

District Participatory Governance Council
Meeting Agenda
May 6, 2019 | 2:15 p.m.
District Office – Board Room

- 1. Call to Order/Establish Quorum**
- 2. Statements from the Public on Non-Agenda Items**
- 3. Action Items**
 - A. Approval of Minutes from April 8, 2019 Meeting (*Attachment #01*)
 - B. Board Policies for Approval
 1. 1.01 – District Mission (*Attachment #02*) *Minor Revisions Recommended*
 2. 1.05 – Student Trustee (*Attachment #03*) *Revisions Recommended*
 3. 2.26 – Drug-Free Workplace and Educational Environment (*Attachment #04*)
Minor Revisions Recommended
 4. 2.28 – Safety; Injury and Illness Prevention Program (*Attachment #05*) *Minor Revisions Recommended*
 5. 2.34 – Computer and Network Use (*Attachment #06*) *Revisions Recommended*
 6. 2.60 – Resignations (*Attachment #07*) *Minor Revisions Recommended*
 7. 4.45 – Dismissals and Disciplinary Action – Classified Employees
(*Attachment #08*) *Revisions Recommended*
 8. 5.16 – Managers: Evaluation (*Attachment #09*) *Minor Revisions Recommended*
 9. 5.26 – Academic Supervisors: Evaluation (*Attachment #10*) *Minor Revisions Recommended*
- 4. Closing Remarks**
- 5. Adjournment**



**District Participatory Governance Council (DPGC)
Meeting Minutes
April 8, 2019**

Members Present: Mitchell Bailey (Co-Chair), Leigh Anne Shaw (Co-Chair), Mondana Bathai, Kathryn Browne, Juanita Celaya, Jeri Eznekier, Chris Gibson, Jacob Korf, Megan Rodriguez Antone, Rich Rojo, Paul Rueckhaus, Diana Tedone, Gabriela Topete Eng Goon, Karen Pinkham, Mary Vogt, and Jeramy Wallace

Members Absent: Grace Beltran, John Cuevas/Tony Burrola, and Johnny Yang

Others Present: Roxanne Brewer (Recorder), Harry Joel, and Aaron McVean

1. Call to Order/Establish Quorum

The meeting was called to order at 2:18 p.m. and quorum was established. Ms. Shaw welcomed Jacob Korf to the Council and reviewed the DPGC voting process; introductions were made.

2. Statements from the Public on Non-Agenda Items

None

3. Action Items

A. Approval of Minutes from the March 4, 2019 Meeting

The Council unanimously approved the minutes from the March 4, 2019 meeting with the following corrections: *Monana Bathai* and *Jeramy Wallace* were not present at the meeting.

4. Information Items

A. Board Policies for First Review (Continued Discussion from the March 4, 2019 meeting) 1.01

– District Mission – Mr. Bailey noted that he updated the policy with suggestions from the March 4, 2019 meeting and agreed that a more comprehensive review, which engages the broader SMCCCD community (students, faculty, staff, board) is needed. However, with college accreditation visits taking place this fall, a comprehensive review isn't possible at this time. As such, the recommended edit calls for an annual review of the mission statement by the DPGC and a district-wide review no fewer than every three years. Mr. Bailey mentioned that the three year comprehensive review also aligns with the District strategic plan review and update.

1.05 – Student Trustee – Mr. Bailey said he discussed this policy with Ms. Topete Eng Goon and there is additional work that needs to be done on this policy. There is a lot of procedural language that needs to be within the policy due to the nature of the position. There has been a request from the colleges to shift the dates of the student trustee election

that parallels the Academic Senate's election. Ms. Topete Eng Goon said that looking at the District Student Trustee Meetings; breaks should be reflected within the policy.

2.26 – Drug-Free Workplace and Educational Environment – Mr. Bailey said that *marijuana* and *other drugs* have been included in the draft policy. Mr. Joel checked with the League for California Community Colleges (League) regarding suggested language on this policy; unfortunately, 2012 was the last time it was updated. Mr. Joel took the Council's suggestions and added them to the draft policy. He has not checked into the procedural process on this policy. He said we might want to look at the policy and separate out the procedural aspects.

2.28 – Safety, Injury and Illness Prevention Program - Minor technical revisions were made to the policy.

2.34 – Computer and Network Use – Minor revisions were made. Mr. Joel pulled language from the League to replace obsolete language. Ms. Shaw asked if there was any follow-up guidance to take into consideration in terms of respecting the rights of others with computer use. Mr. Bailey said that we could look at what other community college districts are doing as they may evolve over time depending on technology.

2.60 – Resignations – Minor grammar revisions were made.

4.45 – Dismissals and Disciplinary Action – Classified Employees – Mr. Joel said revisions were made after looking at the original policy, the CSEA Contract, and recommendations from the League. Mr. Joel said that there are Classified Employees who are not represented by a contract, such as, Classified Supervisors, Classified Managers, Confidential Employees, etc.

5.16 - Managers: Evaluations – On Item #3, the word '*may*' will be removed and an '*s*' will be added to the word include.

5.26 –Academic Supervisors: Evaluation - On Item #3, the word '*may*' will be removed and an '*s*' will be added to the word include.

B. Board Policies Not Requiring DPGC Review

Mr. Bailey said that the following three policies are brought to the Council for informational purposes. These policies do not affect faculty, staff, or students.

1.45 – Agendas for Meetings - Minor technical changes were made.

1.60 – Rules of Order for Board Meetings - Minor technical changes were made.

2.06 – Board Policies and Administrative Procedures - Minor technical changes were made.

5. Closing Remarks/Agenda Building

Mr. Bailey said that during the May 6, 2019 Council meeting, no new policies would be brought forth to the Council. After reviewing the above noted policies, if there are any suggested

modifications, please contact Mr. Bailey with those suggestions prior to the next Council meeting.

Ms. Shaw said that at the Board of Trustees meeting on April 10, 2019, there would be a study session on the campus Accreditation Reports. Discussion will be held regarding accreditation and the required roles and responsibilities we must take. Ms. Shaw encouraged everyone to attend.

Adjournment: 2:58 p.m.

**CHAPTER 1: Board of Trustees
BOARD POLICY NO. 1.01 (BP 1200)**

**BOARD POLICY
San Mateo County Community College District**

Subject: BP 1.01 District Mission
Revision Date: 5/12; ~~XX~~/19
Policy Reference: ACCJC Accreditation Standard I.A

1. The mission of the San Mateo County Community College District is:

PREAMBLE

The Colleges of the San Mateo County Community College District, Cañada College, College of San Mateo, and Skyline College, recognizing each individual's right to education, provide the occasions and settings which enable students to develop their minds and their skills, engage their spirits, broaden their understanding of social responsibilities, increase their cultural awareness and realize their individual potential. The District actively participates in the economic, social, and cultural development of San Mateo County. In a richly diverse environment and with increasing awareness of its role in the global community, the District is dedicated to maintaining a climate of academic freedom in which a wide variety of viewpoints is cultivated and shared. The District actively participates in the continuing development of the California Community Colleges as an integral and effective component of the structure of public higher education in the State.

MISSION

In an atmosphere of collegiality and shared responsibility, and with the objective of fostering equity and sustaining open access for students and being responsive to community needs, the Colleges of the San Mateo County Community College District will fulfill the following mission with excellence:

- Provide a breadth of educational opportunities and experiences which encourage students to develop their general understanding of human effort and achievement; and
- Provide lower division programs to enable students to transfer to baccalaureate institutions; and
- Provide career and technical education and training programs directed toward career development, in cooperation with business, industry, labor, and public service agencies; and
- Provide basic skills education in language and computational skills required for successful completion of educational goals; and
- Provide a range of student services to assist students in attaining their educational and career goals; and
- Provide self-supporting community education classes, contract education and training and related services tailored to the human and economic development of the community; and
- Provide leadership in aligning educational programs and services offered by all local educational institutions and community service organizations; and
- Celebrate the community's rich cultural diversity, reflect this diversity in student enrollment, promote it in its staff, and maintain a campus climate that supports student success.

BP 1.01 District Mission (continued)

To fulfill this educational mission, the District is committed to effective institutional research that supports the evaluation and improvement of programs, services, and student outcomes. ~~Shared-Participatory~~ governance is practiced through processes that are inclusive with regard to information sharing and decision making, and that are respectful of all participants. The District plans, organizes and develops its resources to achieve maximum effectiveness, efficiency, equity and accountability.

2. The Mission ~~is evaluated and revised on a regular basis of the District shall be regularly reviewed each year through the participatory governance process and more thoroughly no less than every three years through the engagement of the Board of Trustees and the students, faculty, staff, administrators of the colleges and District.~~

**CHAPTER 1: Board of Trustees
BOARD POLICY NO. 1.05 (BP 2015)**

**BOARD POLICY
San Mateo County Community College District**

Subject: BP 1.05 Student Trustee
Review Date: 5/13; Revised xx/19
Policy Reference: Education Code Section 72023.5

PREAMBLE: In order to ensure that students have the opportunity to participate effectively in District governance and to express their opinions about important governance initiatives and issues, the Board welcomes the inclusion of a Student Trustee on the Board of Trustees. The Board encourages each College to promote their very best candidates for this office each year, by encouraging students who are deeply committed to their College and the interests of students to apply for the position. The Board believes that with a competitive election process on each campus each year, the very best candidates will emerge and that will ensure that student interests are effectively represented. The Board expects that each College will have opportunities for students from their College to serve as Student Trustee.

1. A Student Trustee shall serve a one-year term as a nonvoting member of the Board beginning June 1 each year. The student member shall be seated with the Board and shall be recognized as a full member of the Board at meetings. The student member is entitled to ~~may~~ participate in discussion of issues and receive all materials presented to members of the Board (except for closed session materials). The rights of the Student Trustee shall be limited to those mandated in the Education Code except that the Student Trustee shall have the right to make or second motions and will have the right to exercise an advisory vote. The responsibilities of the Student Trustee shall be those mandated by the Education Code and those approved by the Board including:
 - a. The Student Trustee shall be responsible and accountable to the students of the District and their elected officers.
 - i. The Student Trustee shall study the documents that are presented to the Board of Trustees at regular meetings and study sessions and represent student interests on these matters before the Board.
 - ii. The Student Trustee shall call and attend at least one District Student Council meeting each month during the fall and spring semesters to ~~review the upcoming Board of Trustees' agenda and to~~ discuss issues before the Board of Trustees. In addition, the Student Trustee shall attend Student Council meetings at the Colleges when deemed appropriate.
 - iii. Through the District Student Council, the Student Trustee shall keep the Student Council at each College informed about issues brought before the Board of Trustees and shall seek student input on these issues.
2. To be eligible to serve as a Student Trustee, a person must meet all statutory requirements, including:
 - a. Be currently enrolled in one of the Colleges of the San Mateo County Community College District.

BP 1.05 Student Trustee (continued)

- b. Maintain enrollment in at least six semester units during the election period and throughout the Student Trustee's term of office, and meet and maintain the minimum standards of scholarship as described in Board Policy Section 6.16, of Rules and Regulations.
 - c. Not concurrently hold any recognized Associated Student government position in the three Colleges of the San Mateo County Community College District while holding the office of Student Trustee. Students who wish to run for Student Trustee may not be a candidate for President or Vice President of any Associated Students organization.
 - d. Run for the office of Student Trustee at only one campus.
 - e. A student is not required to give up employment with the District in order to be seated as the Student Trustee.
3. Election of Student Trustee nominees by students from each of the three Colleges shall take place by ~~March 30~~April 30 of each year. The manner, place, and time of the election shall be determined by the Associated Students at each College. The Associated Students shall make every effort to schedule elections on different days at the Colleges.
 4. A panel of seven students (two student body officers from each College, selected by the Student Government, and the outgoing Student Trustee) shall interview the three Student Trustee nominees and elect one person by secret ballot to be seated as the Student Trustee. None of the members of the panel may be a candidate for the position of Student Trustee. If there is no outgoing Student Trustee to serve on the panel, the District Student Council shall select an alternate member to serve on the panel. Four votes shall be required for election, and the process must be completed by ~~May~~April 15.
 - a. If there is a 3-3-1 tie vote, the candidate with the least amount of votes will be dropped, and the panel will re-vote. Before a vote is taken, the candidates may be re-interviewed.
 - b. If there is a 3-2-2 tie vote, the panel will vote only on the candidates who have two votes, to break the tie, and the candidate with the least amount of votes will be eliminated. The panel will vote on the remaining two candidates. Before a vote is taken, the candidates may be re-interviewed.
 - c. If the panel is unable to elect one of the nominees to be seated on the Board by ~~April~~May 15 of each year, the Chancellor shall select, by lot, the student to be seated on the Board.
 5. The Student Trustee may be recalled for non performance of duties, violation of the Student Code of Conduct or ethical lapses by a no-confidence vote taken by the District Student Council and shall be considered passed by ~~simple majority~~two-thirds majority. In the event of a no-confidence vote, the student trustee must recuse himself or herself and an alternate member, selected by the District Student Council, will be selected and will eligible to vote.
 6. If a vacancy should occur during the Student Trustee's one-year term, the panel described in 1.05(4) shall convene to elect one of the remaining nominees to be seated as Student Trustee. Any College which does not have a previously elected nominee may hold a special election to select a nominee. Such nominee(s) shall be considered by the panel together with the nominee(s) from the other College(s). If the panel is unable to select from among the nominees, the Chancellor shall select, by lot, one of the nominees to fill the vacancy.
 7. A student may serve as Student Trustee for only two terms, whether served consecutively or with a break in service.
 8. The District shall provide monthly compensation to the Student Trustee for attending Board meetings at one-half of the maximum amount allowed for elected trustees under the Education Code. In addition, the Board of Trustees may award the Student Trustee a service award as follows:

BP 1.05 Student Trustee (continued)

- a. One payment annually, payable May 31 at the end of his/her term of office. In order to receive the payment, the Student Trustee must have been in office and fulfilled his/her duties as outlined in this section for the entire 12-month period.
 - b. Each annual payment will be equal to the total of 12 monthly compensations.
 - c. The Board of Trustees reserves all discretion for any partial allocation in case of extraordinary circumstances beyond the Student Trustee's control causing early termination of term of office.
9. Transportation allowance for travel necessary to attend Board meetings and to attend to other official District business as authorized by the Board shall be provided for the Student Trustee at the same rate as that established for other Trustees. The student trustee may, upon prior approval by the President of the Board, attend conferences and be reimbursed for expenses associated with the approved conferences. The Student Trustee shall also receive the same health and welfare benefits as are provided to Board members.

**CHAPTER 2: Administration and General Institution
BOARD POLICY NO. 2.26 (BP 3550, 3560)**

BOARD POLICY

San Mateo County Community College District

Subject: BP 2.26 Drug-Free Workplace and Educational Environment

Revision Date: 10/12; ~~XX/19~~

Policy 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

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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, marijuana and other 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 manufacture, distribution, dispensation, possession, or use of alcohol in the workplace or educational facilities and on any District property is strictly prohibited except as permitted by law and included in District procedures. The possession, sale or furnishing of alcohol on District property is governed by California state law and is controlled by the Department of Alcohol and Beverage Control. However, the enforcement of alcohol laws on District property is the primary responsibility of the Public Safety Department in conjunction with local law enforcement. It is unlawful to sell, furnish or provide alcohol to anyone under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal.
 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. The manufacture, distribution, dispensation, possession or use of controlled substances in the workplace or educational facilities or on any District property is strictly prohibited except as permitted by law. The Public Safety Department, in conjunction with local law enforcement, strictly enforces federal and state laws regarding the illegal possession, sale, manufacture or distribution of any controlled substance as defined by law.
 5. It is the responsibility of each District student to adhere to the requirements of this drug-free policy. Students found to be in violation of this policy by the illegal manufacturing, distributing, dispensing, possessing or using alcohol, marijuana or a controlled substance on District property will be subject to disciplinary measures up to and including expulsion, pursuant to District policy.
 6. It is the responsibility of each District employee to adhere to the requirements of this 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. Employees found to be in violation of this policy by the illegal manufacturing, distributing, dispensing, possessing or using alcohol, marijuana or a controlled substance in the workplace, educational facility or on any District property, or by failing

BP 2.26 Drug-Free Workplace and Educational Environment (continued)

to notify the District 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. 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.
8. 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.
9. Notice of the District Drug-Free Workplace and Education 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, marijuana 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~~ Chancellor (or designee) 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, marijuana and controlled substance testing. The presence in the body, possession, use, distribution, dispensing and/or illegal 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, marijuana, 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, marijuana or a controlled substance) shall be advised of resources available in evaluating and resolving problems associated with the misuse of alcohol, marijuana 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.
15. The Chancellor (or designee) shall assure that the District distributes the information required by the Drug-Free Schools and Communities Act Amendments of 1989 to all students and employees annually.

**CHAPTER 2: Administration
BOARD POLICY NO. 2.28 (BP 3510, 3530, and 6800)**

**BOARD POLICY
San Mateo County Community College District**

Subject: BP 2.28 Safety; Injury and Illness Prevention Program
Revision Date: 11/12; ~~XX/19~~
Policy References: Cal/OSHA: Labor Code Section 6300 et seq; 8 Cal. Code Regs. Section 3203; "Workplace Violence Safety Act of 1994" (Code of Civil Procedure, Section 527.8; and Penal Code Section 273.6 and 626.7); Title 8, Section 3203, Illness & Injury Prevention Program; California Penal Code Sections 626.9 and 626.10; Education Code Section 76403

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 possession, sale, use, or otherwise furnishing of explosives, dangerous chemicals, deadly weapons or other dangerous objects on College/District property 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. The District also strictly prohibits possession of an imitation firearm, knife or explosive on College/District property with the intent to threaten, frighten or intimidate.
3. The District prohibits any behavior that 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 in a manner that is consistent with current District ~~Rules and Regulations~~ policies.
5. The District shall establish administrative procedures that assure that employees are informed regarding what actions could potentially pose a threat to the safety of its students, employees and visitors. The District also shall require 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 ~~Vice Chancellor Human Resources & Employee Relations~~ Chancellor (or designee) 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 workplace 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

BP 2.28 Safety; Injury and Illness Prevention Program (continued)

- 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 Human Resources.

~~The District's Injury and Illness Prevention Program is available online at:
Injury and Illness Prevention Program~~

7. The Chancellor shall establish procedures necessary to assure cooperation with local public health officials in measures necessary for the prevention and control of communicable diseases in students.

8.

The District's Injury and Illness Prevention Program is available online at: Injury and Illness Prevention Program

**CHAPTER 2: Administration and General Institution
BOARD POLICY NO. 2.34 (BP 3720)**

**BOARD POLICY
San Mateo County Community College District**

Subject: BP 2.34 Computer and Network Use
Revision Date: 4/13; ~~XX~~/19
Policy References: Education Code Section 70902; Government Code Section 3543.1(b); Penal Code Section 502; California Constitution, Article 1 Section 1; 17 U.S. Code Sections 101 et seq.

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1. The District provides various electronic ~~mediatechnology~~, including laptop and/or desktop computers for use by employees and students. Employees are encouraged to use these ~~media-electronic equipment~~ in their work to communicate with students, ~~with each other, and with~~ the administration and members of the community, and to improve their access to research and instructional and administrative tools.
 - ~~1.2.~~ Employees and students who use District computers and networks and access the information they contain have a responsibility not to abuse those resources and to respect the rights of others. The Chancellor (or designee) shall establish procedures that provide guidelines to students and employees for the appropriate use of information technologies. The procedures shall include that users must respect software copyrights and licenses, respect the integrity of computer-based information resources, refrain from seeking to gain unauthorized access, and respect the rights of other computer users.
 - ~~2.3.~~ District computers and networks are property of the District. Employees and students may use the District's network services and computers for personal purposes provided that such use does not directly interfere with the normal performance of duties, or with the normal operation of District systems or facilities. Use of these systems for unlawful purposes is not authorized and can constitute grounds for revocation of user privileges, removal of offensive material, and potentially result in disciplinary action.
 - ~~3.4.~~ While the District respects all employees' and students' right to privacy in work place communications, employees, students and others should realize that District communications systems are not always private. The District cannot routinely protect users' confidentiality in some situations. Some email or computer use, when created or stored on District equipment, may constitute a District record subject to disclosure under the California Public Records Act or other laws, or as a result of litigation. Users of District computer resources should be aware that such situations or laws may not permit the confidentiality of email or other documents or data on a computer in some circumstances.
 - ~~4.5.~~ The District shall not inspect, monitor, or disclose email or other computer files without the holder's consent, except (1) when required by and consistent with the law; (2) when there is a substantiated reason to believe that violations of law or provisions herein have taken place and the holder or user is the subject of suspicion; or (3) under time-dependent emergency circumstances or critical compelling circumstances.
 - a. Substantiated reason means that reliable evidence indicates the probability that violation of law or provisions herein has occurred, as distinguished from rumor, gossip, speculation or other unreliable evidence.
 - b. Time-dependent, emergency circumstances means where time is of the essence and where there is a high probability that delaying action would almost certainly result in critical compelling circumstances.

BP 2.34 Computer and Network Use (continued)

- c. Critical compelling circumstances means that a failure to act may result in significant bodily harm, significant property damage or loss, loss of significant evidence of the violation of law or provisions herein, significant liability to the District or District employees or students.

~~5.6.~~ Except in emergency circumstances as defined above, District inspection, monitoring or disclosure of emails or other documents or data must be authorized in advance and in writing by the Chancellor (or designee). This authority shall not be further delegated. Unless precluded by law, law enforcement or related agencies, the District shall make a full and complete written record of the rationale for such access, which shall be provided to the affected employee within two work days of obtaining access.

~~6.7.~~ Authorization shall be limited to the least perusal of contents and the least action necessary to resolve the situation. All inspection and/or monitoring pursuant to this Section is limited to the specific computer hardware which the District has a substantiated reason to believe were used in the violations as alleged and described in the written authorization. All inspection and/or monitoring shall be limited to the investigation of the violations as alleged and described.

~~7.8.~~ Users should be aware that during the performance of their duties, Information Technology Services personnel occasionally need to observe certain transactional addressing information to ensure proper functioning of the District's computer services, including email. Except as provided in this Section or by law, they shall not intentionally read the contents of email or other documents, or to read transactional information where not germane to the foregoing purpose, or to disclose or otherwise use what they have seen.

~~8.9.~~ Employees and students who use District computers and networks and the information they contain, and related resources, have a responsibility to respect software copyrights and licenses, respect the integrity of computer-based information resources, refrain from seeking to gain unauthorized access, and respect the rights of other computer users.

~~9.10.~~ The District cannot and does not wish to be the arbiter of contents of documents in any physical or electronic media. The District shall not protect users from receiving transmitted or physically conveyed language or images which they may find offensive or objectionable in nature or content, regardless of whether such documents originated within or outside the District. Employees and students are strongly encouraged to use the same personal and professional courtesies and considerations in such communications as they would with face-to-face conversation.

**CHAPTER 2: Administration
BOARD POLICY NO. 2.60 (BP 7350)**

**BOARD POLICY
San Mateo County Community College District**

Subject: 2.60 Resignations
Revision Date: 3/13; ~~XX~~/19
Policy References: Education Code Sections 87730 and 88201

1. Resignations shall be submitted in writing, signed and dated, and shall expressly state the date set for resignation. The resignation shall be submitted to the employee's immediate supervisor. ~~The ; the~~ supervisor shall then submit the resignation to the College or District chief executive officer and the Office of Human Resources. An employee shall have up to twenty one (21) days from the date of submission to rescind the resignation.
2. The Board shall accept resignations of any employee, and ~~will shall fix~~affix the time when the resignation is to take effect. By law, this date may not be later than the close of the 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 ~~(or~~ designee). All such resignations shall be forwarded to the Board for ratification.

**CHAPTER 4: Classified Personnel
BOARD POLICY NO. 4.45 (BP 7365)**

**BOARD POLICY
San Mateo County Community College District**

Subject: 4.45 Dismissals and Disciplinary Action – Classified Employees
Revision Date: 11/10; Revised XX/19
Policy References: Education Code Section 88013; Government Code Sections 3300 et seq.

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1. The Chancellor (or designee) shall enact procedures for the disciplinary proceedings applicable to permanent classified employees of the District. Such procedures shall conform to the requirements of the Education Code.
 2. The Board of Trustees' determination of the sufficiency of the cause for disciplinary action of a classified employee shall be conclusive.
 3. No disciplinary action shall be taken for any cause that arose prior to the employees becoming permanent, or for any cause that arose more than two years preceding the date of the filing of any charge against the employees, unless the cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee should have disclosed the facts to the District.
 - 1.4. The disciplinary procedures for classified employees who are members of the collective bargaining unit represented by the California School Employees Association (CSEA), Chapter 33 are contained in Article 20 of the CSEA contract, as approved by the Board of Trustees. The disciplinary procedures for classified employees who are members of the collective bargaining unit represented by the American Federation of State, County and Municipal Employees (AFSCME), Local 829 are contained in Article 16 of the AFSCME contract, as approved by the Board of Trustees. The procedures in this policy apply to all other classified employees.
 - 2.5. The Chancellor may dismiss, suspend, or demote any permanent employee in the Classified Service.
 - a. Dismissal means separation, discharge, or permanent removal of an employee from his/her position in accordance with the provisions of the Education Code and these rules.
 - b. Suspension means either temporary removal of an employee from his/her position with loss of pay as a disciplinary measure or his/her removal preliminary to investigation of charges pending demotion or dismissal.
 - c. Demotion means reduction of an employee from a classification or range having a higher salary rate to a classification or range having a lower salary rate.
 - 3.6. Prior to any dismissal, suspension or demotion, the employee shall receive written notice signed by the Chancellor (or designee) specifying the proposed action and the reasons therefore. The written notice of the proposed disciplinary action must contain a statement of the specific acts and omissions upon which the disciplinary action is based, a statement of the employee's right to respond to the charges in writing or in person, the time within which the response must be made, and any other requirements specified by law. The notice will include copies of the charges and material upon which the action is based.
 - 4.7. In an emergency such as gross insubordination or in cases where the continued presence of the employee could constitute a danger to persons or property, an immediate suspension may be imposed

on the authority of the administrator responsible for the employee. In a case of this type, the procedure specified in Section 4.45(2) shall follow at the earliest practical time.

~~5-8.~~ After the employee responds or if the employee chooses not to respond to a notice of proposed disciplinary action, the Chancellor (or designee) shall notify the employee of the discipline to be imposed. If the discipline is dismissal, suspension for more than five days, or demotion, the employee may request, in writing, a hearing before the Board of Trustees. Said request must be filed with the Chancellor within seven days after receipt of the notice of dismissal, suspension, or demotion. The Board may appoint a hearing officer to hear the case and make recommendations to the Board on the disposition of the case. If the employee does not request such hearing within seven days, the order of the Chancellor shall become final.

~~6-9.~~ No suspension shall be effective for a period of more than 30 days without prior approval of the Board.

~~7-10.~~ Among the causes which shall be deemed sufficient for dismissal, suspension, demotion, or other disciplinary action, if shown to be related to work performance and/or detrimental to the efficiency of the classified service, are the following:

- a. Incompetency or inefficiency in the performance of his/her duties
- b. Insubordination (including, but not limited to, refusal to do assigned work)
- c. Carelessness or negligence in the performance of duty
- d. Willful misuse or waste of public supplies or equipment, or damage to District property
- ~~d-e.~~ Unauthorized or excessive absence and/or repeated unexcused tardiness
- ~~e-f.~~ Repeated Abuse of illness-leave privileges
- ~~f-g.~~ Disorderly or immoral conduct
- ~~g-h.~~ Discourteous, offensive, or abusive conduct or language toward other employees, students, or the public
- ~~h-i.~~ Incapacity due to mental or physical disability impairment that renders the employee unable to perform the essential functions of the job without reasonable accommodation or without presenting a direct threat to the health and safety of self or others
- ~~i-j.~~ Use or possession of intoxicants or controlled substances on the job or reporting for work while intoxicated or under the influence of intoxicants or a controlled substances or conviction of controlled substance offense
- ~~j-k.~~ Theft or Dishonesty in handling District funds, records, or other property or falsifying any information supplied to the District, including, but not limited to information supplied on applications, employment records, or any other District record or part of any District process or theft
- ~~k.~~ Falsifying any information supplied to the District, including but not limited to, information supplied on applications, employment records, or any other District record
- l. Engaging in political activity during assigned hours of employment
- m. Abandonment of position or failure to return from an approved leave
- n. Violation or refusal to obey rules-District policies and procedures of the Board, or any lawful regulation or order made by a line superior, or safety rules or regulations made applicable to the

District by any appropriate State or local agency

- o. Conviction of any felony or of a misdemeanor involving moral turpitude and commitment ~~for~~ of any criminal act
- p. Knowingly making, duplicating or causing to be duplicated any access device (i.e. key, access pass, etc.) to any District facility without authorization from the appropriate administrator or supervisor
- q. Engaging in any employment or other activity that is inconsistent, incompatible, in conflict with or detrimental to the employee's duties, functions or responsibilities as a District employee

8.11. In case of appeal, determination of the Board of the sufficiency of the cause for disciplinary action shall be conclusive.

**CHAPTER 5: Non-Represented Personnel
BOARD POLICY NO. 5.16**

**BOARD POLICY
San Mateo County Community College District**

Subject: 5.16 Managers: Evaluation
Revision Date: 10/11; **Reviewed XX/19**
Policy Reference: Accreditation Standard III.A.1.b

1. The purposes of management evaluations are to:
 - a. Recognize excellence.
 - b. Provide objective data for decisions on promotion, retention, non-retention or transfer.
 - c. Identify areas of performance needing improvement.
 - d. Identify areas for general management development training.
2. All employees in management positions shall be evaluated annually by their immediate supervisor.
3. Within a three-year period, each manager will undergo a comprehensive evaluation which ~~may~~ **shall** include self-assessment, evaluation by peers and others (including those supervised) and evaluation by the supervisor.
4. The annual evaluations shall be conducted according to adopted procedures which are maintained in the office of Human Resources.
5. A manager has the right to present a written response to the evaluation and to have it placed along with the evaluation in his/her personnel file.
6. A manager has the right to appeal his/her evaluation to the next level of management.
7. Decisions on retention, non-retention or transfer of managers are based upon needs of the District and are reserved to the Board of Trustees. These actions need not be based upon performance evaluations and shall not be affected by failure to adhere to specific procedural steps in the evaluation process or by the lack of one or more evaluations required by this section.

**CHAPTER 5: Non-Represented Personnel
BOARD POLICY NO. 5.26**

**BOARD POLICY
San Mateo County Community College District**

Subject: 5.26 Academic Supervisors: Evaluation
Revision Date: 12/11; **Reviewed XX/19**
Policy Reference: Accreditation Standard III.A.1.b

1. The purposes of academic supervisor evaluations are to:
 - a. Recognize excellence.
 - b. Provide objective data for decisions on promotion, retention, non-retention or transfer.
 - c. Identify areas of performance needing improvement.
 - d. Identify areas for general management development training.
2. All employees in academic supervisory positions shall be evaluated annually by their immediate supervisor.
3. Within a three year period, each academic supervisor will undergo a comprehensive evaluation which **may shall** include self-assessment, evaluation by peers and others (including those supervised) and evaluation by the supervisor.
4. The annual evaluations shall be conducted according to adopted procedures which are maintained in the Office of Human Resources.
5. An academic supervisor has the right to present a written response to the evaluation and to have it placed along with the evaluation in his/her personnel file.
6. An academic supervisor has the right to appeal his/her evaluation to the next level of management.
7. Decisions on retention, non-retention or transfer of academic supervisors are based upon the needs of the District and are reserved to the Board of Trustees. These actions need not be based upon performance evaluations and shall not be affected by failure to adhere to specific procedural steps in the evaluation process or by the lack of one or more evaluations required by this section.