



Rancho Santiago Community College District
District Council Meeting

January 28, 2019

Executive Conference Room #114

3:00 – 5:00 p.m.

REVISED - Agenda

- | | | |
|----|---|----------|
| 1. | Approval of Minutes of November 19, 2018 Meeting - ACTION | Hardash |
| 2. | February 4, 2019 Board of Trustees Meeting - INFORMATION | Hardash |
| 3. | Suspension of Drop for Non-Payment Policy - INFORMATION | DeCarbo |
| 4. | Review of District Council Description for Design Planning Manual – ACTION | Hardash |
| 5. | Board Policies - INFORMATION | |
| | a. BP 2315 – Closed Sessions (citation update) | Gerard |
| | b. BP 2330 – Quorum and Voting | Gerard |
| | c. BP 2735 – Board Member Travel | Gerard |
| | d. BP 3550 – Drug Free Environment and Drug Prevention Program | Green |
| | e. BP 6250 – Budget Management | Hardash |
| | f. BP 7001 – Code of Ethics (citation update) | Gerard |
| 6. | Administrative Regulations - ACTION | |
| | a. AR 3435 – Discrimination & Harassment Complaints & Investigations | Green |
| | b. AR 3540 – Sexual and Other Assaults on Campus | Green |
| | c. AR 3550 – Drug Free Environment and Drug Prevention Program | Green |
| | d. AR 3810 – Claims and Actions Against the District | Green |
| | e. AR 6150 – Designation of Authorized Signatures | Hardash |
| 7. | Committee Reports - INFORMATION | |
| | a. Planning & Organizational Effectiveness Committee | DeCarbo |
| | b. Human Resources Committee | Green |
| | c. Fiscal Resources Committee | Hardash |
| | d. Physical Resources Committee | Hardash |
| | e. Technology Advisory Group | Gonzalez |
| 8. | Constituent Representative Reports - INFORMATION | |
| | a. Academic Senate - SAC | Zarske |
| | b. Academic Senate – SCC | DeCarbo |
| | c. Classified Staff | Nolan |
| | d. Student Government – SAC | Ceja |
| | e. Student Government – SCC | Ostrow |
| 9. | Other | |

Next Meeting:
March 4, 2019



Rancho Santiago Community College District District Council Meeting

MINUTES

November 19, 2018

Members:	Raúl Rodríguez	Absent
	Peter Hardash	Present
	Enrique Perez	Present
	Tracie Green	Present
	Linda Rose	Present
	Jose Vargas for John Hernandez	Present
	Jesse Gonzalez	Present
	Monica Zarske	Present
	Michael DeCarbo	Present
	Roy Shahbazian	Present
	Michael Taylor	Absent
	Diane Hill	Absent
	Amber Stapleton	Present
	Elliott Jones	Absent
	Leanna Nolan	Present
	Breanna Ceja	Present
	Evan Ostrow	Present

Vice Chancellor Peter Hardash convened the meeting at 3:02 p.m.

1. Approval of Minutes of October 8, 2018 Meeting

It was moved by Ms. Nolan, seconded by Ms. Zarske and carried to approve the minutes of the October 8, 2018 meeting with abstentions from Dr. Rose, Mr. DeCarbo and Mr. Vargas.

2. November 26, 2018 Board of Trustees Meeting

Mr. Hardash shared highlights of the agenda for the November 26, 2018 Board of Trustees meeting.

3. Reaffirmation of District Mission Statement

As part of the district's institutional planning process, the district mission statement is reviewed every three years. In the October 10, 2018 Chancellor's Update, all staff district-wide were asked to provide comments/suggestions about the mission statement. Input received from staff was reviewed by Chancellor's Cabinet on November 5, 2018 and Chancellor's Cabinet recommended District Council reaffirm the current RSCCD mission statement:

The mission of the Rancho Santiago Community College District is to provide quality educational programs and services that address the needs of our diverse students and communities.

It was moved by Mr. DeCarbo, seconded by Dr. Shahbazian and carried unanimously to reaffirm the RSCCD mission statement.

4. AR 2431 – Chancellor Selection (NEW)

Vice Chancellor Green distributed a revised draft of AR 2431 – Chancellor Selection and presented the AR for District Council consideration. It was moved by Mr. Perez and seconded by Mr. DeCarbo to approve AR 2431. Discussion ensued.

It was moved by Mr. DeCarbo and seconded by Dr. Shahbazian to amend management representation from the colleges as follows:

From: Two representatives from each campus

To: Two representatives, one from each campus

Discussion ensued. The amendment did not pass by roll call vote:

Yes: DeCarbo, Nolan, Shahbazian, Zarske

No: Ceja, Gonzalez, Green, Hardash, Perez, Rose, Stapleton, Vargas

Abstain: Ostrow

It was moved by Mr. DeCarbo and seconded by Dr. Shahbazian to amend student representation as follows:

From: One student representative

To: One student representative – if Student Trustee is unable to serve then one student representative from each campus

Discussion ensued. The amendment passed unanimously by roll call vote:

Yes: Ceja, DeCarbo, Gonzalez, Green, Hardash, Nolan, Ostrow, Perez, Rose, Shahbazian, Stapleton, Vargas, Zarske

It was moved by Mr. DeCarbo and seconded by Dr. Shahbazian to amend the first bullet of responsibilities of the Steering Committee as follows:

From: Develop an objective procedure for the selection process

To: Develop an objective procedure for the selection process with a majority vote of greater than two thirds

Discussion ensued. The amendment did not pass by roll call vote:

Yes: DeCarbo, Ostrow, Shahbazian, Zarske

No: Gonzalez, Green, Hardash, Perez, Rose, Vargas

Abstain: Ceja, Nolan, Stapleton

4. AR 2431 – Chancellor Selection (NEW) (continued)

A vote was taken on the original motion with the addition of the modification of the student representation.

The motion as amended passed by roll call vote:

Yes: Ceja, Gonzalez, Green, Hardash, Nolan, Ostrow, Perez, Rose, Stapleton,
Vargas, Zarske

No: DeCarbo, Shahbazian

Mr. Hardash noted that the next step was the appointment of representatives to the Chancellor screening committee. Ms. Green will reach out to the constituent groups to create the screening committee.

5. Committee Reports

a. Planning and Organizational Effectiveness Committee (POEC)

Mr. Perez reported on the October 24, 2018 meeting and announced that the Strategic Planning Retreat is scheduled for May 10, 2019.

b. Human Resources Committee (HRC)

Ms. Green reported on the November 14, 2018 meeting. The Faculty Obligation Number (FON), which is to be submitted to the State by November 30, 2018, is being finalized. The next meeting is December 12, 2018.

c. Fiscal Resources Committee (FRC)

Mr. Hardash reported on the November 14, 2018 meeting. Focus at the meeting was discussion with Cambridge West, the consultant hired to assist the district in preparing for the changes the Student Centered Funding Formula (SCFF) will have on the district.

d. Physical Resources Committee (PRC)

Mr. Hardash reminded all that monthly reports on campus projects are available on the website. The next meeting is scheduled for March 6, 2019.

e. Technology Advisory Group (TAG)

TAG Chair Jesse Gonzalez reported on the November 1, 2018.

4. Constituent Representative Reports

a. Academic Senate/SAC: Ms. Zarske reported on the activities of the SAC Academic Senate.

b. Academic Senate/SCC: Mr. DeCarbo reported on the activities of the SCC Academic Senate. It was noted that, if passed at the November 20, 2018 SCC Academic Senate meeting, a resolution for the Suspension of the Drop for Non-Payment will be brought to District Council.

c. CSEA: Ms. Nolan reported on CSEA activities. The next meeting is scheduled for November 27, 2018.

d. Student Government/SAC: Ms. Ceja reported on the activities of the SAC ASG.

e. Student Government/SCC: Mr. Ostrow reported on the activities of the SCC ASG.

5. Other

No discussion.

6. Next Meeting: The next meeting be held on Monday, January 28, 2019 in the Executive Conference Room (#114).

Meeting Adjourned: 4:30 p.m.

Approved:

Santiago Canyon College Academic Senate

8045 East Chapman
Orange, CA 92869

(714) 628-4831
academic_senate@sccollege.edu

SENATORS

Business and Career Education

Deeley, Steve 2020
Salcido, Andrew 2019

Continuing Education (OEC)

Quimzon, Eden 2019
Oase, Daniel 2020

Counseling & Student Services

Chaidez, Maria 2020
Crabill, Phil 2020
Graham, Song Le 2019

Humanities and Social Sciences

Breedon, Emma 2019
Crammer, Cale 2019
Dela-Cusack, Lisa 2019
Govea, Melissa 2020
Howell, Scott 2020
Siddiqui, Shereen 2020
Valdos, Yanina 2020

Library

Sproat, Barbara 2020

Mathematics and Sciences

Cummins, Shawn 2019
Frost, Alicia 2020
Johnson, Kim 2020
Jones, Vanessa 2019
Scott, Randy 2020

Adjunct

Chavez, Ricardo 2019
Gates, Alana 2019

EXECUTIVE BOARD MEMBERS

President

DeCarbo, Michael 2020

Vice President

Taylor, Michael 2020

Secretary/Treasurer

Mettler, Mary 2020

Curriculum Chair

Diaz, Darlene 2021

Resolution F2018.05

Recommendation for Suspension of Drop for Non-payment Policy

Moved: Professor Diaz

Seconded: Professor Salcido

Whereas, The Drop for Non-payment Policy states that Enrollment fees must be paid in full within three days of registration (including weekends and holidays) or all classes may be dropped and released to other students;

Whereas, The Enrollment Management Committee reviewed data regarding the number of dropped seats and students and discovered that 431 students didn't re-enroll (26%) for a total of 2,602 net dropped seats;

Whereas, As a Hispanic serving institution, of the 431 students, 51.74% were Hispanic (more than half), and 48.72% were students from the ages of 17-20 years;

Whereas, During periods of economic stress and low enrollment, the Drop for Non-payment Policy was suspended; and

Whereas, Comparison of the funds lost in collected student fees is significantly less than fees not collected for the loss of seats;

Resolved, That the Academic Senate of Santiago Canyon College recommend that for the welfare of our students that District Council suspend the Drop for Non-payment Policy indefinitely.

Date Presented: 6 November 2018

Date Passed: 20 November 2018

Santiago Canyon College is an innovative learning community dedicated to intellectual and personal growth. Our purpose is to foster student success and to help students achieve these core outcomes: to learn, to act, to communicate and to think critically. We are committed to maintaining standards of excellence and providing the following to our diverse community: courses, certificates, and degrees that are accessible, applicable, and engaging. (Approved 12/05/17)

The District Council serves as the primary participatory governance body that is responsible for district-wide planning activities including developing planning and budgetary recommendations that are submitted to the Chancellor and Board of Trustees.

Committee	Responsibilities	Membership
District Council	<p>Provide advice to the Chancellor on district issues</p> <p>Review and act on recommendations from the five district-level participatory governance committees including recommended funding priorities and the annual <i>Progress Report on the RSCCD Comprehensive Master Plan</i></p> <p>Ensure district-wide involvement in the development of all district-level planning</p> <p>Review and monitor budget assumptions and budget information</p> <p>Review and recommend approval of the tentative and final budgets contingent on the alignment of tentative and final budgets with budget assumptions and RSCCD Goals</p> <p>Collaborate with the Chancellor to review the District Mission Statement, solicit district-wide input, and recommend revisions as warranted</p> <p>Oversee the work of the Planning and Organizational Effectiveness Committee to develop and monitor implementation of the <i>RSCCD Comprehensive Master Plan</i> and the <i>RSCCD Strategic Plan</i></p> <p>Appoint and oversee the work of the RSCCD Strategic Plan Workgroup and the Planning and Decision-Making Processes Workgroup</p> <p>Review recommended modifications to policies and procedures prior to consideration by Board of Trustees</p> <p>Evaluate recommended changes to delineation of College/District functions</p> <p>Review Board of Trustees agenda</p>	<ul style="list-style-type: none"> • Chancellor • Executive Vice Chancellor, Human Resources & Educational Services • Vice Chancellor, Business Operations & Fiscal Services • Vice Chancellor, Educational Services • Vice Chancellor, Human Resources • President, Santa Ana College • President, Santiago Canyon College • Academic Senate President, Santa Ana College • Academic Senate President, Santiago Canyon College • CSEA President • Associated Student Government President, Santa Ana College • Associated Student Government President, Santiago Canyon College • Co-chair, Fiscal Resources Committee (faculty) • Co-chair, Human Resources Committee (classified) • Co-chair, Physical Resources Committee (classified) • Co-chair, Planning & Organizational Effectiveness Committee (faculty) • Co-chair, Technology Advisory Group (faculty)

Rancho Santiago Community College District
BOARD POLICY
Chapter 2
Board of Trustees

BP 2315 Closed Sessions

Reference:

Government Code Sections 54956.8, 54956.9, 54957, 54957.1, 54957.6; 11125.4
Education Code Section 72122

Closed sessions of the Board shall only be held as permitted by applicable legal provisions including but not limited to the Brown Act, California Government Code and California Education Code. Matters discussed in closed session may include:

- the appointment, employment, evaluation of performance, discipline or dismissal of a public employee;
- charges or complaints brought against a public employee by another person or employee, unless the accused public employee requests that the complaints or charges be heard in an open session. The employee shall be given at least twenty-four (24) hours written notice of the closed session.
- advice of counsel on pending litigation, as defined by law;
- consideration of tort liability claims as part of the district's membership in any joint powers agency formed for purposes of insurance pooling;
- real property transactions;
- threats to public security;
- review of the District's position regarding labor negotiations and giving instructions to the District's designated negotiator;
- discussion of student disciplinary action, with final action taken in public;
- conferring of honorary degrees;
- consideration of gifts from a donor who wishes to remain anonymous;
- to consider its response to a confidential final draft audit report from the Bureau of State Audits.

The agenda for each regular or special meeting shall contain information regarding whether a closed session will be held and shall identify the topics to be discussed in any closed session in the manner required by law.

After any closed session, the Board shall reconvene in open session before adjourning and shall announce any actions taken in closed session and the vote or abstention_of every member present.

All matters discussed or disclosed during a lawfully held closed session and all notes, minutes, records or recordings made of such a closed session are confidential and shall remain confidential unless and until required to be disclosed by action of the Board or by law.

Revised: July 21, 2014 (Previously BP9026)

Reference Update: xxxxxxx, 2019

Rancho Santiago Community College District
BOARD POLICY
Chapter 2
Board of Trustees

BP 2330 Quorum and Voting

Reference:

Education Code Sections [15266](#), 72000 [subdivision](#) (d)(3), 81310 et seq., 81365, 81511, 81432
Government Code Section 53094, 54950, et seq.
Code of Civil Procedure Section 1245.240

A majority of the members of the Board shall constitute a quorum for the transaction of business. Four votes shall be necessary to determine the outcome of any issue. Less than a quorum may adjourn any meeting to a future date.

Two members of the Board shall constitute a quorum for any meeting of a standing or ad hoc committee of the Board.

The Board shall act by majority vote of all the membership of the Board, except as noted below.

No action shall be taken by secret ballot. The Board will publicly report any action taken in open session and the vote or abstention of each individual member present.

The following actions require a two-thirds majority of all members of the Board:

- Resolution to pursue the authorization and issuance of bonds by a 55% vote of the electorate;
- Resolution of intention to sell or lease real property (except where an unanimous vote is required);
- Resolution of intention to dedicate or convey an easement;
- Resolution authorizing and directing the execution and delivery of a deed;
- Action to declare the District exempt from approval requirements of a planning commission or other local land use body;
- Appropriation of funds for an undistributed reserve;
- Resolution to condemn real property.
- [Resolution to pursue the authorization and issuance of bonds pursuant to paragraph \(3\) of subdivision \(b\) of Section 1 of Article XIII A of the California Constitution and subdivision \(b\) of Section 18 of Article XVI of the California Constitution.](#)

The following actions require a unanimous vote of all the members of the Board:

- Resolution authorizing a sale or lease of District real property to the state, any county, city or to any other school or community college district;

- Resolution authorizing lease of District property under a lease for the production of gas.

Revised: July 21, 2014 (Previously BP9016)

Revised: xxxxxxxx, 2019

Rancho Santiago Community College District
BOARD POLICY
Chapter 2
Board of Trustees

BP 2735 Board Member Travel

Reference:

Education Code Section 72423

Members of the Board shall have travel expenses reimbursed whenever they travel as representatives of and perform services directed by the Board. Such board travel and reimbursement for travel by Board members outside of the district boundaries must receive prior approval from the Board of Trustees. The Executive Committee of the Board of Trustees, in consultation with the Chancellor, may provide prior authorization for such travel when needed, pending full Board approval. Standard district travel procedures and rates will be used for reimbursement.

The Board President, in conjunction with the Chancellor, will prepare a list of conferences and legislative executive visits that Board members may wish to attend or will assist Board members in their continuing education and fulfillment toward the mission of the district. The Chancellor, in consultation with the Board President, shall prepare a budget for board travel.

The timely registration for conferences is required. ~~The district will only reimburse conference registration fees at the published early registration rate.~~

The district shall not pay for lodging that exceeds the published standard single occupancy room rate for conferences.

See Administrative Regulations (AR 7400)

Revised: October 8, 2012 (Previously BP9011)

Revised: October 24, 2016

Reaffirmed: December 12, 2016

Reaffirmed: December 4, 2017

Revised: xxxxxxxx, 2018

Rancho Santiago Community College District
BOARD POLICY
Chapter 3
General Institution

BP 3550 Drug Free Environment and Drug Prevention Program

Reference(s):

Drug Free Schools and Communities Act, 20 U.S.C. Section ~~4145g~~ 1011i
34 C.F.R. Section 86.1 et seq.
Drug Free Workplace Act of 1988, 41 U.S.C. Section ~~702~~ 8103

The District shall be free from all drugs and from the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in all facilities under the control and use of the District.

Any student or employee who violates this policy will be subject to disciplinary action (consistent with local, state, or federal law), which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion or dismissal.

Drug addiction is a complex disorder that can involve virtually every aspect of an individual's functioning – in the family, at work and school, and in the community.

The Chancellor shall assure that the District distributes annually to each student the information required by the Drug-Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act.

Special Requirements for Employees Engaged on Federal Contracts and Grants:

The Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D) requires that district faculty and staff directly engaged in the performance of work on a Federal contract or grant shall abide by this policy as a condition of employment and shall notify the district within five days if they are convicted of any criminal drug statute violation occurring in the workplace or while on district business. The district is required to notify the Federal contracting or granting agency within ten days of receiving notice of such conviction, take appropriate corrective action, or require the faculty or staff member to participate satisfactorily in an approved drug-abuse assistance or rehabilitation program.

Revised: August 19, 2013 (Previously BP3523)
Revised: XXXXXXXXX, 2019

Rancho Santiago Community College District
BOARD POLICY
Chapter 6
Business and Fiscal Affairs

BP 6250 Budget Management

Reference(s):

Title 5 Sections 58307 and 58308

The budget shall be managed in accordance with Title 5 and the California Community Colleges Budget and Accounting Manual. Budget revisions shall be made only in accordance with these policies and as provided by law.

Due to the significant funding variability and uncertainty related to the Student Centered Funding Formula, the District's unrestricted general reserves shall be no less than 12.5% of total expenditures, 5%. (A prudent reserve is defined by the State Chancellor's Office as 5%.) (The Government Finance Officers Association (GFOA) recommends a reserve of no less than two months of regular general fund operating revenues or regular general fund operating expenditures and Schools Services of California recommends a minimum 10% reserve level.)

No appropriation to any expenditure classification shall be made from this reserve without a two-thirds vote of the Board of Trustees. In the event the reserve becomes less than 12.5%, the Chancellor shall, within 120 days, implement a plan to replenish the reserve to at least 12.5%.

Revenues accruing to the District in excess of amounts budgeted shall be added to the District's reserve for contingencies. They are available for appropriation only upon a resolution of the Board that sets forth the need according to major budget classifications in accordance with applicable law.

Board approval is required for changes between major expenditure classifications. ~~Transfers from the reserve for contingencies to any expenditure classification must be approved by a two-thirds vote of the members of the Board.~~ Transfers between expenditure classifications must be approved by a majority vote of the members of the Board.

Revised: July 21, 2014 (Previously BP3204 and BP3205)

Revised: xxxxx, 2019

Rancho Santiago Community College District
BOARD POLICY
Chapter 7
Human Resources

BP 7001 Code of Ethics

References:

Accreditation Standard IIIA. ~~4.d~~ [13](#)

All employees of Rancho Santiago Community College District are professionals who are dedicated to promoting a climate which enhances the worth, dignity, potential, intellectual development, and uniqueness of each individual, as well as the collegiality of a learning community. Although we work in various settings and positions, we are committed to protecting human rights and to the advancement of learning. While we require an environment with freedom of inquiry and open communication, we accept the responsibility these freedoms require: competency; objectivity in the application of skills; concern for the best interest of students, colleagues, and a learning community; and avoidance of conflicts of interest and the appearance of impropriety.

The consistent exercise of integrity is the cornerstone of ethical behavior.

Ethical behavior is often defined as "right" or "good" behavior as measured against commonly accepted rules of conduct for a society or profession. The ethical person is often described as one who is fair, honest, straightforward, trustworthy, objective, moral, and unprejudiced.

The RSCCD Board of Trustees, administration, faculty, staff, and contractors shall subscribe to the following standards of ethical and professional behavior. For purposes of this policy "employees" refers to individuals hired and/or paid by the District, including members of the Board of Trustees, full- and part-time employees, and student employees. Employees will:

- address responsibilities and work with people without prejudice, and therefore not discriminate unjustly against or in favor of any student or employee. Employees will act to prevent intimidation, harassment, favoritism, and discrimination.
- ensure the accurate representation of District and college goals, services, programs, and policies to the public, students, and colleagues.
- avoid creating the impression that, when speaking as individuals, we speak or act for the District or the colleges.
- not enter into relationships that seek to benefit the employee at the expense of the District, a student, or a person under their supervision. They avoid conflicts of interest which may result from dual relationships, such as those of a contractual, personal, financial, or sexual nature.

- avoid conflicts of interest between their contractual obligations to the District and those to private business or personal commitments. For example, they will not solicit clients and sell services or products during the course of their regular work at RSCCD, and they refuse remuneration for services rendered to persons for whom they perform the same services as an employee of the District, and adhere to Board Policy 3821 Gift Ban Policy.
- not use the resources of the District (e.g., computers, programs, offices, supplies) to secure financial gain for oneself or any other person or party. No employee shall conduct business at the District that is not directly related to the mission of the District and colleges.
- recognize that personal problems and conflicts can interfere with employee effectiveness. Accordingly, employees monitor their personal and professional effectiveness, seek assistance when needed (e.g., psychological, medical, legal), and maintain physical, mental, and emotional health.
- contribute to the development of their respective professions through dialogue with colleagues; serving professional organizations; and serving as mentors to emerging professionals.
- maintain and enhance individual professional effectiveness, currency, and competence through continuing education to improve abilities and acquire new knowledge, and they assure the same opportunity for persons within their supervision.
- accurately represent their experience and credentials, competencies and limitations to all concerned. Employees will provide services within the boundaries of their competence, based on their education, training, professional experience, ongoing professional development and licensure.
- in supervisory, management and administrative roles, treat those they supervise with respect and integrity, and value the well-being of employees as they make decisions about the needs of the institution. They use the power inherent in their positions wisely and with serious regard for individual worth and personal and professional growth.
- foster openness by encouraging and maintaining two-way communication, characterized by honesty and integrity.
- ensure that students and employees have access to varying points of view.
- make reasonable effort to protect students and employees from conditions harmful to learning or to health and safety.
- not disclose private information about students or employees obtained in the course of professional service, unless disclosure serves a compelling professional purpose or is required by law.
- recognize that an information society gives us access to increasing amounts of data, much of it automated. They exercise the privilege of using such information with care and integrity, actively protect the privacy of individuals, and use due caution when creating conclusions relative to such data specific to RSCCD.

- avoid knowingly making false or malicious statements about students or employees.
- not intentionally embarrass or disparage a student or employee.
- be respectful of fellow employees, community members, and students and their opinions. Diverse opinions and free inquiry should be encouraged.
- facilitate a climate of trust and mutual support through relationships focused on respect for reason, freedom of expression, and the right to peacefully dissent.
- not impose personal values, beliefs, and behaviors on others.

Revised: April 25, 2016 (Previously BP7020)

Reference Update: **xxxxxxx, 2019**

Rancho Santiago Community College District
ADMINISTRATIVE REGULATION
Chapter 3
General Institution

AR 3435 Discrimination and Harassment Complaints and Investigations

References:

Education Code Sections 212.5, 66281.5, and 67386
Government Code Section 12950.1
Title 5 Sections 59320, 59324, 59326, 59328, and 59300 et seq.
Title 2 Sections 11023 and 11024;
34 Code of Federal Regulations Section 106.8(b)

The law prohibits students, employees, (including but not limited to instructors, supervisors and managers) and third parties from engaging in harassment, discrimination, or retaliation. Any person (e.g., an employee or non-employee of the District) who has suffered harassment, discrimination, or retaliation or who has learned of harassment, discrimination, or retaliation, may file a formal or informal complaint of harassment, discrimination, or retaliation.

Informal Complaints

An informal complaint is: (1) A written or unwritten allegation of harassment, discrimination, or retaliation with a request to engage in the informal process; or (2) a written allegation of harassment, discrimination, or retaliation that falls outside the timelines for a formal complaint.

Any person may submit an informal complaint to the Vice Chancellor of Human Resources or any other District or college administrator. Administrators receiving an informal complaint shall immediately notify the Vice Chancellor of Human Resources (or designee) in writing of all pertinent information and facts alleged in the informal complaint.

Upon receipt of an informal complaint, the Vice Chancellor of Human Resources will notify the person bringing the informal complaint of his/her right to file a formal complaint, if the incident falls within the timeline for a formal complaint, and explain the procedure for doing so. The complainant may later decide to file a formal complaint. If the individual chooses not to file a formal complaint, or if the alleged conduct falls outside the timeline to file a formal complaint, the Vice Chancellor of Human Resources shall consider the allegations contained in the informal complaint and determine the appropriate course of action. This may include efforts to informally resolve the matter, or a fact-finding investigation.

Investigation of an informal complaint will be appropriate if the Vice Chancellor of Human Resources determines that the allegation(s), if proven true, would constitute a violation of the District policy prohibiting harassment, discrimination, or retaliation. The Vice Chancellor of Human Resources will explain to any individual bringing an informal complaint that the Vice

Chancellor of Human Resources may decide to initiate an investigation, even if the individual does not wish the Vice Chancellor of Human Resources to do so. However, the complaint's confidentiality will be preserved to the maximum extent possible. The Vice Chancellor of Human Resources shall not disregard any allegations of harassment, discrimination, or retaliation solely on the basis that the alleged conduct falls outside the deadline to file a formal complaint.

Formal Complaints

A formal complaint is a written and signed statement filed with the District or the State Chancellor's office that alleges harassment, discrimination, or retaliation in violation of the District's Board Policies, Administrative Procedures or in violation of state or federal law.

Formal complaints must be filed with the Chancellor of the California Community Colleges or the Vice Chancellor Human Resources unless the party submitting the formal complaint alleges discrimination, harassment, or retaliation against the responsible district officer, in which case it should be submitted directly to the Chancellor of the Rancho Santiago Community College District or the State Chancellor's office.

Formal complaints should be submitted on the form prescribed by the Chancellor of the California Community Colleges. A copy of the form is available at: <http://extranet.cccco.edu/Divisions/Legal/Discrimination.aspx>

If any party submits a written allegation of harassment, discrimination, or retaliation not on the form described above, the district will seek to have the individual complete and submit the form. However, if the individual chooses not to do so, the district will attach the written allegation (S) to the form and treat as a formal complaint. In no instance will the district reject a written allegation of harassment, discrimination, or retaliation on the basis that it was not submitted on the proper form.

A Formal Complaint must meet each of the following criteria:

- It must allege facts with enough specificity to show that the allegations, if true, would constitute a violation of District policies or procedures prohibiting discrimination, harassment, or retaliation;
- The complainant must sign and date the Formal Complaint;
- The complainant must file any Formal Complaint not involving employment within one year of the date of the alleged discriminatory, harassing, or retaliatory conduct or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation(s) of discrimination, harassment, or retaliation.
- The complainant must file any Formal Complaint alleging discrimination, harassment, or retaliation in employment within 180 days of the date of the alleged discriminatory, harassing, or retaliatory conduct, except that this period shall be extended by no more than 90 days following the expiration of the 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.

If the Formal Complaint does not meet the requirements set forth above, the Vice Chancellor of Human Resources will promptly return it to the complainant and specify the defect. If the sole defect is that the Formal Complaint was filed outside the applicable proscribed timeline, the Vice Chancellor of Human Resources will handle the matter as an informal complaint.

Where to File a Formal Complaint

The completed Formal Complaint form must be filed with any of the following:

- The Vice Chancellor of Human Resources, 2323 N Broadway, Santa Ana, CA 92706, and/or
- The California Community College Chancellor's Office, 1102 Q Street, Sacramento, CA 95811.

Student complainants shall be notified that they may file a discrimination complaint with the U.S. Department of Education, Office for Civil Rights (OCR), 50 United Nations Plaza, Room 1490, Mail Box 1200 San Francisco, CA 94102 (415) 486-5555.

Employee complainants shall be notified that they may file employment discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEOC), Royal Federal Building, 255 East Temple Street, 4th Floor Los Angeles, CA 90012 or the California Department of Fair Employment and Housing (DFEH)-, 2218 Kausen Drive, Suite 100 Elk Grove, CA 95758.

Complaints filed with the EEOC and/or the DFEH should be forwarded to the California Community College Chancellor's Office by the District.

Any District employee who receives a harassment or discrimination complaint, regardless of whether it is brought by a student or an employee, shall notify the District's Vice Chancellor of Human Resources immediately.

Immediately upon receiving a Formal Complaint, as described above, regardless of whether the complaint is brought by a student or by an employee, the District shall forward a copy of the Formal Complaint to the California Community College Chancellor's Office.

Filing a Timely Complaint: The District is firmly committed to providing an environment free of discrimination and harassment. The District strongly encourages anyone who believes they are being harassed or discriminated against, to file a complaint. The District also strongly encourages the filing of such complaints as soon as possible after the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the District's ability to investigate and remediate.

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination; the existence of a hostile, offensive or intimidating work environment, and acts of retaliation.

The District will investigate complaints involving acts that occur off campus if they are related to or impact a District program or activity.

Confidentiality: The District will keep the investigation confidential to the extent possible, but cannot guarantee confidentiality because release of some information on a "need-to-know-basis" may be essential to a thorough investigation. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties to the extent possible without impeding the District's ability to investigate and respond effectively to the complaint.

Communicating that the Conduct is Unwelcome: The District further encourages students and staff to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste and/or inappropriate.

Oversight of Complaint Procedure: The Vice Chancellor of Human Resources is the "responsible District officer" charged with receiving complaints of discrimination or harassment, and coordinating their investigation. The actual investigation of complaints may be delegated by the Vice Chancellor of Human Resources to other trained, qualified staff, outside persons or organizations under contract with the District. This must occur whenever the Vice Chancellor of Human Resources is named in the complaint or implicated by the allegations in the complaint.

Who May File a Complaint: Any person (employee or non-employee), individually or as a member of a class or on behalf of others, may file a complaint alleging discrimination or harassment that is prohibited by the District's anti-discrimination and anti-harassment policies and procedures.

Intake and Processing of the Complaint: Upon receiving notification of a harassment or discrimination complaint, the Vice Chancellor of Human Resources or designee shall:

- Upon approval by the parties involved, and when appropriate, undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules; obtaining apologies; providing counseling and/or training, etc.
- Advise ~~the complainant~~ all parties that he/she need not participate in an informal resolution of the complaint, as described above, and ~~has~~ they have the right to end the informal resolution process at any time. Mediation is not appropriate for resolving incidents involving sexual violence.
- Advise a student complainant that he/she may file a complaint with the Office for Civil Rights of the U.S. Department of Education and employee complainants may file a complaint with the Department of Fair Employment and Housing. All complainants should be advised that they have a right to file a complaint with local law enforcement. The District must investigate even if the complainant files a complaint with local law enforcement. In addition, the District should ensure that complainants are aware of any available resources, such as counseling, health, and mental health services. The Vice Chancellor of Human Resources shall also notify the State Chancellor's Office of the complaint.
- Take interim steps to protect a complainant from coming into contact with an accused individual, especially if the complainant is a victim of sexual violence. The Vice Chancellor of Human Resources should notify the complainant of his or her options to avoid contact with the accused individual and allow students to change academic situations as appropriate. For instance, the District may prohibit the parties from having any contact with one another pending the results of the investigation.

Authorization of an Investigation: The Vice Chancellor of Human Resources or designee shall:

- Authorize the investigation of the complaint, and supervise and/or conduct a thorough, prompt and impartial investigation of the complaint, as set forth below. Where ~~complainants~~ the parties opt for informal resolution, the designated officer will determine

whether further investigation is necessary to ensure resolution of the matter and utilize the investigation process outlined below as appropriate. In the case of a formal complaint, the investigation will include interviews with the complainant, the accused, and any other persons who may have relevant knowledge concerning the complaint. This may include victims of similar conduct.

- Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, or other unlawful discriminatory conduct, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.

Investigation of the Complaint: The District shall promptly investigate every complaint of harassment or discrimination. No claim of employee or student harassment or discrimination shall remain unexamined. This includes complaints involving activities that occur off campus and in connection with any academic, educational, extracurricular, athletic, or other programs of the District, whether those programs take place at a District facility, in a District vehicle, or at a class, training program or similar event sponsored by the District at another location.

As set forth above, where the ~~complainant opts~~ parties opt for an informal resolution, the Vice Chancellor of Human Resources may limit the scope of the investigation, as appropriate. The District will keep the investigation confidential to the extent possible, but cannot guarantee confidentiality because release of some information on a “need-to-know-basis” is essential to a thorough investigation. When determining whether to maintain confidentiality, the District may weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the complainant’s age; whether there have been other harassment complaints about the same individual; and the accused individual’s rights to receive information about the allegations if the information is maintained by the District as an “education record” under the Family Educational Rights and Privacy Act (FERPA), 20 U.S. Code Section 1232g; 34 Code Federal Regulations Part 99.15. The District will inform the complainant if it cannot maintain confidentiality.

Investigation Steps: The District will fairly and objectively investigate harassment and discrimination complaints. Employees designated to serve, as investigators under this policy shall have adequate training on what constitutes discrimination, including sexual harassment and sexual violence, racial discrimination, disability discrimination and age discrimination and understand how the District’s grievance procedures operate. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially.

Investigators will use the following steps: interviewing the complainant(s); interviewing the accused individual(s); identifying and interviewing witnesses and evidence identified by each party; identifying and interviewing any other witnesses, if needed; reminding all individuals interviewed of the District’s no-retaliation policy; considering whether any involved person should be removed from the campus pending completion of the investigation; reviewing personnel/academic files of all involved parties; reaching a conclusion as to the allegations and any appropriate disciplinary and remedial action; and seeing that all recommended action is carried out in a timely fashion. When the District evaluates the complaint, it shall do so using a preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that discrimination or harassment has occurred.

Timeline for Completion: The District will undertake its investigation as promptly and as swiftly as possible. To that end, the investigator shall complete the above steps, and prepare a written report within 90 days of the District receiving the complaint, unless an extension has been granted. The Vice Chancellor of Human Resources will notify all the parties involved of the District's determination, in writing, within 10 working days of the determination being made.

Cooperation Encouraged: All students and employees are expected to cooperate with a District investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a complainant or witnesses does not relieve the District of its obligation to investigate. The District will conduct an investigation if it is discovered that harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed. No employee will be retaliated against as a result of lodging a complaint or participating in any workplace investigation.

Written Report:

The results of the investigation of a complaint shall be set forth in a written report that will include at least all of the following information:

- A description of the circumstances giving rise to the Formal Complaint;
- A summary of the testimony provided by each witness interviewed by the investigator;
- An analysis of relevant evidence collected during the course of the investigation;
- A specific finding as to whether there is probable cause to believe that discrimination, harassment, or retaliation occurred with respect to each allegation in the complaint; and
- Any other information deemed appropriate by the District.

Confidentiality of the Process:

Investigations are best conducted within a confidential climate. Therefore, the District does not reveal information about ongoing investigations except as necessary to fulfill its legal obligations. The District will keep the investigation confidential to the extent possible, but it cannot guarantee absolute confidentiality because release of some information on a "need-to-know-basis" may be essential to a thorough investigation and to protect the rights of accused students and employees during the investigation process and any ensuing discipline.

Administrative Determination:

In any case not involving employment discrimination, within 90 days of receiving a formal complaint, the District shall complete its investigation and forward a copy of the investigative report to the State Chancellor, a copy or summary of the report to the complainant both parties, and written notice setting forth all of the following to both the complainant and the Chancellor:

- The determination of the Vice Chancellor of Human Resources (or designee) as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
- A description of actions taken, if any, to prevent similar problems from occurring in the future;
- The proposed resolution of the complaint; and
- The complainant's right to appeal to the district governing board and the Chancellor.

In any case involving employment discrimination, within 90 days of receiving a complaint, the District shall complete its investigation and forward a copy or summary of the report **only** to the complainant, and written notice setting forth all the following to the complainant:

- The determination of the Vice Chancellor of Human Resources (or designee) as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
- A description of actions taken, if any, to prevent similar problems from occurring in the future;
- The proposed resolution of the complaint; and
- The complainant's right to appeal to the district governing board and to file a complaint with Department of Fair Employment and Housing or the U.S Equal Employment Opportunity Commission.

Discipline and Corrective Action

If harassment, discrimination and/or retaliation occurred in violation of federal or state law, the policy or procedure, the District may take disciplinary action against the accused and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense. Remedies for the complainant might include, but are not limited to:

- providing an escort to ensure that the complainant can move safely between classes and activities;
- ensuring that the complainant and alleged perpetrator do not attend the same classes or work in the same work area;
- preventing offending third parties from entering campus;
- providing counseling services;
- providing medical services;
- providing academic support services, such as tutoring;
- arranging for a student-complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record; and
- reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the conduct that lead to the discipline.
- conducting, climate surveys, including subsequent evaluation and corrective action, as appropriate
- circulating memoranda to students and staff about pertinent District policy; and
- other remedies deemed necessary by the District.

If discipline is imposed, the nature of the discipline will not be communicated to the complainant. However, the District may disclose information about the sanction imposed on an individual who was found to have engaged in harassment when the sanction directly relates to the complainant's contact with the individual; for example, the District may inform the complainant that the harasser must stay away from the complainant.

Disciplinary actions against faculty, staff, and students will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.

The District shall also take reasonable steps to protect the complainant from further harassment, and/or discrimination, and to protect the complainant and witnesses from retaliation as a result of communicating the complaint and/or assisting in the investigation. The District will ensure that complainants and witnesses know how to report any subsequent problems, and should follow-up with complainants to determine whether any retaliation or new incidents of harassment have occurred. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties to the extent possible without impeding the District's ability to investigate and respond effectively to the complaint.

If the complainant refuses to participate in the investigation, the District should continue to pursue appropriate steps to limit the effects of the alleged harassment and prevent its recurrence.

Appeals

If the District imposes discipline against a student or employee as a result of the findings in its investigation, the student or employee may appeal the decision using the procedure for appealing a disciplinary decision.

If the complainant is not satisfied with the results of the administrative determination, he or she may, within fifteen calendar days of the date of the administrative determination, submit a written appeal to the Board of Trustees. The Board shall review the original complaint, the investigative report, the administrative decision, and the appeal. The Board shall issue a final District decision in the matter within 45 days after receiving the appeal. A copy of the decision rendered by the Board shall be forwarded to the complainant. If the appeal is made to the Board in connection with a formal complaint, the District shall forward a copy of the Board's final decision to the State Chancellor's Office. If the Board does not act within 45 days the administrative determination shall be deemed approved and shall become the final decision of the District in the matter.

In any case not involving workplace discrimination, harassment, or retaliation, a complainant who filed a formal complaint shall have the right to file a written appeal with the State Chancellor's Office within thirty days after the Board issued the final District decision or permitted the administrative decision to become final. Such appeals shall be processed pursuant to the provision of Title 5 Section 59350.

In any case involving employment discrimination, including workplace harassment, the complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC), Royal Federal Building, 255 East Temple Street, 4th Floor Los Angeles, CA 90012 or the California Department of Fair Employment and Housing (DFEH), 2218 Kausen Drive, Suite 100 Elk Grove, CA 95758.

In any case involving student discrimination, including harassment, the complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the U.S. Department of Education, Office for Civil Rights (OCR), 50 United Nations Plaza, Room 1490, Mail Box 1200 San Francisco, CA 94102 (415) 486-5555.

Extension of Time

Within 150 days of receiving a formal complaint not involving employment harassment or discrimination, the District shall forward to the State Chancellor's Office the original complaint, the investigative report, a copy of the written notice to the complainant setting forth the results of the investigation, a copy of the final administrative decision rendered by the Board or indicating the date upon which the decision became final, and a copy of the notification to the complainant of his/her appeal rights. If, due to circumstances beyond its control, the District is unable to comply with the 150-day deadline for submission of materials, it may file a written request for an extension of time no later than ten days prior to the expiration of the deadline.

Dissemination of Policy and Procedures

District Policy and Procedures related to harassment will include information that specifically addresses sexual violence. District policy and procedures will be provided to all students, faculty members, members of the administrative staff and members of the support staff, and will be visibly posted on campus and easily found on the District's website.

When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee's personnel file. In addition, these policies and procedures are incorporated into the District's course catalogs and orientation materials for new students.

Training:

All new supervisory employees must be provided with anti-discrimination training and education within six months of their assumption of a supervisory position. The District shall provide anti-discrimination training, including sexual harassment training and education, to each supervisory employee once every two years.

The training and education required by this procedure shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of discrimination, including sexual harassment and the remedies available to victims of sexual harassment in employment. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.

File Retention: The District will retain on file for a period of at least three years after closing the case copies of:

- The original complaint;
- The investigatory report;
- The summary of the report if one is prepared;
- The notice provided to the complainant parties, of the District's administrative determination and his/her the right to appeal;
- Any appeal;
- The District's final decision; and
- Documentation of any corrective actions taken.

The District will make such documents available to the State Chancellor upon request.

For further Information contact:

Vice Chancellor, Human Resources, 2323 N Broadway, Santa Ana, CA 92706. (714)
480 7489.

Responsible Manager: Vice-Chancellor of Human Resources

Revised: September 15, 2014 (Previously AR 3410)

Revised: September 19, 2016

Revised: October 2, 2017

Revised: xxxxxxxxxxx, 2019

Rancho Santiago Community College District
ADMINISTRATIVE REGULATION
Chapter 3
General Institution

AR 3540 Sexual and Other Assaults on Campus

Reference(s):

Education Code Section 67385, 67385.7 and 67386
20 U.S. Code Section 1092(f)
34 C.F.R. § 668.46(b)(11)

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking, as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, 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 or at another location, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (See also, BP 5500, Standards of Student Conduct.)

"Sexual assault" includes but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

"Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

"Domestic violence" includes felony or misdemeanor crimes of violence committed by:

- a current or former spouse of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with or has cohabitated with the victim as a spouse;
- by a person similarly situated to a spouse of the victim under California law; or
- by any other person against an adult or youth victim who is protected from that person's acts under California law.

"Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.

It is the responsibility of each person involved in sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or

resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

“Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity.

These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, see also AR 3500, 3510, and 3515.

All students, faculty members or staff members who allege they are the victims of a domestic violence, dating violence, sexual assault or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the District Safety and Security Department which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Chief, District Safety and Security is authorized to release such information.

The Chief, District Safety and Security shall provide all alleged victims of domestic violence, dating violence, sexual assault or stalking with the following:

- A copy of the District's policy and procedure regarding domestic violence, dating violence, sexual assault or stalking
- A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents:
 - Assistant Vice Chancellor of Human Resources
 - Vice President of Student Services/Vice President of Continuing Education or designee
 - Student Health Center psychologist
 - Local police department regarding investigation and victim services
- Information about the importance of preserving evidence and the identification and location of witnesses
- A description of available services, and the persons on campus available to provide those services if requested. Services and those responsible for provided or arranging them include:
 - transportation to a hospital, if necessary;
 - counseling by Student Health Center psychologist, or referral to a counseling center;
 - assistance with disciplinary process by Vice President of Student Services/Vice President of Continuing Education or designee;
 - a list of other available campus resources or appropriate off-campus resources by Chief, District Safety and Security

- The victim's option to:
 - notify proper law enforcement authorities, including on-campus and local police;
 - be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - decline to notify such authorities;
- Information about the participation of victim advocates and other supporting people:
 - The rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court;
 - Information about how the district will protect the confidentiality of victims; and
 - Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- A description of each of the following procedures:
 - criminal prosecution;
 - civil prosecution (i.e., lawsuit);
 - District disciplinary procedures, both student and employee;
 - modification of class schedules;
 - tutoring, if necessary

The Chief, District Safety and Security should be available to provide assistance to District safety unit employees regarding how to respond appropriately to reports of sexual violence.

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AR 3435, regardless of whether a complaint is filed with local law enforcement.

All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the District Safety and Security Department of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

A complainant or witness who participates in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District's student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic honesty.

In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:

- The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused.
- The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

- The complainant was asleep or unconscious.
- The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
- The complainant was unable to communicate due to a mental or physical condition.

The District shall maintain the identity of any alleged victim, or witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence unless the alleged victim, or witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged sexual assaults on District property shall be referred to the Director of Public Affairs and Publications which will work with District Safety and Security Department and Vice President of Student Services/Vice President of Continuing Education or designee's office to assure that all confidentiality rights are maintained.

Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent sexual assault, domestic violence, dating violence, and stalking and procedures that should be followed after an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any in any district proceeding arising from such a report. The statement must include the following:

- A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non forcible sex offenses
- Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported
- Information on a student's right to notify appropriate law enforcement authorities, including on-campus Safety Officers and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests and the right to decline to notify these authorities
- Information about how the district will protect the confidentiality of victims, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law

- Information for students about existing on- and off-campus counseling, mental health, victim advocacy, legal assistance or other services for victims
- Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement
- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sexual assault, or stalking, including a clear statement that:
 - Such proceedings shall provide a prompt, fair, and impartial resolution;
 - Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
 - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
 - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged domestic violence, dating violence, sexual assault or stalking, the procedures for the accused and victim to appeal the results of the disciplinary proceeding, of any chances to the results that occurs prior to the time that such results become final, and when such results become final. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused
- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.

Education and Prevention Information

The Vice President of Student Services or designee shall:

- Provide, as part of each campus' established on-campus orientation program, education and prevention information about domestic violence, dating violence, sexual assault, and stalking. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations, and shall include the District's sexual assault policy and prevention strategies including empowerment programming for victim prevention, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction.
- Post sexual violence prevention and education information on the campus internet website regarding domestic violence, dating violence, sexual assault and stalking.

Responsible Manager: Chief, District Safety and Security

Revised: August 10, 2015

Revised: xxxxxxxx, 2019

Rancho Santiago Community College District
ADMINISTRATIVE REGULATION
Chapter 3
General Institution

AR 3550 Drug Free Environment and Drug Prevention Program

Reference(s):

Drug Free Schools and Communities Act Amendment of 1989
20 U.S. Code Section ~~4145g~~ 1011i
34 Code of Federal Regulations 86.1 et seq.
Federal Drug-Free Workplace Act of 1988
41 U.S. Code Section ~~702~~ 8103

The District is committed to providing its employees and students with a drug free workplace and campus environment.

The District shall be free from the unlawful manufacture, distribution, dispensing, possession, use or distribution of illicit drugs and alcohol by students, employees and guests. Awareness of this policy will help create a drug and alcohol free environment. This policy and regulation shall be published and be made available to students and employees on the district and college websites, including the employee intranet, Admissions and Records, the Health Centers, Student Services and Safety and Security. It will also be included in the Annual Security report, the college Catalogs, the Student Handbooks and Schedule of Classes.

The District emphasizes the prevention and intervention of substance abuse through education. The colleges will provide information about the dangers of drugs and alcohol and will engage in prevention programs through efforts by the Student Services offices, the Health Centers, District Safety and Security, and Risk Management.

Health risks associated with use of illicit drugs and the abuse of alcohol include: death; injury; unprotected sex and possible sexually transmitted disease; non-consensual sex; increased risk of suicide; and driving under the influence.

Violators of this policy may be subject to disciplinary action, which may include referral to an appropriate rehabilitation program, the Employee Assistance Program, suspension, demotion, expulsion or dismissal, and may also be subject to criminal *prosecution and* sanctions including fines, jail, or prison sentences. The Associate Deans of Student Development will handle student disciplinary action, the Vice Chancellor of Human Resources will be responsible for employee disciplinary action, and Director of District Safety and Security will work with local law enforcement agencies for criminal sanctions.

As a condition of employment, employees must notify the District within five days of any conviction for violating a criminal drug statute while in the workplace. The District is required to inform any agencies that require this drug-free policy within ten days after receiving notice of a workplace drug conviction.

Assistance for substance abuse may be obtained from one of the following sources:

- SAC and SCC Student Health Centers, for confidential counseling and referral to local agencies
- Alcoholics Anonymous of Orange County
- National Drug Hotline, 1-800-662-HELP
- Al-Anon/Alateen Family Group Headquarters, 1-800-356-9996
- Narc-Anon Family Group Headquarters, 310-547-5800
- 800 Cocaine, an information and referral hotline, 1-800-COCAINE

Responsible administrators: Vice Presidents of Student Services, Chief, District Safety and Security, and Vice Chancellor of Human Resources

Revised: June 16, 2014 (Previously AR 3523)

Revised: September 19, 2016

Revised: xxxxxxxxxxxx, 2019

Rancho Santiago Community College District
ADMINISTRATIVE REGULATION
Chapter 3
General Institution

AR 3810 Claims and Actions Against the District

Reference(s):

Government Code 900 et. seq., 910 et. seq. and 935 et. seq.

Third party claims for damages against the district shall be presented within six months of an injury to person or personal property, giving rise to the cause of action. The district will make a district form available to any injured party wishing to file a claim within the prescribed time. ~~A claim filed on the claimant's own form shall contain substantially all information requested on the district's form (date, time, nature of claim, etc.)~~ If a claim is not submitted on the designated form, it will be returned to the individual. Any claim returned may be resubmitted using the proper form.

Claims for damages against the district shall be submitted to the district's Risk Management Office. Upon receipt, the Risk Manager shall refer the claim to the district's liability claims administrator for review. Within 45 days of receipt, and following the review and recommendation of the district's claims administrator, the Board of Trustees shall take action to accept, reject, or deny the claim.

Pursuant to the authority contained in Section 935 of the Government Code for the State, the following claims procedures are established for those claims against the district for money or damages not now governed by State or local laws.

Employee Claims

Notwithstanding the exceptions contained in Section 905 of the Government Code of the State, all claims by public officers or employees for fees, salaries, wages, mileage and any other expenses or allowances claimed due from the district, when a procedure for processing such claims is not otherwise provided by the State or local laws, shall be presented within the time limitations and in the manner prescribed the Sections 910 through 915.2 of the Government Code of the State. Such claims shall further be subject to the provisions of Section 945.4 of the Government Code of the State relating to the prohibition of suits in the absence of the presentation of claims and actions thereon by the district.

Contract and Other Claims

In addition to the requirements of subsection (1) of this section, and notwithstanding the exemptions set forth in Section 905 of the Government Code of the State, all claims against the district for damages or money, when a procedure for processing such claims is not otherwise provided by State or local laws, shall be presented within the time limitations and in the manner prescribed by Sections 910 through 915.2 of the Government Code of the State. Such claims

shall further be subject to the provisions of Section 945.4 of the Government Code of the State related to the prohibition of suits in the absence of the presentation of claims and action thereon by the district.

Responsible Manager: Risk Manager

Revised: April 27, 2009

Revised: xxxxxxxxxxxx, 2019

Rancho Santiago Community College District
ADMINISTRATIVE REGULATION
Chapter 6
Business and Fiscal Services

AR 6150 Designation of Authorized Signatures

Reference(s):

Education Code Sections 85232 and 85233

The Vice Chancellor of Business Operations/Fiscal Services and the Assistant Vice Chancellor, Fiscal Services, as District Disbursing Officer, are authorized to sign warrants on behalf of the District. See BP/AR 6305 Fiscal Accountability for the related policy and regulations.

- 1.0 The Chancellor has appointed the positions below as authorized signers for orders and other transactions.
 - 1.1 For Contract Agreements of \$15,000 or less (excluding grant agreements) and Short-term Facility Use Agreements:
 - 1.1.1 Chancellor
 - ~~1.1.2 Executive Vice Chancellor~~
 - 1.1.32 Vice Chancellor, Business Operations/Fiscal Services
 - 1.1.3 Vice Chancellor, Educational Services
 - 1.1.4 Vice Chancellor, Human Resources
 - 1.1.45 College Presidents
 - 1.1.56 Vice President, Administrative Services
 - 1.1.67 Assistant Vice Chancellor, Facility Planning
 - 1.1.78 Assistant Vice Chancellor, ITS
 - 1.1.89 Assistant Vice Chancellor, Fiscal Services
 - 1.1.910 ~~District~~ Director, Purchasing ~~Services~~
 - 1.2 For Tax Forms:
 - 1.2.1 Chancellor
 - ~~1.2.2 Executive Vice Chancellor~~
 - 1.2.32 Vice Chancellor, Business Operations/Fiscal Services
 - 1.2.43 Assistant Vice Chancellor, Fiscal Services
 - 1.2.54 Manager, Fiscal Services
 - 1.2.65 ~~Accounting Manager~~, Payroll ~~Manager~~
 - 1.3 For Purchase of Supplies, Materials, Apparatus, Equipment, and Services not to exceed the amounts specified by the Public Contract Code Section 20651, Construction Services not to exceed the amount specified by Contract Code 22030 CUPCAA (California Uniform Public Construction Cost Accounting Act).

- 1.3.1 Chancellor
- ~~1.3.2 Executive Vice Chancellor~~
- 1.3.32 Vice Chancellor, Business Operations/Fiscal Services
- 1.3.3 Assistant Vice Chancellor, Fiscal Services
- 1.3.4 Director, Purchasing Services

- 1.4 Advertising for Bids
 - 1.4.1 Chancellor
 - 1.4.2 Vice Chancellor, Business Operations/Fiscal Services
 - 1.4.3 Director, Purchasing Services
- 1.5 Claim Settlements
 - 1.5.1 Chancellor
 - 1.5.2 Vice Chancellor, Business Operations/Fiscal Services
 - 1.5.3 Vice Chancellor, Human Resources
- 1.6 Collective Bargaining Agreements
 - 1.6.1 Chancellor
 - 1.6.2 Vice Chancellor, Human Resources
- 1.7 Application of Funds and Grants (Requires one signer from 1.7.1 and one signer from section 1.7.2)
 - 1.7.1 Chancellor, Vice Chancellor, Educational Services, Assistant Vice Chancellor, Educational Services
 - 1.7.2 Vice Chancellor, Business Operations/Fiscal Services, Assistant Vice Chancellor, Fiscal Services

2 For banking and investment accounts, authorized signers will be submitted to the Board for approval annually or as needed.

Adopted: November 2, 2015
Revised: xxxxxxx, 2019