shall also have the right to refuse to join or participate in the activities of employee organizations, although the employee may be required, by terms of the collective bargaining agreement, to pay a service fee.

(Rev. ~~4/89~~-5/09)

2.13 Dissemination of Employee Information

1. ~~For employment verification inquiries, The~~ District shall provide only dates of employment, the location of assignment and job title, and the gross salary of an employee.
2. ~~Upon the written permission of an employee, A~~ any information about the employee may be released ~~on the written request of the employee.~~ In addition, information ~~about an employee~~ shall be furnished in compliance with a court order, or to an official, employee or contractor of this District or another public agency, provided that such person has a legitimate reason to have the information.
3. The District reserves the right to release public information regarding its employees provided there is good reason to do so and the release of such information would not be an unwarranted invasion of privacy.

(Rev. ~~1/89~~ 5/09)

2.14 Outside Employment

1. ~~No~~ An employee of the District shall ~~be permitted to~~ engage in outside employment ~~which as long as it does not will~~ in any way interfere with his/her ability to carry out his/her assignment.
2. The sole determination of whether or not outside employment is in conflict with the employee's work shall be made by the respective College President or by the Chancellor. ~~Superintendent at the District Office.~~

(Rev. ~~1/89~~ 5/09)

2.15 ~~Employer-Employee Relations~~ Collective Bargaining

1. The Government Code establishes the right of public school employees to select an employee organization as their exclusive representative in their employment relationships with the District. The Board shall enter into negotiations with the exclusive representative as provided by State law and, if agreement is reached, the Board shall execute a written document incorporating any such agreements which shall become binding on both parties to the agreement.
2. The agreement between the District and the exclusive representative shall be considered part of the established policy of the Board.

Reference: Government Code Sections 3540, et seq.

(Rev. ~~4/89~~ 5/09)

2.16 Public Notice of Negotiations

1. It is the intent of the Board to insure that the members of the public are informed about issues being negotiated under the Educational Employment Relations Act (EERA) and are given full opportunity to express their views thereon before negotiations commence.
2. All initial proposals of exclusive representatives and of the Board which relate to matters within the scope of representation shall be presented at public meetings of the Board and thereafter shall be public records. The initial negotiating proposals shall also be available for public review at the District Office.
 - a. After a reasonable time, but not less than five calendar days following the public availability specified above, the Board, at a public meeting, shall provide the public an opportunity to comment on the initial proposals.
 - b. Following the public hearing specified above, the Board shall, at a public meeting, adopt its initial proposal. No meeting and negotiating shall take place until the procedure described above has been completed in compliance with the law.
3. New topics to be negotiated arising after the presentation of initial proposals shall be made public within 24 hours, by posting this information at the District Office. If any vote is taken by the Board on a new subject of negotiation, the Board shall make the roll call vote available as a matter of public record within 24 hours of the time of the vote.

Reference: Government Code Section 3547

(Rev. ~~1/89~~ 5/09)

2.17 ~~Policy on~~ Emeritus Designation

1. Professors who retire from the District through PERS or STRS shall earn the designation of "Professor Emeritus" or "Professor Emerita".
2. Retired faculty members whose salary placement during their final year of service in the District would have earned them the designation of Professor under District Rules and Regulations Section 3.05 shall be designated "Professor Emeritus" or "Professor Emerita." All other retired faculty members shall be designated "Emeriti".
3. Administrators who retire from the District through PERS or STRS and who are eligible for the rank of Professor within the District shall earn the designation "Professor Emeritus" or "Professor Emerita".
4. Retired administrators who, during their final year of District employment, would have been eligible for the rank of Professor under District Rules and Regulations Section 3.05 shall be designated "Professor Emeritus" or "Professor Emerita". All other retired academic administrators shall be designated "Emeriti".
5. Executives who retire from the District through PERS or STRS and who have served in an executive position for ten years or more in the District shall earn the title of "Emeritus"; e.g., Chancellor Emeritus, Vice Chancellor Emeritus ~~Associate Chancellor Emeritus~~ or President Emeritus.
6. Trustees who have served as a District Trustee for ten years or more and who retire from the Board and are receiving retirement benefits shall earn the title of "Trustee Emeritus".

(Rev. ~~6/91~~ 5/09)

2.18 Student Participation in District and College Governance

1. The Board of Trustees values and recognizes the importance of effective student participation in College and District governance processes and, to that end, students will be represented in fair numbers.
2. The Board of Trustees recognizes the Associated Students of the three Colleges, organized under the provisions of the Education Code, as the representative bodies to participate effectively in District and College governance with regard to policies and procedures that have or will have a significant effect on students.
3. The Associated Students Organizations at each College will have the sole right to make appointments for their student representatives to College and District committees, task forces, or other governance groups through a process which they will develop.
4. Students will be provided an opportunity to participate in formulation and development of District and College policies and procedures that have or will have a significant effect on students. This right includes the opportunity to participate in processes for jointly developing recommendations to the Board of Trustees regarding such policies and procedures.
5. The Board of Trustees will ensure that, at District and College levels, recommendations and positions developed by students are given every reasonable consideration.
6. Except in unforeseeable emergency situations, the governing board shall not take action on a matter having a significant effect on students until it has provided students with an opportunity to participate in the formation of the policy or procedure or the joint development of recommendations regarding the action. District and College policies and procedures that have or will have a “significant effect on students” include the following:
 - a. grading policies;
 - b. codes of student conduct;
 - c. academic disciplinary policies;
 - d. curriculum development;
 - e. courses or programs which should be initiated or discontinued;
 - f. **formulation of policies and procedures concerning graduation requirements;**
 - g. processes for institutional planning and budget development;
 - h. standards and policies regarding student preparation and success;
 - i. student services planning and development;
 - j. student fees within the authority of the District to adopt; and
 - k. any other District and College policy, procedure, or related matter that the District governing board determines will have a significant effect on students.

~~In addition, students will participate in the formulation of policies and procedures concerning graduation requirements.~~
7. The Board of Trustees will give reasonable consideration to recommendations and positions developed by students regarding District and College policies and procedures pertaining to the hiring and evaluation of faculty, administration, and staff.

2.18 Student Participation in District and College Governance (continued)

8. Student representatives will be treated with equal inclusion, opportunity and consideration in respect to all participatory governance and will have access to necessary and relevant information, documents and resources necessary for meaningful participation in governance processes.
9. Students serving on District and College committees will maintain minimum scholastic standards as set by the California Education Code, Title 5 Code of Regulations, District Regulations, and regulations of their respective associated student organizations, while serving in governance capacities.
10. Every reasonable effort shall be made to schedule meetings so that student participation is possible.
11. At the beginning of each semester, designated student members on District and College committees shall be provided with an orientation conducted by the committee chairperson or other senior member of the committee within the first two meetings of the committee.
12. Nothing in this section shall be construed to impinge upon the due process rights of faculty, the responsibilities delegated to academic senates or detract from any negotiations or negotiated agreements between collective bargaining agents and the Board of Trustees.

References: Education Code Sections 76060 ,70902 (b) (7); Title 5 Sections, 51023.7 (a)(1), 51023.7 (a)(3), 51023.7 (a)(4), 51023.7 (b), 51023.7 (c), 53200-53206, 51023.7 (d)

(Rev. ~~April 2004~~ 5/09)

2.19 Nondiscrimination

1. The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.
2. The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, religion, age, sex or gender, race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, or because he or she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.
3. The Chancellor shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.
4. No District funds shall ever be used for membership in, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, sex or gender, race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, or because he or she is perceived to have one or more of the foregoing characteristics, or because of his or her association with a person or group with one or more of these actual or perceived characteristics.

References: Education Code Sections 66250 et seq., 72010 et seq., and 87100 et seq.;
Title 5 Sections 53000 et seq. and 59300 et seq.;
Penal Code Section 422.55;
Government Code Sections 12926.1 and 12940 et seq.

(5/09)

2.20 ~~Policy on~~ Equal Employment Opportunity

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, without regard to gender, ethnicity or ability.
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, sex, 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.
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 race, color, religion, national origin, age, gender, disability, marital status, sexual orientation or medical condition relating to other employees, students or the public.

References: Education Code Sections 87100 et seq.; Title 5 Sections 53000, et seq.

(Rev. ~~June 23, 2004~~-5/09)

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.

2.22 ~~Policy on~~ Employment of Relatives

1. The District shall not prohibit the employment of ~~more than one qualified member of the same family-relatives or domestic partners~~. However, no employee of the District or Board member shall supervise a member of his/her immediate family or an individual living in the same household. No employee of the District or Board member shall supervise the supervisor of a member of his/her immediate family or an individual living in the same household.
2. No District employee or Board member shall serve on a committee for the purpose of selecting or evaluating an employment candidate if he/she is in the immediate family of or is living in the same household with any candidate being considered.
3. It is the intention of the Board to generally prohibit an employee or Board member from making employment-related decisions of another employee related as described above; however, when essential for the operation of the District, an exception to this policy may be authorized by the Board.
4. For purposes of this section, "immediate family" is defined as: the spouse, domestic partner, child, parent, grandparent, sister, brother, daughter- or son-in-law, sister- or brother-in-law, mother- or father-in-law of the employee or Board member or any relative living in the immediate household of the employee or Board member.

Reference: Government Code Section 12920 et seq., 1090 et seq.; Family code sec. 297 et seq.

(Rev. ~~07/2008~~ 5/09)

2.25 Prohibition of Harassment

1. All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation. It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation of any person, or because he or she is perceived to have one or more of the foregoing characteristics.
2. The District seeks to foster an environment in which all employees and students feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.
3. Any student or employee who believes that he or she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures provided by his/her supervisor or the office of the Vice President of Student Services. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.
4. This policy applies to all aspects of the academic environment, including but not limited to, classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.
5. To this end, the Chancellor shall ensure that the institution undertakes education and training activities to counter discrimination and to prevent, minimize and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.
6. The Chancellor shall establish procedures that define harassment on campus. The Chancellor shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures for students to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents.
7. This policy and related written procedures shall be widely published and publicized to administrators, faculty, staff, and students, particularly when they are new to the institution. They shall be available for students and employees in all administrative offices.
8. Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion.

Reference: Education Code Sections 212.5; 44100; 66252; 66281.5; Government Code 12950.1; Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000e.

(Rev. 5/09)

2.26 ~~Policy on~~ Drug-Free Workplace and Educational Environment

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. It is the responsibility of each District employee to adhere to the requirements of the drug-free policy and to notify the Office of ~~Personnel Services~~ Human Resources within five (5) days of any criminal drug statute conviction for violations occurring in the workplace or educational setting.
4. Within ten (10) days after receiving notice from an employee of any criminal drug statute conviction, the Office of ~~Personnel Services~~ Human Resources will notify all Federal agencies from which Federal grants are received, pursuant to requirement of the Act.
5. Within thirty (30) days of receiving notice of such conviction, the Chancellor-~~Superintendent~~ or designee shall initiate the appropriate personnel action or require the employee to participate in a drug-abuse assistance or rehabilitation program.
6. 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.
7. 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.
8. 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.
9. ~~In compliance with the law~~, 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").

2.26 Drug-Free Workplace and Educational Environment (continued)

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

(Rev. ~~5/98~~ 5/09)

2.28 Safety; ~~Employee-Injury and Illness Prevention Program~~

1. It is the policy of the San Mateo County Community College District to provide a safe environment for students, employees and visitors ~~that is free from violence and threat of violence.~~ The District is committed to the implementation of safety and health policies and procedures involving workplace security for employees and students.
2. The District strictly prohibits the unauthorized possession of firearms and other weapons on ~~its property~~ any College or in any facility of the District except for activities conducted under the direction of District officials or as authorized by an official law enforcement agency.
3. The District prohibits any behavior that is ~~violent~~, menacing, intimidating, or otherwise poses a threat to the safety of its students, employees, and visitors, and will implement investigative and disciplinary procedures immediately, as appropriate, in order to maintain a safe educational and work environment.
4. Employees and students shall be directly responsible for conducting themselves, at all times, in a manner that is consistent with current District Rules and Regulations.
5. ~~The Chancellor shall establish administrative procedures that assure that employees are informed regarding what actions will be considered violent, menacing, or intimidating, and requiring any employee who is the victim of any such conduct in the workplace, or is a witness to such conduct to report the incident and that employees be informed that there will be no retaliation for such reporting.~~
6. The ~~Associate- Vice~~ Chancellor ~~-Human Resources & Employee Relations~~ will maintain a written Employee Injury and Illness Prevention Program which complies with all applicable sections of the California Labor Code; California General Industrial Safety Orders; California Department of Industrial Relations; California Occupational Safety and Health Act regulations; and related laws governing educational and workplace safety and security.
 - a. The Program will promote safe practices among employees by emphasizing training in safety awareness, recognition of early warning signals of potential workplace violence, clear lines of employer/employee communication, use of safety devices and mechanical safeguards, implementation of timely response and investigation procedures, and regular Program evaluation.
 - b. The program will include the method for identifying, reporting and evaluating hazards and potential and actual threats to safety, and the means for correcting unhealthy and potentially dangerous conditions and practices in a timely manner.
 - c. The program will be administered by the Office of ~~the Associate Chancellor~~ Human Resources.

Reference: Cal/OSHA: Labor Code Sec. 6300 et seq; 8 Cal. Code Regs. sec. 3203; "Workplace Violence Safety Act of 1994" (Code of Civil Procedure, sec. 527.8; and Penal Code sec. 273.6, 626.7 and 12021)

(Rev. ~~2/96~~ 5/09)

2.29 Sexual Assault Education, ~~and~~ Prevention, and Reporting

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.

~~In accordance with California Education Code, Section 67382, it is the policy of the San Mateo County Community College District to educate all students, faculty, and staff on the prevention of sexual assault.~~

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 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 Districtwide 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)

(Rev. 5/09)

2.30 Political Activity

1. District employees may exercise all rights of citizenship, including campaigning for or against a candidate or ballot measure, on their own time, provided the following conditions are met:
 - a. Campaign activities may be undertaken only at times when the employee is not required to perform duties for the District. Distributing campaign materials while on duty as an employee of the District is prohibited.
 - b. District resources may not be used to campaign for or against a candidate or issue. District resources include such things as computers, copying equipment, telephones, mailboxes, E-mail, PhoneMail, faxes, staff time, etc.
 - c. Reasonable steps must be taken to clarify that the District employee is acting in an individual capacity and does not represent the District.
 - d. A careful accounting of the time used in campaigning must be maintained so that there is no question of impropriety.
 - e. All other restrictions imposed by the Political Reform Act of 1976 and other provisions of law are followed.
 - f. All College regulations relating to time, place and manner are observed.
2. District employees may utilize District resources to disseminate factual information regarding candidates or ballot propositions during work hours provided the following conditions are met:
 - a. The information disseminated relates exclusively to the San Mateo County Community College District and the educational programs and activities thereof.
 - b. The information disseminated provides a fair presentation of relevant facts in a manner which is objective, full, and impartial.
 - c. The information disseminated does not directly or indirectly advocate the passage or defeat of a ballot proposition or the election of a candidate.
 - d. The employee has obtained appropriate permission from his/her supervisor.
3. In certain academic disciplines, classroom discussion of political issues, ballot measures and candidates may take place provided the discussion is conducted in a fair and impartial manner and is directly related to the course matter being taught.
4. Candidates for office may be invited to address a class provided the following conditions are met:
 - a. All candidates for a particular office are offered the same opportunity to address the class, although not necessarily at the same time.
 - b. The discussion or debate of the candidates is directly related to the course matter being taught.
5. District employees, employee organizations, or student organizations are encouraged to invite declared candidates for office to address groups on campus provided the following conditions are met:
 - a. The presentation does not interfere with the educational programs or processes of the College.
 - b. All candidates for a particular office are offered the same opportunity to address groups on a campus, although not necessarily at the same time.
6. Declared candidates for office and proponents or opponents of political issues and candidates who wish to speak or distribute materials on campus may do so provided all District and College regulations related to time, place, and manner are respected. Candidates or proponents or opponents of specific issues may not use District resources as described in 1(b) above to prepare or distribute materials on campus.

Reference: Education Code Sections 7054, 7056; Government Code Section 8314

(Rev. 4/95 5/09)

2.40 Public Records

1. Public records, as defined by the Government Code, are open to inspection by the public during the regular office hours of the District Office and Colleges.
2. A copying fee may be levied for each page of a public record requested by members of the public. Requests for copies of public records and payment of fees shall be directed to the ~~Executive~~ Secretary to the Board.
3. Upon proper request for copying or inspection of public records, the District shall, ~~make records or copies available to the requestor within five (5) working days of receipt of the request.~~ within 10 days, notify requestor when records can be made available.
4. The requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:
 - a. The District would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals;
 - b. The request would require data compilation, extraction, or programming to produce the record.

Reference: Government Code Sections 6250, et seq., 6253, 6253.9

(Rev. ~~2/92~~ 5/09)

2.45 Conflict of Interest

1. In compliance with law, the Board shall adopt a Conflict of Interest Code and shall periodically review the list of designated employees required to complete financial disclosure forms.
2. Each **Board member and each** designated employee under the District's Conflict of Interest Code shall annually file a statement disclosing those interests in investments, real property, and income that are designated as reportable under the Conflict of Interest Code.
3. No **Board member nor any** employee of the District shall make, participate in making, or in any way attempt to use his or her position to influence a governmental decision in which he or she knows or has reason to know that he or she has a financial interest.
 - a. **A Board member who has a remote interest in any contract considered by the Board shall disclose his or her interest during a Board meeting and have the disclosure noted in the official board minutes. The Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract.**
 - b. **A Board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to his or her duties as an officer of the District.**
4. The ~~Assistant to the Chancellor-Superintendent is~~ shall ~~designated to serve as the~~ a Filing Officer for conflict of interest matters and ~~that person~~ shall perform related duties as required by law.

References: Government Code Sections 1090, et seq., 1126, 87200, et seq. ; Title 2, Sections 18730 et seq.

(Rev. ~~4/89~~ 5/09)

2.51 Reporting of Crimes

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

(5/09)

2.52 Local Law Enforcement

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.

Reference: Education Code Section 67381

(5/09)

2.60 Resignations

1. Resignations shall be submitted in writing through the employee's immediate supervisor to the College or District chief executive officer and the Office of Human Resources.
2. The Board shall accept resignations of ~~members of the faculty~~ any employee shall be accepted, ~~and the Board~~, and will fix the time when the resignation is to take effect. By law, this date may not be later than the close of the ~~College~~ academic year during which the resignation has been received by the Board.
3. A classified employee wishing to resign shall provide the District at least two weeks' notice of his/her intention to leave, unless the Board consents to his/her leaving sooner.
4. The Board delegates to the Chancellor the authority to accept resignations on its behalf at any time. Resignations shall be deemed accepted by the Board when accepted in writing by the Chancellor. When accepted by the Chancellor, the resignation is final and may not be rescinded. All such resignations shall be forwarded to the Board for ratification.

Reference: Education Code Sections 87730; 88201

(Rev. ~~7/90~~ 5/09)

2.70 Accreditation

1. The Chancellor shall ensure the District complies with the Accreditation process and the standards of the Accrediting Commission of Community and Junior Colleges and of other District programs that seek special accreditation.
2. The Chancellor shall keep the Board informed of approved accrediting organizations and the status of accreditations.
3. The Chancellor shall ensure that the Board is involved in any accreditation process in which Board participation is required.
4. The Chancellor shall provide the Board with a summary of any accreditation report and any actions taken or to be taken in response to recommendations in an accreditation report.

Reference: Accreditation Eligibility Requirement 20, Standard IV.B.1.i

(5/09)

2.75 Institutional Planning

1. The Chancellor shall ensure that the District has and implements a broad-based comprehensive, systematic and integrated system of planning that involves appropriate segments of the College community and is supported by institutional effectiveness research.
2. The planning system shall include plans required by law, including, but not limited to:
 - a. Long range educational or academic master plans, which shall be updated periodically as deemed necessary by the governing board
 - b. Facilities plan
 - c. Faculty and staff diversity plan
 - d. Student equity plan
 - e. Matriculation
 - f. Cooperative Work Experience
 - g. EOPS
3. The Chancellor shall submit those plans for which Board approval is required by Title 5 to the Board.
4. The Chancellor shall periodically inform the Board about the status of planning and the various plans.
5. The Chancellor shall ensure the Board has an opportunity to assist in developing the general institutional mission and goals for the comprehensive plans.

References: Accreditation Standard I.B.; Title 5, Sections 51008, 51010, 51027, 53003, 54220, 55080, 55190, 55250, 55510, 56270 et seq.

(5/09)

2.80 Claims Against the District

1. Any claims against the District by an individual or organization for money or damages must be presented according to the laws and regulations governing such claims as a prerequisite to filing a lawsuit against the District.
2. Claims that are subject to the requirements of this policy include, but are not limited to, the following:
 - a. Claims by public entities: claims by the state or by a state department or agency or by another public entity.
 - b. Claims for fees, wages and allowances: claims for fees, salaries or wages, mileage, or other expenses and allowances.
3. The designated place for service of claims, lawsuits or other types of legal process upon the District is the Chancellor's Office.

Reference: Education Code Section 72502; Government Code Sections 900 et seq.; 910

(5/09)