



Rancho Santiago Community College District
District Council Meeting
November 7, 2016

Executive Conference Room
3:00 – 5:00 p.m.

Agenda

- | | |
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| 1. Approval of Minutes of October 17, 2016 Meeting | Rodríguez |
| 2. November 14, 2016 Board of Trustees Meeting | Rodríguez |
| 3. Board Policies/Administrative Regulations | |
| a. AR 5130 – Financial Aid (NEW) | Perez |
| b. Updated References | Perez |
| 4. District Council Meeting Schedule | Rodríguez |
| 5. Committee Reports | |
| a. Planning & Organizational Effectiveness Committee | Perez |
| b. Human Resources Committee | Chitlik |
| c. Fiscal Resources Committee | Hardash |
| d. Physical Resources Committee | Hardash |
| e. Technology Advisory Group | Krichmar |
| 6. Constituent Representative Reports | |
| a. Academic Senate - SAC | Jones |
| b. Academic Senate – SCC | DeCarbo |
| c. Classified Staff | Pleitez |
| d. Student Government – SAC | Mejia |
| e. Student Government – SCC | Chian |
| 7. Other | |

Next Meeting:
November 28, 2016
3:00 – 5:00 p.m.
Executive Conference Room #114



Rancho Santiago Community College District District Council Meeting

MINUTES

October 17, 2016

Members:	Raúl Rodríguez	Present
	Peter Hardash	Present
	Enrique Perez	Present
	Judy Chitlik	Present
	Linda Rose	Present
	John Hernandez	Present
	Elliott Jones	Present
	Michael DeCarbo	Present
	Roxana Pleitez	Present
	Luis Mejia	Absent
	Esther Chian	Present
	Lee Krichmar	Present
	Bonnie Jaros	Present
	Mary Mettler	Present
	Diane Hill	Present
	George Sweeney	Absent
	Victoria Williams	Absent

Chancellor Raúl Rodríguez convened the meeting at 3:00 p.m.

1. Approval of Minutes of October 3, 2016

It was moved by Mr. DeCarbo, seconded by Ms. Chitlik and carried unanimously, with the exception of Dr. Rose and Dr. Jones who arrived following the vote, to approve the minutes of the October 3, 2016 meeting.

2. October 24, 2016 Board of Trustees Meeting

Dr. Rodríguez shared highlights of the agenda for the October 24, 2016 Board of Trustees Meeting. The board meeting will be held at Santiago Canyon College in room H-106. Dr. Hernandez reported that ASG was hosting a reception immediately preceding the meeting outside the art gallery/across from the meeting room.

5. Other (taken out of order)

Chancellor Rodríguez asked District Council members to consider a possible change to the District Council meeting schedule based on the lack of agenda items being covered at the meetings. The suggestion was made to meet on a monthly basis instead of two times a month. All members were asked to discuss with their constituent groups and be prepared to discuss and make a decision on this at the November 7, 2016 meeting.

3. Committee Reports

a. Planning and Organizational Effectiveness Committee (POEC)

Vice Chancellor Perez reported that POE hadn't met since the last District Council meeting and the templates for mid-year and end-of-the-year reporting will be brought to the next meeting as a recommendation from POEC.

b. Human Resources Committee (HRC)

Vice Chancellor Chitlik reported that there was no quorum at the last meeting, but the FON (faculty obligation number), various board policies and administrative regulations, and development of the academic calendar were topics of discussion. Further discussion will take place at the next scheduled meeting on November 9, 2016 on these topics as well as the recommendations from the Diversity Report presented to the Board.

c. Fiscal Resources Committee (FRC)

Vice Chancellor Hardash reported that FRC will meet on October 19, 2016 to discuss stability and restoration and how it works.

d. Physical Resources Committee (PRC)

Mr. Hardash reported that PRC met October 5, 2016 and the presentation is on the PRC webpage. He also reported that Diane Hill was elected to serve at the Co-Chair of PRC. The next meeting is scheduled for November 2, 2016.

e. Technology Advisory Group (TAG)

On behalf of Ms. Krichmar, Mr. Hardash reported that work was being done to revise the Technology Plans at the district and colleges.

4. Constituent Representative Reports

a. Academic Senate/SAC: Academic Senate President Jones reported on the activities of the SAC Academic Senate. Trustee Yarbrough will be attending the October 25 Academic Senate meeting. Dr. Jones also announced the SAC Piano Extravaganza with two pianos and four musicians will be held at SAC on October 29.

b. Academic Senate/SCC: Mr. DeCarbo reported on the activities of the SCC Academic Senate and announced that the Faculty Excellence Award presentation will take place on October 20.

c. CSEA: Roxana Pleitez reported that the next meeting was October 18 and that the deadline to apply for CSEA grants/scholarships was October 31.

d. Student Government/SAC: No report.

e. Student Government/SCC: Ms. Chian reported on the ASG activities at SCC.

5. Other

Discussed after agenda item 2 above.

6. Next Meeting: The next District Council meeting will be held on Monday, November 7, 2016 in the Executive Conference Room (#114).

Meeting Adjournment: 3:35 p.m.

Approved:

AR 5130 – Financial Aid (NEW)

References:

Education Code Section 58621, 66021.6, 76300

20 U.S. Code Sections 1070 et seq.

34 Code of Federal Regulations Section 668

U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended

ACCJC Accreditation Standard III.D.15; BP 5130

Loss of Eligibility for Board of Governors (BOG) Fee Waiver

All financial aid programs will adhere to guidelines, procedures and standards issued by the funding agency, and will incorporate federal, state, and other applicable regulatory requirements according to BP 5130.

The Chancellor shall establish, publicize, and apply satisfactory academic progress standards for participants in Title IV student aid programs according to BP 5130.

Per Title 5, section 58621, beginning Fall 2016, students shall lose their BOG Fee Waiver eligibility when placed on Academic or Progress Probation or any combination thereof for two consecutive primary semesters. The loss of BOG Fee Waiver eligibility shall be in effect until the student is no longer on probation or until the student has successfully appealed their loss of BOG Fee Waiver eligibility. **Foster Youth, as defined in Education Code 66025.9(b), shall not be subject to loss of BOG Fee Waiver under section 58621.* As specified in Education Code Section 66025.9(c), this exemption for Foster Youth shall remain in effect only until January 1, 2017, and as of the date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

The Rancho Santiago Community College District adopts the following administrative regulation in order to maintain compliance with the law and serve students. The Colleges have established the following written procedures by which a student may appeal the loss of a BOG Fee Waiver due to extenuating circumstances, or when a student with a disability applied for, but did not receive, a reasonable accommodation in a timely manner. Extenuating circumstances are verified cases of accidents, illnesses, or other circumstances that might include documented changes in the student's economic situation or evidence that the student was unable to obtain essential student support services. Extenuating circumstances also include special consideration of the specific factors associated with Veterans, CalWORKs, EOPS, and DSPS student status.

Policy and Procedures

Board of Governors Fee Waiver (BOG Fee Waiver)

- A. The Board of Governors Fee Waiver (BOG Fee Waiver) waives the per unit enrollment fee at any California community college for eligible students.
- B. The Student Success Act of 2012 (California Senate Bill 1456) created minimum academic and progress standards that must be met for continued eligibility that are separate from standards imposed by student federal aid, Cal Grant, and enrollment priority:
 - a. A student may lose BOG Fee Waiver eligibility (a) if his or her cumulative GPA falls below 2.0 for two consecutive primary terms (fall/spring semesters); (b) if the cumulative number of units completed is not more than 50 percent in two consecutive terms (fall/spring semesters); or (c) if there is any combination of two consecutive terms of cumulative GPA below 2.0 and/or cumulative unit completion of not more than 50 percent.
 - b. These standards do not apply to foster youth or former foster youth aged 24 years old and younger.

- c. The total degree-applicable completed unit cap does not apply to eligibility for the BOG Fee Waiver.
- d. A student that loses BOG Fee Waiver eligibility will still be eligible to receive other core student support services at the College.
- e. A student not meeting the BOG Fee Waiver eligibility requirements above will be notified within 30 days of the end of the first primary term in which the eligibility requirements are not met and informed he or she will be placed on either academic (GPA) and/or progress (course completion) probation. The notification process stated below will include the information that a second term of probation will result in the loss of BOG Fee Waiver eligibility.
 - i. Each semester Academic Standing will be evaluated for each student.
 - ii. Any student on a 1st probationary status will receive a probationary letter. Included in this letter will be information "warning" the student that if he or she remains on probation another semester, he or she will have been on probation two consecutive semesters and are no longer eligible for the Board of Governors Waiver program.
- f. A student not meeting the BOG Fee Waiver eligibility requirements for two consecutive primary terms (fall or spring) will receive communication from the College within 30 days of the end of the second primary term notifying the student that he or she may lose eligibility for the BOG Fee Waiver at the next registration opportunity. The communication from the College will include instructions on how to appeal the loss of the BOG Fee Waiver. This appeal is separate from any appeal for federal student aid and the approval of one appeal will not mean the automatic approval of any other appeal. The communication will include the following:
 - i. Any student on a 2nd semester probationary status will not be eligible for the Board of Governors Waiver. He/she will receive a direct communication from the college notifying them and outlining what they must do in order to regain eligibility including the appeal process and what services are available to them during this time.
 - ii. Please Note: If a student is already enrolled in the next semester prior to their Academic Standing determination and is found to be ineligible due to a probationary status, the student may remain in the semester with their Board of Governors Waiver, however will not have the waiver following that semester. A separate targeted email will be sent to the students letting them know the proceeding semester they will lose their Board of Governors Waiver eligibility. We will also let them know they have the semester in which they are currently enrolled in to attempt to make up the deficiency and regain eligible without interruption.
- g. A student may appeal for continued BOG Fee Waiver eligibility based upon the following extenuating circumstances:
 - i. Verified accidents, illness or other circumstances beyond the student's control;
 - ii. Changes in a student's economic situation;
 - iii. Evidence of inability to obtain essential support services;
 - iv. Special consideration factors for CalWORKs, EOPS, DSPS, and student veterans, though participation in the programs alone does not solely qualify for an appeal;
 - v. Disability accommodations not received in a timely manner.
 - vi. Demonstrates significant academic improvement.

h. In order for a student to regain eligibility for the BOG Fee Waiver, a student must (a) improve his or her GPA or course completion measures to meet the academic and progress standards; (b) successfully appeal regarding extenuating circumstances; (c) successfully appeal based on significant academic improvement; and (d) not attend the College for two consecutive primary terms (fall/spring semesters).

C. Dissemination of Policy to Students

The Financial Aid Offices work aggressively with programs college wide to broadcast the BOGW program and its requirements to minimize loss of aid to students.

a. Each year the College Catalogs will be reviewed for BOG Fee Waiver eligibility and appeal updates. The Financial Aid Offices will ensure the new regulations are published.

b. Each semester the colleges' class schedules will be updated with the current BOG Fee Waiver eligibility requirements and appeal process information.

c. During each semester at orientations, academic workshops, financial aid workshops, and like activities, the BOG Fee Waiver and its eligibility requirements will be provided.

d. Tools for dissemination of the BOG Fee Waiver policy will reviewed and assessed each academic year for effectiveness. Tools include but are not limited to: pamphlets, posters, workshops, and websites.

Responsible Manager: Financial Aid Administrators

Adopted:

BP 3410 - Nondiscrimination

References:

Education Code Sections 66250 et seq., 72010 et seq., and 87100 et seq.
Title 5 Sections 53000 et seq. and 59300 et seq.
Penal Code Section 422.55
Government Code Sections 12926.1 and 12940 et seq.
Title 2 Sections 10500 et seq.
ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements (formerly Accreditation Standard II.B.2.c)

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

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, 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.

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

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, gender, gender identity, gender expression, race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, 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.

Revised: July 21, 2014 (Previously BP4119 and BP7300)

References Updated: March 16, 2015

References Updated:

BP 3430 – Prohibition of Harassment

References:

Education Code Sections 212.5, 44100, 66252, and 66281.5
Government Code Sections 12940 and 12950.1
Title 2 Sections 10500 et seq.
Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e

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

The District seeks to foster an environment in which all employees, students, unpaid interns, and volunteers feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student, ~~or~~ employee, unpaid intern, or volunteer 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 described in AR 3435. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

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

To this end the Chancellor shall ensure that the institution undertakes education and training activities to counter discrimination and to prevent, minimize and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The Chancellor shall establish procedures that define harassment on campus. The Chancellor shall further establish procedures for employees, students, unpaid interns, volunteers, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures for students to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents.

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

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion. Unpaid interns who violate this policy and related procedures may be subject to disciplinary measures up to and including termination from the internship or other unpaid work experience program.

Adopted: August 19, 2013
Revised: June 15, 2015
References Updated:

BP 6340 – Contracts

References:

Education Code Sections 81641 et seq.
Public Contract Code Sections 20650 et seq.
Government Code Section 53060
ACCJC Accreditation Standard III.D.16
2 Code of Federal Regulations Part 200.318

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

- Contracts are not enforceable obligations until they are ratified by the Board.
- Contracts for work to be done, services to be performed or for goods, equipment or supplies to be furnished or sold to the District that exceed the amounts specified in Public Contract Code Section 20651 shall require prior approval by the Board.
- When bids are required according to Public Contract Code Section 20651, the Board shall award each such contract to the lowest responsible bidder who meets the specifications published by the District and who shall give such security as the Board requires, or reject all bids.

If the Chancellor concludes that the best interests of the District will be served by pre-qualification of bidders in accordance with Public Contract Code Section 20651.5, pre-qualification may be conducted in accordance with procedures that provide for a uniform system of rating on the basis of a questionnaire and financial statements.

If the best interests of the District will be served by a contract, lease, requisition or purchase order through any other public corporation or agency in accordance with Public Contract Code Section 20652, the Chancellor is authorized to proceed with a contract.

It is the policy of the Governing Board of Rancho Santiago Community College District to require from any bidding vendor or contractor, prior to the awarding of a contract, an affidavit that such vendor or contractor does comply with all Federal and State regulations pertaining to fair employment practices. Such Certificate of Compliance is to be required in all cases where the Rancho Santiago Community College District is legally required to advertise for bids prior to contract.

Revised: September 9, 2013 (Previously BP3100)

References Updated:

BP 7120 – Recruitment and Hiring

References:

Title VII of the Civil Rights Act of 1964
Article 1, Section 31 of the California Constitution
Title 5 of the California Code of Regulations Sections 53000 et seq., 51023.5
Education Code Sections 70901.2, 70902(b)(7) & (d), 87100 et seq., ~~87400 and 88000 et seq. and 87458~~
ACCJC Accreditation Standard III.1.A

It is the responsibility of the Chancellor to determine the personnel needs of the District. The Chancellor shall establish procedures for the recruitment and selection of employees including, but not limited to, the following criteria.

It is the policy of the Rancho Santiago Community College District to obtain the best qualified administrators, faculty, and staff members who are dedicated to student success. The Board of Trustees supports a competitive selection process for filling vacant positions.

It shall be the duty of the Chancellor to see that persons nominated for employment meet all qualifications established by law and/or the Board of Trustees for the position for which nomination is made.

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

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

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

The Chancellor will recommend the appointment of all employees to the Board of Trustees. Employees may be appointed by the Chancellor or delegated agent subject to ratification at the next regular meeting of the Board of Trustees.

The authority to assign and/or transfer personnel within the District is delegated to the Chancellor except as such power may be limited by law, District policies, procedures, and collective bargaining agreements.

Revised: October 28, 2013 (Previously BP4102)

References Updated: March 16, 2015

References Updated:

BP 7360 – Discipline and Dismissal – Academic Employees

References:

Education Code Sections ~~876696~~ et seq. and 87732

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

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

If the Board decides it intends to dismiss or penalize a contract or regular employee, it shall take the actions required by the Education Code, and the Chancellor or designee shall thereafter assure that the employee is afforded the full post-termination due process required by the Education Code Sections 87666 through 87681, ~~and 87740~~.

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

Revised: October 28, 2013 (Previously BP 4206 and and BP4415)

References Updated:

AR 2710 – Conflict of Interest

References:

Government Code Sections 87105 and 87200-87210
Title 2 Sections 18700 et seq.
2 Federal Code of Regulations Part 200.318(c)(1) and other citations as listed below

Incompatible Activities (Government Code Sections 1126 and 1099)

Board members and employees shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the District. A Board member shall not simultaneously hold two public offices that are incompatible. When two offices are incompatible, a Board member shall be deemed to have forfeited the first office upon acceding to the second.

Financial Interest (Government Code Sections 1090 et seq.)

Board members and employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as members of the Board or as employees.

A Board member shall not be considered to be financially interested in a contract if his/her interest meets the definitions contained in applicable law (Government Code Section 1091.5).

A Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a Board meeting and noted in the official board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other member of the Board to enter into the contract. Remote interests are specified in Government Code Section 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his or her minor child.

No Employment Allowed (Education Code Section 72103(b))

An employee of the District may not be sworn in as an elected or appointed member of the Governing Board unless and until he/she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office. This provision does not apply to an individual who is usually employed in an occupation other than teaching and who also is, at the time of election to the Board, employed part time by the District to teach no more than one course per semester or quarter in the subject matter of that individual's occupation (Education Code Section 72103(b)).

Financial Interest in a Decision (Government Code Sections 87100 et seq.)

If a Board member or employee determines that he/she has a financial interest in a decision, as described in Government Code Section 87103, this determination shall be disclosed and made part of the Board's official minutes. In the case of an employee, this announcement shall be made in writing and submitted to the Board. A Board member, upon identifying a conflict of interest, or a potential conflict of interest, shall do all of the following prior to consideration of the matter.

- Publicly identify the financial interest in detail sufficient to be understood by the public;
- Recuse himself or herself from discussing and voting on the matter;
- Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter is placed on the agenda reserved for uncontested matters. A Board member may, however, discuss the issue during the time the general public speaks on the issue.

Gifts (Government Code Section 89503)

Board members and any employees who manage public investments shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law.

Designated employees shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests.

The above limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.

Gifts of travel and related lodging and subsistence shall be subject to the above limitations except as described in Government Code Section 89506.

A gift of travel does not include travel provided by the District for Board members and designated employees.

Board members and any employees who manage public investments shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering (Government Code Sections 89501 and 89502).

Designated employees shall not accept any honorarium that is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. The term "honorarium" does not include:

- Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade or profession is making speeches.
- Any honorarium that is not used and, within 30 days after receipt, is either returned to the donor or delivered to the District for donation into the general fund without being claimed as a deduction from income tax purposes.

Representation (Government Code Section 87406.3)

Elected officials and the Chancellor shall not, for a period of one-year after leaving their position, act as an agent or attorney for, or otherwise represent for compensation, any person appearing before that local government agency.

Contracts Supported by Federal Funds (2 Code of Federal Regulations Part 200.318(c)(1)

No employee, Board member, or agent of the District may participate in the selection, award, or administration of a contract supported by a federal award if he/she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, Board member, or agent, any member of his/her immediate family, his/her partner, or an organization which employees or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The Board members, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. Disciplinary action will be taken for violations of such standards by Board members, employees, or agents of the District.

Adopted February 10, 2014

Revised:

AR 3410 – Nondiscrimination

Nondiscrimination References for Education Programs:

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

Penal Code Sections 422.55 et seq.

Title 5 Sections 59300 et seq.

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

Education Programs

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

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

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

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

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

Nondiscrimination References for Employment:

Education Code Sections 87100 et seq.

Title 5 Sections 53000 et seq.

Government Code Sections 11135 et seq. and 12940 et seq.

Title 2 Sections 10500 et seq.

Employment

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

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

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

It is unlawful to discriminate against a person who serves in an unpaid internship or any other limited-duration program to provide unpaid work experience in the selection, termination, training, or other terms and treatment of that person on the basis of their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

Approved: September 15, 2014

References Updated: March 16, 2015

Revised:

AR 3430 – Prohibition of Harassment

References:

Education Code Sections 212.5; 44100; 66281.5
Government Code Section 12940
Title 2 Sections 10500 et seq.
Title IX, Education Amendments of 1972; Title 5, Sections 59320 et seq.
Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e

The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines sexual harassment and other forms of harassment on campus, and sets forth a procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member or student within the District.

This procedure and the related policy protects students, ~~and~~ employees, unpaid interns and volunteers in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, a District vehicle, or at a class or training program sponsored by the District at another location.

Definitions

General Harassment: Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Harassment shall be found where, in aggregate, the incidents are sufficiently pervasive, persistent, or severe that a reasonable person with the same characteristics as the victim of the harassing conduct would be adversely affected to a degree that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource.

Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment if it meets the definition above. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct that could, depending on the circumstances, meet the definition above, or could contribute to a set of circumstances that meets the definition:

Verbal: Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's race, gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race, nationality, sexual orientation or other protected status.

Physical: Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation or other protected status. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.

Visual or Written: The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation, or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

Environmental: A hostile academic or work environment exists where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race,

nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

Sexual Harassment: In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from, or in, the work or educational setting when:

- submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, ~~or~~ progress, internship, or voluntary activity;
- submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment (as more fully described below); or
- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.

This definition encompasses two kinds of sexual harassment:

"Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.

"Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e. a sexual assault.

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

Consensual Relationships

Romantic or sexual relationships between supervisors and employees, or between administrators, faculty, or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

Revised: September 21, 2015

References Updated:

AR 7400 - Travel

References:

Education Code Section 87032
2 Code of Federal Regulations Part 200.474

The Chancellor has designated authority for approval of travel requests to the Vice Chancellors and Presidents for employees in each of their respective areas. The travel requests may be for attendance at meetings, workshops, conferences, trainings or conventions that are within the scope of the employee's job assignment. The Chancellor must approve in advance all travel outside of the United States.

Employee travel will be reimbursed for actual, necessary, and reasonable expenses up to approved amounts as described in this Administrative Regulation and ~~are~~ may be subject to additional limitations established by staff development or other funding sources.

Mileage:

Employees required to use their personal automobiles for travel within or outside the district to carry out their job assignments may receive reimbursement for business mileage incurred in accordance with the following guidelines:

1. Reimbursement for such business mileage shall be at the prevailing IRS standard rate.
2. All employees driving on district business shall take the most direct route possible.
3. Mileage shall be calculated as the distance from the employee's regular work location to his/her off-campus business destination and return to regular work location.
4. If the employee does not both leave and return to his/her regular work location, the total miles driven less regular commute miles shall be reimbursed.
5. Employees requesting reimbursement must certify that their vehicle is covered by automobile insurance as required by district rules and regulations for Public Liability and Property damage.
6. A Mileage Reimbursement Claim shall be filed with the District Accounts Payable Department within 15 days following the month the mileage was incurred and only used when no other expenses are associated with the travel except related parking and tolls.

Travel:

Employees authorized by the Chancellor, Vice Chancellors or Presidents to attend meetings, workshops, conferences, trainings or conventions may receive reimbursement for expenses incurred in accordance with the following guidelines:

1. A Conference/Travel Request Claim Form must be completed, signed and prior authorization obtained before attendance at any event.
2. Allowable expenses associated with travel include only reasonable and necessary expenses: transportation, lodging, registration, meals, car rentals, ground transportation fares (including gratuity not to exceed 20% of the fare), parking, mileage (to and from the airport that exceeds the daily commute of the employee) and other miscellaneous incidental charges such as, minor supplies, postage, reproduction costs, telephone and electronic communication expenses. All expenses should be the most economical and must be authenticated by the original itemized receipts. No reimbursements shall be made for tips/gratuities, valet parking, personal expenses including telephone calls and entertainment expenses, or the purchase of alcoholic beverages. Lodging for conferences within 50 miles of the District Office or College site is not allowable unless specifically approved in advance by the Chancellor, Vice Chancellor or President with documentation of the business necessity. Normally, lodging expenses are reimbursed for the actual dates of the approved conference. The night before or the night the conference ends may be reimbursed if specifically approved in advance by the Chancellor, Vice Chancellor or President with documentation of the business necessity. The district shall not pay for lodging that exceeds the published standard single occupancy room rate for conferences.

3. Travel advances may be requested for the following:
 - a. Transportation, registration, and lodging payable directly to the third party vendor can be paid in full.
 - b. Cash advances to the employee are limited to 75% of the approved estimated expenses.
 - c. Travel advances will not be authorized for any employee whose expenses will be reimbursed by outside funding or for any employee who has not reconciled prior travel advances with the district.
 - d. Air travel and lodging expenses are commonly arranged on the Internet and charged to the employee's credit card. As an alternative they may be booked using the District authorized travel agency.
 - e. When selecting the travel agency, favorable consideration shall be given to travel agents whose businesses are located within the Rancho Santiago Community College District.
 - f. The district shall not contract with a travel agency owned or partially owned by an employee or a relative of an employee of the district. Further, the district shall not contract with an employee of a travel agency who is also an employee or a relative of an employee of the district.
 - g. Employees shall use only commercial carriers for travel and are expected to use the most economical mode and class of transportation unless specifically approved in advance by the Chancellor, Vice Chancellor or President with documentation of the business necessity.
 - h. Lodging shall be reimbursed at the standard room single occupancy rate.
4. All meals for which expenses are actually incurred shall be paid at the per diem rate per meal using the current single low level IRS rate. For fractional parts of a day that do not require overnight travel, the appropriate meal expenses shall be reimbursed.
 - a. The philosophical basis for meal reimbursement is to cover the incremental expense of having to eat out and not having the ability to eat at home. It is not intended to cover the entire cost of the meal.
 - b. When the cost of meals is included in a registration fee, separate reimbursement for the covered meals is not allowed.
 - c. No receipts are required for meal reimbursement since we are paying the IRS per diem rates.
5. A Conference Request/Claim Form must be submitted to the District Accounts Payable Department to account for expenses within fifteen (15) business days from returning.
 - a. The claims for reimbursement must include original itemized receipts for all expenses incurred by the employee including registration, transportation, lodging, car rental, etc.

Responsible Manager: Assistant Vice Chancellor of Fiscal Services

Revised: February 16, 2016

Revised: October 3, 2016

References Updated: