

CALBRIGHT COLLEGE BOARD POLICIES

Chapters 1 – 7

GOVERNANCE NOTES

The Board of Trustees approved Chapters 1, 2, four policies (6330.1; 6330.2; 6520.1; 6520.2) from Chapter 6, and Chapter 7 on January 14, 2019.

The Board of Trustees approved the balance of Chapter 6 on March 18, 2019.

The Board of Trustees Executive Committee approved Chapters 3, 4, and 5 on June 27, 2019.

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CHAPTER 1: CALIFORNIA ONLINE COMMUNITY COLLEGE

BOARD POLICY

1100

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

CALIFORNIA ONLINE COMMUNITY COLLEGE

The Board of Governors of the California Community Colleges, while administering the California Online Community College, hereby adopts the operating name and shall be known as the California Online Community College Board of Trustees (“Board”).

The Board will serve as trustees of the California Online Community College while acting in its official capacity to carry out various functions specified in the California Online Community College Act.

The name, California Online Community College, is the property of the College and the Board of Governors. The Board reserves the right to restrict the use of this name, or any abbreviation of such name. No person shall, without permission of the Board, use the name, or any abbreviation of the name, or any name of which these words are a part, in any of the following ways:

To designate any business, social, political, religious, or other organization, including, but not necessarily limited to, any corporation, firm, partnership, association, group, activity or enterprise.

To imply, indicate or otherwise suggest that any organization, or any product or service of the organization is connected or affiliated with, or is endorsed, favored or supported by, or is opposed by one or more California community colleges, the Board of Governors, or the Chancellor’s office.

To display, advertise, or announce these names publicly at or in connection with any meeting, assembly, or demonstration, or any propaganda, advertising, or promotional activity of any kind which has for its purpose or any part of its purpose the support, endorsement, advancement, opposition or defeat of any strike, lockout, or boycott or of any political, religious, sociological, or economic movement, activity, or program.

Nothing in this section shall interfere with or restrict the right of any person to make a true and accurate statement in the course of stating his or her experience or qualifications for any academic, governmental, business, or professional credit or enrollment, or in connection with any academic, governmental, professional or other employment whatsoever.

Reference:

Education Code §§70901, 72000, 75001, 75004

BOARD POLICY

1200

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BOARD OF TRUSTEES

MISSION

The California Online Community College is committed to increase economic mobility for working adults who lack easy access to traditional forms of higher education. The College will offer flexible, affordable skills-based programs that provide tangible economic value for both working adults and hiring managers.

Reference:

Education Code §§75000 and 75001

CHAPTER 2: BOARD OF TRUSTEES

BOARD POLICY

2010

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BOARD OF TRUSTEES

BOARD MEMBERSHIP

As set forth in statute, the Board of Trustees of the California Online Community College shall be comprised of the members of the California Community Colleges Board of Governors.

Reference:

Education Code §§70901, 71000, et seq., and 75001

BOARD POLICY

2110

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BOARD OF TRUSTEES

VACANCIES ON THE BOARD

Vacancies on the Board of Trustees shall be addressed in accordance with the provisions of Education Code Section 71003, regarding vacancies on the Board of Governors of the California Community Colleges.

Reference:

Education Code §71003

BOARD DUTIES AND RESPONSIBILITIES

The Board of Trustees governs on behalf of the working adults of the College in accordance with the authority granted and duties defined in Education Code Sections 70902 and 75003.

The Board is committed to fulfilling its responsibilities to:

- A. Establish educational pathways that help working adults gain skills that assist them to get or keep a job.
- B. Establish policies for, and approve, current and long-range academic and facilities plans and programs and promote orderly growth and development of the California Online Community College.
- C. Establish policies for and approve courses of instruction and educational programs.
- D. Establish academic standards, probation, dismissal, and readmission policies, and program completion requirements not inconsistent with the minimum standards adopted by the Board of Governors.
- E. Employ and assign all personnel not inconsistent with the minimum standards adopted by the Chief Executive Officer appointed pursuant to subdivision (d) of Section 75005, and establish employment practices, salaries, and benefits for all employees not inconsistent with the laws of this state.
- F. To the extent authorized by law, determine and control the College's operational and capital outlay budgets.
- G. Manage and control the College's property.
- H. Establish procedures that are consistent with minimum standards otherwise established by the Board to ensure faculty, staff, and working adults have the opportunity to express their opinions at the campus level, to ensure that these opinions are given every reasonable consideration, to ensure the right to participate effectively in college governance, and to ensure the right of the college's academic senate to make recommendations in the areas of curriculum and academic standards. The California Online Community College may establish procedures enabling the use of a digital format, or formats.

BOARD DUTIES AND RESPONSIBILITIES

- I. Establish rules and regulations governing conduct of working adults enrolled at the College.
- J. Establish fees as the College is required to establish by law, and in its discretion, fees as the College is authorized to establish by law.
- K. In its discretion, receive and administer gifts, grants, and scholarships.
- L. Provide auxiliary services as deemed necessary to achieve the purposes of the College.
- M. Within the general framework provided by law, determine the College's academic calendar, including the holidays it will observe. Notwithstanding Education Code section 84890, the College may enable the offering of courses under a flexible calendar. Notwithstanding any other law, in recognition of the ability to adopt a flexible academic calendar, the Board shall also have the flexibility to utilize an alternative definition of "academic year" for purposes of this part.
- N. Hold and convey property for the use and benefit of the College.
- O. Participate in the consultation process otherwise established by the Board for the development and review of policy proposals.

In accordance with Education Code Section 75003, the Board may delegate jurisdiction over its duties and responsibilities to an Executive Committee of the Board and/or the Chief Executive Officer.

Reference:

Education Code §§70902 and 75003

BOARD POLICY

2210

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BOARD OF TRUSTEES

OFFICERS OF THE BOARD

The Board of Trustees shall have a President and Vice President. The President and Vice President of the California Community Colleges Board of Governors shall serve as the President and Vice President of the Board of Trustees. Those officers shall be selected in accordance with the Procedures of the California Community Colleges Board of Governors, Chapter 1, Article 7, Officers. The President and Vice President of the Board of Trustees shall assume office at the organizational meeting of the Board of Trustees.

The President of the Board of Trustees is authorized to preside at all meetings, to call special meetings and create committees as provided by law, to sign documents approved by the Board, to represent the Board, and to confer with the Chief Executive Officer and/or their designees regarding any official business concerning the California Online Community College.

Actions taken by the Board take immediate effect upon signature of the President, unless specified otherwise.

The Vice President shall preside and perform the duties of the President in the President's absence.

The Secretary of the Board shall be the Chief Executive Officer of the California Online Community College.

Reference:

Education Code §§72000, 75003

Government Code §54954

Board of Trustees, Resolution 2018-05

BOARD POLICY

2220

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BOARD OF TRUSTEES

COMMITTEES OF THE BOARD

The Board may by action establish committees that it determines are necessary to assist the Board in its responsibilities. Any committee established by Board action shall comply with the requirements of the Brown Act and with these policies regarding open meetings.

The Board of Trustees may by action establish ad hoc advisory committees that it determines are necessary to assist the Board in its responsibilities. Any ad hoc committee established by Board action shall be composed solely of less than a quorum of members of the Board and shall be advisory to the Board. Board committees that are only advisory have no authority or power to act on behalf of the Board. Findings or recommendations from these ad hoc committees shall be reported to the Board for consideration. Ad hoc advisory committees are not required to comply with the Brown Act or with Board policies regarding open meetings.

Reference:

Government Code §54952

BOARD POLICY

2305

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BOARD OF TRUSTEES

ANNUAL ORGANIZATIONAL MEETING

The Board of Trustees shall hold an organizational meeting at the last regular meeting of each calendar year, on the same date as the meeting at which the California Community Colleges Board of Governors selects its officers in accordance with the Procedures of the California Community Colleges Board of Governors, Chapter 1, Article 7, Officers.

Reference:

Education Code §72000(c)(2)(A)

Procedures of the California Community College Board of Governors, Chapter 1, Article 7, Officers

REGULAR MEETINGS OF THE BOARD

In accordance with Resolution 2018-05 of the Board of Trustees, the Board of Trustees shall meet bi-monthly on the same dates as the regularly scheduled meeting of the Board of Governors of the California Community Colleges. The Board of Trustees shall annually adopt the meeting schedule of the Board of Trustees. The Secretary of the Board of Trustees shall annually notify the county superintendents of schools of the days and times selected of the meetings of the Board of Trustees.

Meetings of the California Online Community College Board of Trustees and any committees or bodies created by the Board shall comply with the Ralph M. Brown Act, as required by law, and shall be open and accessible to the public.

The College shall provide notice identifying the location, date, and time of any meetings at least ten (10) days prior to the meeting via posting on the College's website.

Notice of meetings and agenda must be mailed to any person who has made a written request at the time of the posting of the notice, agenda, or both, or upon distribution to all, or a majority of all, members of the Board, whichever occurs first. The request must be sent to the Secretary of the Board and include the recipient's name and address, along with \$10 for processing and service fees, made payable to the California Online Community College Board of Trustees.

*Reference:**Education Code §§72000, 72121, and 75004**Government Code §§54954, 54954.1**Board of Trustees, Resolution 2018-05*

CLOSED SESSIONS

The Board may hold closed sessions for purposes specifically exempted from the open meeting laws of the State of California. 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.

Collective bargaining.

Advice of counsel on pending or anticipated litigation, as defined by law.

Consideration of tort liability claims as part of the College's membership in any joint powers agency formed for purposes of insurance pooling.

Real property transactions.

Threats to public security.

Review of the College's position regarding labor negotiations and giving instructions to the College's designated negotiator.

Discussion of working adult disciplinary action, with final action taken in public.

Conferring of honorary degrees.

Consideration of gifts from a donor who wishes to remain anonymous.

Consideration of a response to a confidential final draft audit report from the Bureau of State Audits.

Prior to holding a closed session, the Board shall post and state the reason and legal authority for the closed session. To the extent required by law, the agenda descriptions of any closed session shall be made available to the public along with the public session agenda.

CLOSED SESSIONS

At the conclusion of any closed session, to the extent required by law, the President of the Board or their designee shall announce in open session whether any action was taken by the Board and the vote or abstention of each member on each action. 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.

If any person requests an opportunity to present complaints to the Board about a specific employee, such complaints shall first be presented to the Chief Executive Officer or the Chief Executive Officer's designee. Notice shall be given to the employee against whom the charges or complaints are directed. If the complaint is not resolved at the administrative level, the matter shall be scheduled for a closed session of the Board. The employee shall be given at least twenty-four (24) hours written notice of the closed session, and shall be given the opportunity to request that the complaints be heard in an open meeting of the Board.

Reference:

Education Code §72122

Government Code §§54956.7 through 54957

SPECIAL AND EMERGENCY MEETINGS**SPECIAL MEETINGS**

A special meeting may be called by the President of the Board or by a majority of the Board, by written notice to each member of the Board. Members of the Board shall be notified of the special meeting at least twenty-four (24) hours in advance of the meeting. Notice must also be given to any local newspaper, radio or television station requesting notice in writing, and the notice must be posted on the Board's website.

The notice must specify the time and place of the special meeting and the business to be transacted. The location of the special meeting must be freely accessible to members of the public. No other business shall be considered at the special meeting except for the noticed item.

EMERGENCY MEETINGS

An emergency meeting may be called by the President of the Board when prompt action is necessary due to an emergency situation as defined by the Brown Act, including work stoppage, crippling activity, or any activity that severely impairs public health or the health and safety of the Board. In dire emergency situations as defined by the Brown Act, the Board may hold an emergency meeting without complying with the twenty-four (24) hour notice posting requirement if the emergency situations requires prompt action due to disruption or threatened disruption of public facilities. Notice shall be given one (1) hour prior to the emergency meeting, or in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the legislative body of the emergency meeting.

During an emergency meeting, the Board may meet in closed session if agreed to by a two-thirds vote of the Board members present, or by a majority vote if less than two-thirds of the Board is present.

Reference:

Education Code §72129

Government Code §§54956, 54956.5, and 54957

BOARD POLICY

2330

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BOARD OF TRUSTEES

QUORUM AND VOTING

MEETING PROCEDURES

A “meeting” means any congregation of a majority of the members of the Board at the same time and locations, including teleconference locations as permitted by Government Code Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

All meetings of the Board of Trustees shall be guided by an agenda prepared in accordance with the Board’s Policies and posted and distributed in accordance with the Ralph M. Brown Act, the California Education Code, and other applicable laws requiring that the Board’s meetings be held in public unless a specific exception authorizes the Board to meet in closed session.

The Board President shall be primarily responsible for conducting the Board’s meetings in accordance with the Board’s Policies and Administrative Regulations so that the Board is able to efficiently consider matters on the agenda and carry out the will of the Board.

ORDER OF BUSINESS

The order of business at a regular meeting of the Board of Trustees shall be:

- Roll Call
- Pledge of Allegiance
- Discussion of the Order of the Agenda
- President’s Report
- CEO’s Report
- Minutes
- Agenda Items
- Public Comment
- Adjournment

The President may re-order the agenda items during a meeting of the Board of Trustees if there are no objections from a majority of the members present.

PRESIDING OFFICER

The Board President shall preside at all meetings of the Board of Trustees. In the event the President is absent or unable to preside, the Vice President shall preside. In the absences or inability to preside of both the President and the Vice President, the members of the Board present shall select for that

meeting a Chairperson Pro Tempore who may be authorized to act in the place of the President and Vice President.

PARLIAMENTARY AUTHORITY

The rules contained in the edition of Robert's Rules of Order that is current at the time of the meeting shall govern the Board's deliberations in all cases to which they are applicable and in which they are not inconsistent with board policies, administrative regulations or other applicable laws.

QUORUM AND VOTING

A quorum shall be a majority of the members of the Board of Trustees

Every official action taken by the Board shall be affirmed by a formal vote of the members. In accordance with Education Code Section 72000, subdivision (d)(3), the Board shall act by majority vote of all the membership constituting the Board of Trustees, except as otherwise required by law.

No action shall be taken by secret ballot.

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

Resolution of intention to sell or lease real property (except where a unanimous vote is required);

Resolution of intention to dedicate or convey an easement;

Action to declare the College exempt from the approval requirements of a planning commission or other local land use body;

Resolution to condemn real property;

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

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

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

Reference:

Education Code §§72000, 81310 et seq., 81365, 81432, and 81511

Government Code §53094, 54950 et seq.

Code of Civil Procedure §1245.240

BOARD AGENDAS

An agenda for the meeting shall be provided by the Board for every meeting. The Board shall post the agenda at least seventy-two (72) hours before the regular meeting in a location that is freely accessible to the public and on the Board's website. If requested, the agenda shall be provided in appropriate alternative formats so as to be accessible to persons with a disability. The agenda shall contain a brief description of each item of business to be transacted or discussed at the meeting and shall designate the specific time and location of the regular meeting.

No business may be acted on or discussed which is not on the agenda, except when one or more of the following apply:

A majority decides there is an "emergency situation" as defined for emergency meetings.

Two-thirds of the members (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action came to the attention of the Board subsequent to the agenda being posted.

An item appeared on the agenda of and was continued from a meeting held not more than five days earlier.

Members of the public may request to place matters directly related to the business of the College on an agenda for a board meeting by submitting a written summary of the item to the Chief Executive Officer. The written summary must be signed by the requester.

The Board reserves the right to consider and take action in closed session on items submitted by members of the public as permitted or required by law.

Agendas shall be developed by the Chief Executive Officer or the Chief Executive Officer's designee in consultation with the Board President. Agenda items submitted by members of the public must be received by the office of the Chief Executive Officer at least two (2) weeks prior to the regularly scheduled board meeting.

Agenda items initiated by members of the public shall be placed on the Board's agenda following the items of business initiated by the Board and by staff. Any agenda item submitted by a member of the public and heard at a public meeting cannot be resubmitted before the expiration of a ninety (90) day period following the initial submission.

BOARD AGENDAS

The Board will keep minutes of its meetings and maintain a record of its proceedings with a record of every official act taken.

Reference:

Education Code §§72000, 72121, and 72121.5

Government Code §54954.2

PUBLIC PARTICIPATION AT BOARD MEETINGS

The Board recognizes and understands the value of free expression and its statutory obligations on actions essential to the California Online Community College and the state of California. To achieve a balance on both objectives, the following rules of order shall govern the conduct of all Board meetings:

- The President shall direct the orderly presentation of reports and items on the agenda. The President has the discretion to take items in any order he or she pleases if there is no objection from a majority of the members present.
2. The Board shall consider only matters appearing on the agenda.
 3. Persons may speak to the Board of Trustees either on an agenda item or on other matters of interest to the public that are within the subject matter jurisdiction of the Board. Oral presentations relating to a matter on the agenda, including those on the consent agenda, shall be heard before or during the Board's consideration of the matter. Persons wishing to speak to matters not on the agenda shall do so at the time designated at the meeting for public comment.
 4. After an agenda item has been presented, the Board shall invite public comment relating to the agenda item. Speakers shall comply with all of the following:
 - a. Speakers shall complete a written request to address the Board at the beginning of the meeting at which they wish to speak.
 - b. The request shall include a statement noting the agenda item or topic to be addressed. It may also include the person's name and the name of the organization or group represented, if any, but is not required to include this information.
 - c. No member of the public may speak without being recognized by the President of the Board.
 - d. Each speaker coming before the Board is limited to one presentation per specific agenda item before the Board, and to one presentation per meeting on non-agenda matters.

PUBLIC PARTICIPATION AT BOARD MEETINGS

- e. The Board may limit time for comment on any agenda item by a public member to three (3) minutes. However, five (5) minutes each will be allotted to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the Board. The time limits may be extended at the discretion of the Board President. The maximum time allotment for public speakers on any one subject regardless of the number of speakers at any one Board meeting may be limited to fifteen (15) minutes, unless the time limit is waived by the Board President.
 - f. The Secretary of the Board, or their designee, will notify the speaker when there is thirty (30) seconds remaining and when the three (3) or five (5) minutes have expired.
 - g. The President of the Board may rule members of the public out of order if their remarks do not pertain to matters that are within the subject matter jurisdiction of the Board or if their remarks are unduly repetitive.
5. Any individual who uses profanity, threats, physical violence, obscenities in any form, or disturbs or disrupts the Board meeting, or fails to conform to a reasonable request to maintain decorum may be asked to cease such conduct and/or leave the meeting. Any speaker who violates these provisions may also be denied the opportunity to address the Board for the remainder of the meeting.
 6. If order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Board may order the meeting room cleared and may continue in session.
 7. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this rule.
 8. Any violation of law during a board meeting may be directed to the appropriate law enforcement agency.
 9. Members of the public may also submit written communications to the Board on any item, either on or off the agenda. Written communications that are not on the agenda item will be read during the Public Comment period. No action may be taken by the Board on an item that is not on the agenda.
 10. Nonscheduled substitutes may not speak in place of scheduled speakers unless alternates have been submitted on the original request.
 11. Employees who are members of a bargaining unit represented by an exclusive bargaining agent may address the Board under this policy, but may not attempt to negotiate terms and conditions of their employment. This policy does not prohibit any employee from addressing a collective bargaining proposal pursuant to the public notice requirements of Government Code section 3547 and the policies of the Board implementing that section.

Reference: Education Code §72121.5, Government Code §54954.3

DECORUM AT BOARD MEETINGS

Speakers shall speak to the issues and refrain from using defamatory or abusive personal remarks that disturb or impede the meeting or exceed the bounds of civility necessary to the conduct of the business of the College.

Government Code Section 54954.3(c) states that, "The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law."

The Board President will rule the following behaviors out of order:

Profanity, obscenity, and other abusive language.

Physical violence and/or threats of physical violence directed towards any person or property.

In the event that any meeting is willfully interrupted by the actions of one or more persons so as to render the orderly conduct of the meeting unfeasible, the person(s) may be removed from the meeting room by the appropriate authority.

Speakers who engage in such conduct may be removed from the podium and denied the opportunity to speak to the Board for the duration of the meeting.

Prior to their removal, the Board President will issue a warning and a request that the person(s) curtail the disruptive activity. If the behavior continues, the person(s) may be removed by a vote of the Board, based on a finding that the person(s) is/are violating this policy and that such activity is intentional and has substantially impaired the conduct of the meeting.

If order cannot be restored by the removal in accordance with these rules of individuals who are willfully interrupting the meeting, the Board may order the meeting room cleared and may continue in session. The Board shall only consider matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this rule.

Reference:

Education Code §72121.5

Government Code §54954.3 (b)

BOARD POLICY

2360

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BOARD OF TRUSTEES

MINUTES OF THE BOARD OF TRUSTEE MEETINGS

The Board will keep minutes of its meetings and maintain a record of its proceedings with a record of every official act taken. The Chief Executive Officer's Office is responsible for maintaining minutes of the Board meetings according to current law and the provisions of the Ralph M. Brown Act. The minutes shall be public records and shall be available to the public on the Board's website. If requested, the minutes shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

The minutes shall also record names of those members present, all motions, the names of those making and seconding motions, and the votes of each member.

Reference:

Education Code §§72000 and 72121

Government Code §§54957.5 and 6250, et seq.

BOARD POLICY

2365

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BOARD OF TRUSTEES

RECORDING OF BOARD OF TRUSTEE MEETINGS

Any audio or video recording of an open and public Board meeting made by or at the direction of the Board shall be subject to inspection by members of the public in accordance with the California Public Records Act. The Chief Executive Officer shall enact administrative procedures to ensure that any such recordings are maintained for at least thirty (30) days following the taping or recording.

Persons attending an open and public meeting of the Board may, at their own expense, record the proceedings with an audio or video tape recording or a still or motion picture camera or may broadcast the proceedings. However, if the Board finds by a majority vote that the recording or broadcast cannot continue without noise, illumination, or obstruction of view that constitutes or would constitute a persistent disruption of the proceedings, any such person shall be directed by the President of the Board of Trustees to stop.

Reference:

Education Code §72121

Government Code §§54953.5, 54953.6, and 6250, et seq.

BOARD POLICY

2410

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BOARD OF TRUSTEES

BOARD POLICIES/ADMINISTRATIVE PROCEDURES

The Board of Trustees may adopt such policies as are authorized by law or determined by the Board to be necessary for the efficient operation of the College. Board policies are intended to be statements of intent by the Board on a specific issue within its subject matter jurisdiction.

The policies are written to be consistent with provisions of law but do not encompass all laws relating to College activities. All College employees are expected to know of and observe all provisions of law and Board policies pertinent to their job responsibilities.

Policies of the Board may be adopted, revised, added to, or amended at any regular board meeting by a majority vote. Proposed changes or additions shall be introduced not less than one regular meeting prior to the meeting at which action is recommended. The Board shall regularly assess its policies for effectiveness in fulfilling the College's mission.

Administrative procedures are to be issued by the Chief Executive Officer as statements of the method to be used in implementing Board policy. Such administrative procedures shall be consistent with the intent of board policy. Administrative procedures may be revised as deemed necessary by the Chief Executive Officer.

The Board reserves the right to request that the Chief Executive Officer revise administrative procedures should they be inconsistent with board policies.

Copies of all board policies and administrative procedures shall be readily available through the Chief Executive Officer and the College website.

Reference:

Education Code §§70902 and 75003

BOARD POLICY

2430

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BOARD OF TRUSTEES

DELEGATION OF AUTHORITY TO THE CHIEF EXECUTIVE OFFICER OR EXECUTIVE COMMITTEE

In accordance with Education Code Section 75003, the Board may delegate power to the College's Chief Executive Officer, the Executive Committee, or any other employee or committee, as the Board may designate. The Board shall not delegate any power that is not expressly made nondelegable by statute. Any delegation of authority shall prescribe the limits of the delegation.

The Board of Trustees delegates to the Chief Executive Officer the executive responsibility for administering the policies adopted by the Board and executing all decisions of the Board requiring administrative action.

The Chief Executive Officer may delegate any powers and duties entrusted to him or her by the Board, but will be specifically responsible to the Board for the execution of such delegated powers and duties.

The Chief Executive Officer shall act as the professional advisor to the Board in policy formation.

Reference:

Education Code §§70902(d), 72400, and 75003

BOARD POLICY

2431

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BOARD OF TRUSTEES

CHIEF EXECUTIVE OFFICER SELECTION

Recognizing the Board's primary employee is the Chief Executive Officer, the Board takes an active role in the formulation of the process for selecting the Chief Executive Officer. In the case of a Chief Executive Officer vacancy, the Board shall establish a search process to fill the vacancy. The process shall be fair and open and shall comply with relevant regulations.

Reference:

Education Code §75005

Title 5, §53000, et seq.

BOARD POLICY

2432

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BOARD OF TRUSTEES

CHIEF EXECUTIVE OFFICER SUCCESSION

Should the Chief Executive Officer be unable to perform the duties of the position, the duties and responsibilities delegated in Board Policy 2430, Delegation of Authority, shall be delegated to the Chancellor of the California Community Colleges, in accordance with Education Code Section 75005 subdivision (d)(5), until another Chief Executive Officer can be appointed pursuant to the provisions of Education Code Section 75005 and Board Policy 2431.

Reference:

Education Code §§70902 (d), 72400, and 75005

Title 5, §53021 (b)

BOARD POLICY

2435

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BOARD OF TRUSTEES

EVALUATION OF THE EXECUTIVE OFFICER

Evaluation of the Chief Executive Officer will be an ongoing process that uses both formal and informal methods. Such evaluation shall comply with any requirements set forth in the contract of employment with the Chief Executive Officer, as well as this policy. The process and criteria for an annual, formal evaluation shall be based on board policy, the Chief Executive Officer job description, performance goals and objectives , and shall be understood by and mutually acceptable to the Board of Trustees and to the Chief Executive Officer.

Reference:

Education Code §75005

BOARD POLICY

2610

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BOARD OF TRUSTEES

PRESENTATION OF INITIAL COLLECTIVE BARGAINING PROPOSALS

The Chief Executive Officer is directed to enact administrative procedures that assure compliance with the requirements of Government Code Section 3547 regarding the presentation to the Board of Trustees of initial proposals for collective bargaining.

Collective bargaining begins when either an exclusive representative or the College itself presents an initial proposal for consideration.

Reference:

Government Code §3547

BOARD POLICY

2710

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BOARD OF TRUSTEES

CONFLICT OF INTEREST

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

Board members and employees shall not be financially interested in any contract made by them in their official capacity, as Trustees or in any body or board of which they are members.

A Board member shall not be considered to be financially interested in a contract if his or her interest is limited to those interests defined as remote under Government Code Section 1091 or is limited to interests defined by Government Code Section 1091.5.

A Board member who has a remote interest in any contract considered by the Board of Trustees shall disclose his or her interest during a board meeting and have the disclosure noted in the official Board minutes. The Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract.

A Board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with, or inimical to his or her duties as an officer of the College.

In compliance with law and regulation, the Chief Executive Officer shall establish administrative procedures to provide for disclosure of assets of income of Board members who may be affected by their official actions and prevent members from making or participating in the making of Board decisions that may foreseeably have a material effect on their financial interest.

Board members shall file statements of economic interest with the filing officer identified by the administrative procedures.

Board members are encouraged to seek counsel from the College's legal advisor in every case where any question arises.

Positions required to file a statement of economic interest shall include but are not limited to the Board of Trustees and the Chief Executive Officer.

Reference:

Government Code §§1090, et seq.; 1126; 81000, et seq., and 87200, et seq. Title 2, §18730, et seq.

GIFT BAN

The Board of Trustees finds that the receipt of gifts by public officials from persons who do business with the College erodes public confidence in the impartiality of decisions made by those officials. The purpose of this policy is to prohibit giving by persons who do and wish to do business with the College and receipt of such gifts, thereby eliminating, to the greatest extent possible, this loss of confidence.

Unless otherwise expressly defined, the terms used in this policy shall have the same meaning as defined in the California Political Reform Act (Title 9 of the California Government Code) and regulations issued by the Fair Political Practices Commission pursuant to the authority of the Political Reform Act, as the act and regulations shall be, from time to time, amended.

Definitions

For the purposes of this Board Policy:

College means the Online Community College.

College officer means every person who is elected or appointed to an office in the College, which is specified in Government Code Section 87200.

Designated employee means every employee of the College who is required under Board Policy 2710 to file a statement of economic interests.

Doing business with the College means:

- a. Seeking the award of a contract or grant from the College.
 - b. Having sought the award of a contract or grant from the College in the past twelve (12) months.
 - c. Having an existing contractual relationship with the College, until twelve (12) months after the contractual obligations of all parties have been completed.
5. Gift shall have the meaning it is defined to have in the California Political Reform Act, and the regulations issued pursuant to that act. By way of example, "gifts" include, but are not limited to, tickets or passes to sporting or entertainment events, parking passes, food, beverages, accommodations, transportation, and lodging.

GIFT BAN

Prohibitions

1. No person who is doing business with the College shall make any gift to any College officer.
2. No person who is doing business with the College shall make any gift to any designated employee who, by virtue of College employment, could make a governmental decision, participate in making a governmental decision, or use his/her official position to influence a governmental decision regarding the pending business of the donor, or who has done any of the above during the twelve (12) months preceding the donation.
3. No College officer shall solicit or accept any gift from any person whom he/she knows, or has reason to know, is doing business with the College.
4. No designated employee shall solicit or accept any gift from any person whom he/she knows, or has reason to know, is doing business with the College, when such employee, by virtue of College employment, could make a governmental decision, participate in making a governmental decision, or use his/her official position to influence a governmental decision regarding the pending business of the donor, or has done any of the above during the twelve (12) months preceding the donation.
5. No public official shall accept any gift when the identity of the donor is not known to the public official.

Remedies

1. Any College officer who violates the prohibitions of this policy may be sanctioned by the Board in the manner the Board deems appropriate.
2. Any designated employee who violates the prohibitions of this policy shall be subject to discipline for any such violation, including, in appropriate cases, termination of employment.
3. The Board may also refer violations of this policy to the Fair Political Practices Commission, the Sacramento County Grand Jury, and/or the Sacramento County District Attorney.

Reference:

Government Code §81000, et seq. and 87200, et seq.

CODE OF ETHICS/STANDARDS OF PRACTICE

The members of the Board of Trustees of the Online Community College pledge to perform their duties in accordance with their oath of office. They are an independent, policy-making body committed to serving the educational needs of all working adults of the Online Community College, and to carrying out their duties and responsibilities in accordance with the highest standards of ethical behavior. Ethical behavior is fundamentally defined as behavior that distinguishes right from wrong as measured by the accepted rules of conduct for a society and/or a profession.

Board Policy 2715, Code of Ethics/Standards of Practice shall constitute the ethical standard for members of the Board in both the conduct of policy and in their relationships with the administration, staff, working adults enrolled at the College, and the College community. Board Policy 2715, Code of Ethics/Standards of Practice, shall be reviewed at least annually to insure that it remains a vital document, and each member of the Board will read and sign the code annually.

Within this ethical context and the Board's obligation to the College's primary mission, each member of the Board will adhere to the standards of practice described below.

Accordingly, individual Board members will take responsibility for:

- A. Devoting an appropriate amount of time, thought, and study to their duties as community college board members so that they may render effective and creditable service.
- B. Staying informed about the responsibilities and duties of trusteeship.
- C. Working with companion board members in a spirit of harmony and cooperation despite any differences of opinion that may arise during vigorous debate of issues and treating fellow board members with respect and civility.
- D. Basing all decisions on all the available facts in each situation, voting with honest conviction in every case, unswayed by partisan bias, and upholding and abiding by the final majority decision of the Board.
- E. Remembering at all times that no member of the Board has any legal authority outside the meetings of the Board and that each member will conduct relationships with college staff, working adults, the local citizenry, and the media on that basis.
- F. Being aware that they are responsible to all working adults enrolled at the Online Community College, and for exercising the authority delegated to them by the Legislature with as much care and concern for the least influential as for the most influential members of the community.
- G. Exercising fiduciary responsibility for the College, and as an agent of the public entrusted with public funds, engaging in activities that protect, advance, and promote the interests of all Californians while maintaining independent judgment, unbiased by private interest or partisan political groups.
- H. Resisting every temptation and outside pressure to use their positions as community college board members to benefit either themselves or any other individual or agency apart from the

total welfare of the Online Community College and avoiding the perception of conflicts of interest.

- I. Recognizing that it is as important for the Board to review and understand the educational program of the College as it is to plan for the business of the College operation.
- J. Bearing in mind under all circumstances that the Board is legally responsible for the effective operation of the Online Community College, that its primary function is to establish the policies by which the Online Community College is to be administered, and that it shall hold the Chief Executive Officer and the Chief Executive Officer's staff responsible for the administration of the educational program and the conduct of College business.
- K. Ensuring transparency by adhering to the law and spirit of open meeting laws and regulations.
- L. Welcoming and encouraging the active involvement in the Online Community College of working adults enrolled at the College, College employees, and California residents with respect to establishing policy on current college operations and proposed future developments, and for considering their views in Board deliberations and decisions.
- M. Thoroughly understanding that all matters discussed or disclosed during a lawfully held closed session are confidential and that 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.
- N. Using appropriate channels of communication.
- O. Availing themselves of opportunities to enhance their potential as Board members through participation in leadership and planning retreats, educational conferences, workshops, and training sessions offered by local, state, and national organizations.
- P. Being informed about the actions and positions of state and national community college trustee associations.
- Q. Striving to provide the most effective community college board service of which they are capable, and doing so in a spirit of teamwork and devotion that acknowledges public education as the greatest instrument for the preservation and perpetuation of our representative democracy.
- R. Providing Board direction and priorities during budget development.

CODE OF ETHICS/STANDARDS OF PRACTICE

All Board members must maintain the highest standards of conduct and ethical behavior and adhere to the Board's code of ethics. The Board will promptly address any violation by a Board member or members of the code of ethics in the following manner:

The Chief Executive Officer and Board President are authorized to consult with legal counsel when they become aware of or are informed about actual or perceived violations of pertinent laws and regulations, including, but not limited to, conflict of interest, open and public meetings, confidentiality of closed session information, and use of public resources.

Violations of law may be referred to the district attorney or attorney general as provided for in law. Violation of Board Policy 2715, Code of Ethics/Standards of Practice, will be addressed by the Board President, who will first discuss the violation with the Board member to reach a resolution.

If resolution is not achieved and further action is deemed necessary, an ad hoc ethics committee may be appointed to examine the matter and recommend further courses of action to the Board. The committee will consist of one member appointed by the Board President and one by the Board Vice President, neither appointee to be the President or Vice President. If the Board member alleged to have violated this policy is the Board President and/or Vice President, the Board members not subject to the complaint may appoint the committee member(s) by consensus.

The committee will initiate a thorough, fact-finding process regarding the complaint, including an interview with the member in question, and report its findings and recommendations to the Board.

If the Board determines the member did not violate Board Policy 2715, the Board will conclude the process. If the Board determines that the member violated Board Policy 2715, the unaffected Board members, in consultation with legal counsel, will determine the appropriate sanctions, which may include censure of the Board member.

Reference:

Government Code §54950, et seq.

Board Policy 2710, Conflict of Interest

BOARD POLICY

2716

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BOARD OF TRUSTEES

POLITICAL ACTIVITY

Members of the Board of Trustees shall not use College funds, services, supplies, or equipment to urge the passage or defeat of any ballot measure or candidate.

Initiative or referendum measures may be drafted on an area of legitimate interest to the College. The Board may by resolution express the Board's position on ballot measures. Public resources may be used only for informational efforts regarding bond measures.

Reference:

Education Code §§7054, 7054.1, and 7056

Government Code §8314

BOARD POLICY

2717

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BOARD OF TRUSTEES

PERSONAL USE OF PUBLIC RESOURCES

No Trustee shall use or permit others to use public resources for purposes not authorized by law, except for incidental and minimal personal purposes.

Reference:

Government Code §8314

Penal Code §424

BOARD POLICY

2720

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BOARD OF TRUSTEES

COMMUNICATIONS AMONG BOARD MEMBERS

Outside of official meetings, a majority of the members of the Board of Trustees shall not communicate among themselves by the use of any form of communication (e.g. personal intermediaries, e-mail, or other technological devices) in order to reach a collective concurrence regarding any item that is within the subject matter jurisdiction of the Board, nor shall they conduct a series of meetings with intent to develop a collective concurrence.

Reference:

Government Code §54952.2

BOARD POLICY

2725

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BOARD OF TRUSTEES

BOARD MEMBER COMPENSATION

Members of the Board shall receive their actual and necessary traveling expenses while on official business. Each member shall also receive one hundred dollars (\$100) for each day he or she is attending to official business of the College, including but not limited to attendance at any regular or special meeting of the Board of Trustees and all committee meetings thereof. Such payment shall be in addition to any payment received by the member for attendance at a meeting of the California Community Colleges Board of Governors.

Reference:

Education Code §§70901 and 72024

BOARD MEMBER TRAVEL AND REIMBURSABLE EXPENSES

The Board and any agents acting on the Board's behalf, including the Chief Executive Officer and the Chancellor of the California Community Colleges or their respective designees, shall be reimbursed for any actual and necessary travel expenses incurred for official business for the Online Community College.

All travel expenses must be documented and are subject to the College's reimbursement rates, as follows:

Air Travel

For air travel, economy class or any discounted class airfare shall be used for all reservations.

Automobile Travel

Travelers may use their private vehicle for travel if it is less expensive than renting a car or using alternative transportation. A vehicle may be rented if it would be more advantageous to the College than other means of transportation. When electing a rental vehicle, the traveler is authorized to select a compact or economy model and must obtain the best available rate. The vehicle rental contract should include Supplemental Liability Insurance (SLI) and Loss Damage Waiver (LDW).

Mileage reimbursement for personal automobile travel will be calculated using the current mileage reimbursement rate published by the Internal Revenue Service. Mileage shall be computed between the traveler's office or residence and the destination, whichever distance is shorter. The shortest route should be used for mileage reimbursement purposes.

Lodging

Overnight accommodations are permitted when the destination is outside of a 50-mile radius from the traveler's work or home address, and is reasonably necessary under the circumstances of the travel. All lodging expenses must be supported by itemized receipts.

Travelers should make reasonable efforts to obtain lodging at government rates. Travel claims must be approved by the Chief Executive Officer or their designee or, for the Chief Executive Officer, by the Chief Financial Officer of the College.

BOARD MEMBER TRAVEL AND REIMBURSABLE EXPENSES

Meals

A per-diem is allowed for meals during business-related travel. The current per-diem meal allowance rate is as follows:

Breakfast: \$10.00

Lunch: \$20.00

Dinner: \$30.00

Travelers will not be reimbursed a per diem for any meals included in the cost of registration fees for a conference or meeting.

Incidentals

All reasonable miscellaneous expenses that are necessary to the conduct of official business are reimbursable. Ordinary and reasonable miscellaneous expenses may include: parking, tolls, Wi-Fi, and other miscellaneous charges. All miscellaneous expenses must be supported by itemized receipts.

Nonreimbursable Expenses

The following expenses are not reimbursable: transportation or meal costs for spouse or other members of the family; alcoholic beverage expenditures; entertainment and tours not directly connected with business-related events; and any personal expenses not connected with the purpose of the business trip, such as dry cleaning, valet services, in-room movie rental services, tours, personal telephone calls, tips (other than the standard fifteen percent for meal service).

The Chief Executive Officer, in consultation with the Board President, shall prepare an annual budget for Board travel.

The Board President, in conjunction with the Chief Executive Officer, shall prepare a list of conferences and other activities that board members may wish to attend or will assist Board members in their continuing education and fulfillment toward the mission of the College.

Reference:

Education Code §§72423 and 87032

CHAPTER 3: GENERAL INSTITUTION

BOARD POLICY

3050

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

INSTITUTIONAL CODE OF ETHICS

The Chief Executive Officer shall ensure that a professional code of ethics specifying the responsibilities of all employees to their colleagues, their profession, and all learners shall be formulated, reviewed at least annually, and published in consultation with faculty members, classified staff members, administrators, learners, and the Board of Trustees.

All California Online Community College District (COCC) members, including employees, volunteers, and Trustees, are expected to uphold high standards of ethical conduct and adhere to the principles of equity, honesty, mutual respect, and integrity in performing their professional and personal responsibilities. COCC members strive to exercise judgments that are fair, consistent, and equitable, and are expected to be open to the opinions of others and judicious in what they say and do as representatives of the COCC and as stewards of the public's trust. They demonstrate a commitment to excellence in education and to upholding the mission of the COCC.

BOARD POLICY

3100

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

ORGANIZATIONAL STRUCTURE

The Chief Executive Officer shall establish organizational charts that delineate the lines of responsibility and fix the general duties of all employees within the COCC.

BOARD POLICY

3200

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

ACCREDITATION

The Chief Executive Officer shall ensure the COCC complies with the accreditation process and standards established by Western Association of Schools and Colleges, Accrediting Commission of Community and Junior Colleges, and of other agencies that accredit college programs that seek special accreditation.

The Chief Executive Officer shall keep the Board of Trustees informed of approved accrediting organizations and the status of accreditations. The Chief Executive Officer shall ensure that the Board is involved in any accreditation process in which Board participation is required.

The Chief Executive Officer shall provide the Board with a summary of any accreditation report and any actions taken or to be taken in response to recommendations in an accreditation report.

BOARD POLICY

3250

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

INSTITUTIONAL PLANNING

The Chief Executive Officer shall ensure that COCC has and implements a broad-based, comprehensive, systematic, and integrated system of planning that involves appropriate segments of the COCC community and is supported by institutional effectiveness research.

The planning system shall include plans required by law, including but not limited to:

1. Comprehensive Master Plan (including an Educational Plan and a Facilities Plan)
2. Equal Employment Opportunity Plan
3. Adult Learner Equity Plan
4. Learner Success and Support Program Plan
5. Matriculation Plan
6. Transfer Center Plan
7. Experiential Education/Cooperative Work Plan
8. Disabled learner Programs and Services (DSPS) Plan
9. Technology Plan

The Chief Executive Officer shall submit to the Board of Trustees those plans for which Title 5 requires Board approval.

The Chief Executive Officer shall inform the Board periodically about the status of planning and the various plans, and ensure the Board has an opportunity to assist in developing the general institutional mission and goals for the Comprehensive Master Plan.

BOARD POLICY

3280

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

GRANTS

The Board of Trustees shall be informed about grants made and received by the COCC.

The Chief Executive Officer shall establish procedures to ensure timely application and processing of grant applications and funds, and that the grants that are applied for will directly support the mission of the COCC and its educational master plan.

BOARD POLICY

3300

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

PUBLIC RECORDS

The Chief Executive Officer shall establish procedures for records management that comply with the requirements of the California Public Records Act, including access by the public.

BOARD POLICY

3310

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

RECORDS MANAGEMENT

The Chief Executive Officer shall establish administrative procedures to ensure the retention, back-up of electronic records, and destruction of all COCC records, including electronically-stored information as defined by the Federal Rules of Civil Procedure, in compliance with Title 5.

RECORDS RETENTION AND DESTRUCTION**DEFINITION OF RECORDS**

Records are defined as all records, maps, books, papers, data processing output, and documents of the District required by Title 5 to be retained, including but not limited to records created originally by computer and "electronically stored information" (ESI), as that term is defined by the Federal Rules of Civil Procedure.

learner records may be any item of information directly related to an identifiable learner, other than directory information, which is maintained by a community college or required to be maintained by any employee in the performance of his / her duties, whether recorded by handwriting, print, tapes, film, microfilm, or other means.

The following documents, listed under Title 5 Section 59020, are not records and may be destroyed at any time:

Additional copies of documents beyond the original or one copy. (A person receiving a duplicated copy need not retain it.)

Correspondence between district employees that does not pertain to personnel matters or constitute a learner record.

Advertisements and other sales material received.

Textbooks used for instruction, and other instructional materials, including library books, pamphlets, and magazines.

RETENTION, TRANSFER, AND DESTRUCTION OF RECORDS

The Business Manager shall supervise the classification and destruction of records and ESI. The District must preserve ESI and ESI that is relevant to actual or potential litigation pursuant to the Federal Rules of Civil Procedure. The District shall comply with the Federal Rules of Civil Procedure and produce relevant ESI in the form in which it is ordinarily maintained and readily usable. An annual report shall be made to the Board of Trustees regarding the classification and destruction of records and ESI.

Email systems are not routinely backed up for future retrieval purposes, though back-ups may serve this purpose incidentally. Email users and those in possession of District records in the form of electronic mail are cautioned to be prudent in their reliance on electronic mail for purposes of maintaining a lasting record. If long-term accessibility is required, electronic mail is to be transferred to a more lasting format.

CLASSIFICATION OF RECORDS

Records shall be classified as required by Title 5 and other applicable statutes and federal/state regulations.

PRIOR YEAR RECORDS

The Business Manager, in consultation with the Director, Internal Audits, shall review documents and papers received or produced during the prior college year and classify them as Class 1 - Permanent, Class 2 - Optional, or Class 3 – Disposable (as defined in Title 5) .

Records Not Classified Before July 1, 1976

All records not classified prior to July 1, 1976, are subject to the same review and classification as in "1." If such records are three or more years old and classified in Class 3 - Disposable, they may be destroyed without further delay, but in accordance with procedures for destruction.

CURRENT YEAR RECORDS

Records originating during a current college year shall not be classified during that year.

CONTINUING RECORDS

Records of a continuing nature, i.e., active and useful for administrative, legal, fiscal, or other purposes over a period of years, shall not be classified until such usefulness has ceased.

MICROFILM COPY

Whenever an original Class 1 - Permanent record is photographed, microphotographed, or otherwise reproduced on film or electronically, the copy made is classified as Class 1 - Permanent. The original record, unless classified as Class 2 - Optional, may be classified as Class 3 - Disposable. It may then be destroyed in accordance with the California Administrative Code if the following conditions have been met:

The reproduction was accurate in detail.

The Business Manager has attached to or incorporated in the copy or system, a signed and dated certification of compliance with the provisions of the California Evidence Code (Section 1531), stating in substance that the copy is a correct copy of the original, or a specified part thereof, as the case may be.

The copy was placed in an accessible location, and provision was made for preserving permanently, examining and using the same.

In addition, if the record is photographed or microfilmed, the reproduction must be on film of a type approved for permanent, photographic records by the United States Bureau of Standards.

PERIOD OF RETENTION OF RECORDS

Class 1 - Permanent Records

The original of each of the types of records listed below or one exact copy, when the original is required by law to be filed with another agency, is a Class 1 - Permanent record. It shall be retained indefinitely, unless reproduced in accordance with #5 (Microfilm Copy) above.

Annual Reports:

Official budget;

Financial report of all funds, including cafeteria and learner body funds;

Audit of all funds;

Full-time equivalent learner, including Period 1 and Period 2 reports; and

Other major annual reports, including:

Those containing information relating to property, activities, financial condition, or transactions; and

Those declared by board minutes to be permanent.

Official Actions:

Minutes of the board or committee thereof, including the text of a rule, regulation, policy, or resolution not set forth verbatim in minutes but included therein by reference only;

Elections, including the call, if any, for and the result (but not including detail documents, such as ballots) of an election called, conducted, or canvassed by the governing board for a board member, the board member's recall, issuance of bonds, incurring any long-term liability, change in maximum tax rates, reorganizations, or any other purpose; and

Records transmitted by another agency that pertain to that agency's action with respect to district reorganization.

Personnel Records of Employees.

All detail records relating to employment, assignment, employee evaluations, amount, and dates of service rendered, termination or dismissal of an employee in any position, sick leave record, rate of compensation

Salaries or wages paid, deduction or withholdings made, and the person or agency to whom such amounts were paid. In lieu of the detail records, a complete proven summary payroll record for each employee of the school district containing the same data may be classified as Class 1 - Permanent, and the detail records may then be classified as Class 3 - Disposable.

Learner Records:

The records of enrollment and scholarship for each learner. Such records of enrollment and scholarship may include but need not be limited to:

name of learner;

date of birth;

place of birth;

name and address of a parent having custody or a guardian, if the learner is a minor;

entering and leaving date for each academic year and for any summer session or other extra session;

subjects taken during each year, half year, summer session, or quarter; and

if grades or credits are given, the grades and number of credits toward graduation allowed for work taken.

All records pertaining to any accident or injury involving a learner for which a claim for damages has been filed as required by law, including any policy of liability insurance relating thereto, except that these records cease to be Class 1 - Permanent records, one year after the claim has been settled or after the applicable statute of limitations has run.

Property records:

All detail records relating to land, buildings, and equipment. In lieu of such detail records, a complete property ledger may be classified as Class 1 - Permanent, and the detail records may then be classified as Class 3 - Disposable, if the ledger includes:

All fixed assets;

An equipment inventory; and

For each unit of property, the date of acquisition or augmentation, the person from whom acquired, an adequate description or identification, and the amount paid, and comparable data if the unit is disposed of by sale, loss, or otherwise.

Class 2 - Optional Records

Any record worthy of further preservation but not classified as Class 1 - Permanent, may be classified as Class 2 - Optional. It shall then be retained until reclassified as Class 3 - Disposable. If the Business Manager determines that classification should not be made annually, all records of the prior year may be classified as Class 2 - Optional, pending further review and classification within one year.

Class 3 - Disposable Records

All records, other than continuing records not classified as Class 1 - Permanent or Class 2 - Optional, shall be classified as Class 3 - Disposable.

Generally, a Class 3 - Disposable record, unless otherwise specified, should be destroyed during the third academic year after the academic year in which it originated (e.g., 2002 - 03 plus three equals 2005 - 06). A Class 3 - Disposable record shall not be destroyed until after the third July 1 succeeding the completion of the audit required by the Education Code or of any other legally required audit. This also applies after the ending date of any retention period required by any agency other than the State of California, whichever date is later. Federal programs, including various learner aid programs, may require longer retention periods and such program requirements shall take precedence over the requirements contained herein. A continuing record shall not be destroyed until the third year after it has been classified as Class 3 - Disposable.

STATUTE OF LIMITATIONS

In addition to periods of retention required by the Board of Governors, a district may desire for its own benefit to maintain some records at least beyond the statutory period for bringing suits upon these records. If the District has any particular inquiry in placing any records in the proper classifications, the doubt should be resolved in favor of the longer retention period.

DESTRUCTION OF RECORDS - COMMUNITY COLLEGE DISTRICTS

Records ordered for destruction shall be permanently destroyed by such foolproof methods as shredding, burning, or pulping; and such destruction shall be supervised by the chief executive officer or other designee.

References:

California Education Code Sections 76220 – 76225, 76230 – 76234 ;

California Evidence Code 1531 ;

Title 5 Sections 16022, 16026, 16035, 54606, 54608, 59020 et seq.;

California State Administrative Manual, Section 1602;

Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, and 45

BOARD POLICY

3400

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

DIVERSITY, EQUITY, INCLUSION

The COCC is committed to providing a strong, supportive, and authentic environment where difference is valued, respected, encouraged, and honored; where the instructional team, staff, and learners experience a sense of belonging and the freedom to express themselves; and where their experiences are recognized and valued.

The COCC strives to be a model for equity and inclusion. The COCC is committed to providing opportunities for engagement both across the learning environment and within the communities the COCC serves. The COCC seeks to remove barriers to learning, participation and success, with a focus on changing procedures and practices that disproportionately negatively affect certain groups.

Anchored in a culture of evidence, the COCC promotes increased awareness and appreciation of individual, collective, and intersecting identities within our diverse society and acknowledges that different individuals learn in different and unique ways.

Protected classes mean those established by statute and include: national origin, religion, age, gender, gender identity, gender expression, race, ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or intellectual ability, pregnancy, military, and veteran status, or because they are perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more actual or perceived characteristics.

BOARD POLICY

3410

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

NON-DISCRIMINATION

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

The COCC, and each individual who represents the COCC, shall provide access to its services, classes, and programs without regard to age, ancestry, color, physical or intellectual ability, pregnancy, gender, gender identity, gender expression, marital status, medical condition, genetic information, national origin, parental status, race or ethnicity, religion, sexual orientation, military or 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 Chief Executive Officer shall establish administrative procedures that ensure all members of the COCC 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 non-discrimination.

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

BOARD POLICY

3420

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

EQUAL EMPLOYMENT OPPORTUNITY

The Board of Trustees supports the intent set forth by the California Legislature to ensure that effort is made to build a community in which opportunity is equalized, and community colleges foster a climate of acceptance, with the inclusion of instructional teams and staff from a wide variety of backgrounds. It agrees that diversity in the learning environment fosters cultural awareness, mutual understanding, harmony, respect, and suitable role models for all learners. The Board therefore commits itself to promote the total realization of equal employment through a continuing equal employment opportunity program.

The Chief Executive Officer shall develop, for review and adoption by the Board, a plan for equal employment opportunity that complies with the Education Code and Title 5 requirements as from time to time modified or clarified by judicial interpretation.

PROHIBITION OF HARASSMENT

The Chief Executive Officer shall establish procedures that define harassment within COCC facilities or COCC virtual and online environments. The Chief Executive Officer shall further establish procedures for employees, adult learners, and other members of the COCC community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures for learners to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the COCC, its employees, learners, and agents.

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 COCC is committed to providing a learning and work environment that respects the dignity of individuals and groups. The COCC shall be free of sexual harassment and all forms of sexual intimidation and exploitation. It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical ability, intellectual ability, medical condition, marital status, gender, age, citizenship status, parental status, veteran status, or sexual orientation of any person, or because he or she is perceived to have one or more of the foregoing characteristics.

The COCC seeks to foster an environment in which all employees and learners feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the COCC 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 COCC 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 learner or employee who believes that he or she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in Administrative Procedures. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the learning environment, including but not limited to online learning conditions, assessment and evaluation processes, learning 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 Chief Executive Officer shall ensure that the COCC 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.

This policy and related written procedures shall be widely published and publicized to administrators, faculty, staff, and learners, particularly when they are new to the institution. They shall be available for learners and employees in all administrative offices.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Learners and any other users of services provided or delivered, whether online or otherwise, who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion.

BOARD POLICY

3440

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

COMPLAINT PROCESS

The Chief Executive Officer shall establish procedures for learners, employees, and community members to register complaints and concerns with the COCC. The complaint procedures shall be available in the COCC catalog, on the COCC website, and in the office of the Chief Success Officer.

BOARD POLICY

3500

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

SAFETY

The Board of Trustees is committed to a safe and secure work and learning environment, whether online, in a COCC facility, or in a COCC partner's environment. To that end, the Chief Executive Officer shall establish a Safety Plan and shall ensure that it is posted or otherwise made available to learners and staff. The Safety Plan shall include availability and location of security personnel, methods for summoning assistance of security personnel, any special safeguards that have been established, any actions taken in the preceding 18 months to increase safety, and any changes in safety precautions to be made during the next 24 months.

In the event of an emergency, learners and staff will be notified by email, text, and/or telephone. If a crime has been committed and the threat is continuing, timely warnings will be sent to the COCC community.

EMERGENCY RESPONSE PLAN

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

Compliance with NIMS and SEMS mandates include:

1. Establishing a disaster preparedness program or plan.
2. Completion of training sessions by COCC personnel in compliance with NIMS and SEMS guidelines.

All persons employed by a public college are considered to be public employees. They must be informed that they are also disaster service workers during national, state, and local emergencies. Disaster service means all activities authorized by and carried out pursuant to the California Emergency Services Act. The Chief Executive Officer should ensure that an ICS team is created to carry out compliance with NIMS and SEMS mandates. The COCC must ensure that its employees are in compliance with the disaster service worker oath requirements.

The plan or program should contain information regarding activation and chain-of-command responsibilities. Compliance with NIMS mandates requires planning and incorporation for all phases of emergency management, including mitigation and prevention, preparedness, response, and recovery. The responses to emergencies or natural disasters are organized by SEMS into five categories: (1) field response, (2) local government, (3) operational areas, (4) regions, and (5) state.” Colleges must comply with NIMS and SEMS to receive federal or state funding.

BOARD POLICY

3510

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

WORKPLACE VIOLENCE PLAN

The Board of Trustees is committed to providing a COCC work and learning environment that is free of violence and the threat of violence. The Board's priority is the effective handling of critical workplace-violence incidents, including those dealing with actual or potential violence.

The Chief Executive Officer shall establish administrative procedures that assure that employees are informed of the types of action that will be considered violent acts, and the reporting requirements for employees. Any employee who witnesses or has a violent action reported to him or her is required to report the incident. An employee who is a victim of a violent action is strongly encouraged to report the incident. Employees shall also be informed that there will be no retaliation for such reporting.

BOARD POLICY

3518

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

CHILD ABUSE REPORTING

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

BOARD POLICY

3550

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

DRUG-FREE ENVIRONMENT AND DRUG-PREVENTION PROGRAM

The COCC shall be free from all illegal drugs and from the unlawful possession, use or distribution of controlled substances and alcoholic beverages, except as may be noted in Administrative Procedures related to the use or distribution of alcohol.

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

Any employee, learner, or volunteer 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.

The Chief Executive Officer shall ensure that the COCC distributes annually to each employee, learner, and volunteer the information required by the Drug-Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act.

BOARD POLICY

3560

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

ALCOHOLIC BEVERAGES

The Chief Executive Officer is authorized to enact procedures as appropriate and permitted by law regarding serving alcoholic beverages in COCC facilities or at events sponsored by the COCC or fundraising events held to benefit the COCC. Alcoholic beverages shall not be served on COCC facilities or under an approved facilities use agreement or other, similar COCC contract arrangement, except in accordance with these procedures.

BOARD POLICY

3570

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

TOBACCO-SMOKE-VAPOR-FREE FACILITIES

The COCC Chief Executive Officer is authorized to enact procedures as appropriate and permitted by law regarding a tobacco/smoke/vapor-free COCC environment.

Learners, employees, and visitors to the facilities of COCC are permitted to use tobacco products and/or vapor-producing implements in permitted general public spaces, which are at an appropriate distance from COCC facilities. All other use of tobacco, tobacco products, cannabis, or cannabis product is prohibited, including the use of electronic cigarettes and vapor-producing paraphernalia.

It is the intent of the Board of Trustees to maintain a workplace that is conducive to the health and safety of our learners and employees. Realizing the health hazards posed by smoking and second-hand smoke, it is the policy of the COCC to maintain a tobacco-free and smoke-free environment. The use of tobacco and cannabis products is prohibited within any COCC facility and/or on any outside area of COCC property. This policy pertains to learners, faculty, staff, administrators, visitors, and the general public attending COCC events. Additionally, this policy shall apply to all COCC facilities, owned or leased, regardless of location, and all state and auxiliary vehicles.

Tobacco products and vapor-producing paraphernalia may not be sold at any COCC facility, and no tobacco-related or vapor-producing paraphernalia advertising or sponsorship shall be permitted on any COCC facility, at COCC-sponsored events, or in publications produced by the COCC.

AUXILIARY ORGANIZATIONS

The Board of Trustees may recognize and approve auxiliary organizations established for the purpose of providing to the COCC any and all supportive services, specialized programs, and functions identified in Title 5.

The Chief Executive Officer shall establish the administrative procedures necessary to fully comply with California law relating to auxiliary organizations and to submit this policy and those procedures to the Chancellor's Office for the California Community Colleges as required by law. At a minimum, the procedures shall address the subjects required by Title 5.

Recognition and establishment of auxiliary organizations shall include a public hearing on the recommendation to recognize or establish an auxiliary organization, Board approval of the auxiliary organization, and approval of a written agreement between the COCC and the auxiliary organization describing the services, programs, or functions to be performed. All such written agreements shall comply fully with the requirements of Title 5, Section 59257(j).

Any auxiliary organization recognized by the Board shall conduct its business in accordance with the administrative procedures adopted by the Chief Executive Officer pursuant to this policy. Notwithstanding anything contained in the administrative procedures, any auxiliary organization recognized by the Board shall comply with Education Code provisions regarding:

1. The composition of a board of directors and the way in which it conducts its meetings.
2. Conducting an annual audit.
3. Employing its workforce.
4. Expending and appropriating its funds and keeping its records.

No funds or resources, other than funds or resources derived from gifts or bequests, shall be transferred by the COCC to any of its auxiliary organizations for the purpose of either avoiding laws or regulations that constrain community colleges or providing the COCC with an unfair advantage with respect to any state funding mechanism. Such state funding mechanisms include, but are not limited to, general apportionment funding, capital outlay funding, Extended Opportunity Programs and Services funding, and funding for programs and services for disabled learners.

BOARD POLICY

3710

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

SECURING OF COPYRIGHT

The Chief Executive Officer is directed to develop appropriate administrative procedures to implement the provisions of the Education Code that authorize the securing of copyright protection for works, including but not limited to registering copyrights and policing infringements, on behalf of the COCC. The procedures developed by the Chief Executive Officer shall ensure that the COCC may use, sell, give, or exchange published materials and may license materials prepared by the COCC in connection with its instructional, curricular, and special services.

In the development of these procedures, the Chief Executive Officer shall solicit the input of the proper representatives of the COCC community in accordance with the COCC's policies regarding shared local decision-making.

BOARD POLICY

3715

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

INTELLECTUAL PROPERTY

The Chief Executive Officer shall develop procedures that define the rights, interests, protection, and transfer of intellectual property created by the COCC's employees, contractors, business partners, and learners.

BOARD POLICY

3720

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

COMPUTER AND NETWORK USE

Employees and learners who use COCC computers and networks and the information they contain and related resources have a responsibility to not abuse those resources and to respect the rights of others. The Chief Executive Officer shall establish procedures that provide guidelines to learners and staff for the appropriate use of information technologies. The procedures shall indicate that users must respect software copyrights and licenses, respect the integrity of computer-based information resources, refrain from seeking to gain unauthorized access, and respect the rights of other computer users.

BOARD POLICY

3810

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

CLAIMS AGAINST THE DISTRICT

Any claims against the COCC for money or damages that are not governed by any other statutes or regulations expressly relating thereto shall be presented and acted upon in accordance with the Government Code, Title I, Division 3.6, Part 3, Chapter 1 (commencing with Government Code §900) and Chapter 2 (commencing with Government Code §910).

Claims must be presented according to this policy and related procedures as a prerequisite to filing suit against the COCC.

The designated place for service of claims, lawsuits, or other types of legal process upon the COCC is the Office of the Chief Operating Officer.

SPEECH-TIME, PLACE, AND MANNER

Learners, employees, and members of the public shall be free to exercise their rights of free expression, subject to the requirements of this policy.

The COCC is an inclusive and diverse community that promotes the expansion of ideas and promotes greater understanding through civil discourse. As stated in Board Policy 3430 Prohibition of Harassment, the COCC is committed to providing a learning and work environment that respects the dignity of individuals and groups, and the COCC does not condone hate speech that is meant to intimidate or harass others in a manner that prevents their full participation in the educational and work environment.

The COCC and its facilities and online environments are nonpublic forums, with the exception of publicly accessible locations and areas where free-speech activity is unlikely to significantly interfere with and/or disrupt COCC operations, which shall be deemed limited public forums. The Chief Executive Officer shall enact such administrative procedures as are necessary to reasonably regulate the time, place, and manner of the exercise of free expression.

The administrative procedures promulgated by the Chief Executive Officer shall not prohibit the right of learners and employees of the COCC and members of the public to exercise free expression, including but not limited to the use of bulletin boards, the distribution of printed materials or petitions in those parts of the COCC designated as areas generally available to learners and the community, and the wearing of buttons, badges, or other insignia.

Speech shall be prohibited that is defamatory, obscene according to current legal standards, or that so incites others as to create a clear and present danger of the commission of unlawful acts on COCC property, whether physical or online, or the violation of COCC policies or procedures, or the substantial disruption of the orderly operation of the COCC.

Nothing in this policy shall prohibit the regulation of hate violence directed at learners in a manner that denies their full participation in the educational process (Education Code Section 66301(e)), so long as the regulation conforms to the requirements of the First Amendment to the United States Constitution and of Section 2 of Article 1 of the California Constitution. Learners may be disciplined for harassment, threats, or intimidation unless such speech is constitutionally protected.

CHAPTER 4: ACADEMIC AFFAIRS

BOARD POLICY

4010

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

INSTRUCTIONAL CALENDAR

Pursuant to the California Online Community College Act, the Board of Trustees has the authority and discretion to offer courses under a flexible instructional calendar.

The Board shall adopt an annual instructional no-term direct assessment calendar which shall be in compliance with the Code of Federal Regulations for Direct Assessment Programs, Title 5 Guidelines and pertinent sections of the California Education Code, standards of the Distance Education Accrediting Commission for Competency Based Education (CBE), Council for Higher Education Accreditation- and United States Department of Education-recognized accrediting organizations, and the policies of the College Board of Trustees. Deviation from the adopted calendar may be made only by approval of the College Chief Executive Officer.

PROGRAM, CURRICULUM, AND COURSE DEVELOPMENT

The COCC is committed to increasing economic mobility for working and other adult learners who lack easy access to traditional forms of higher education. The Chief Executive Officer shall ensure the establishment of competency-based education (CBE) and training opportunities that recognize learners' prior learning and help learners advance toward a course completion certificate, badge, credential, certification, or degree.

The programs and curricula shall be evaluated regularly through Program Review in a continuous cycle of quality review. Educational and training activities in all CBE programs may include (but is not limited to):

- Participating in regularly scheduled and/or self-paced learning sessions (where there is an opportunity for direct synchronous or asynchronous interaction between the learner and an instructional professional and/or between the learner and a success team member);
- Submitting an assignment;
- Taking an assessment, an interactive tutorial, and computer-assisted instruction;
- Participating in a study group that is facilitated by the institution;
- Participating in an online discussion about learning or training matters;
- Consultations with an instructional team or learner success mentor to discuss instructional content; and
- Participation in instructional, learner success team-guided, or employer-sponsored independent study (as defined in 34 CFR 668.10(a)(3)(iii)).

- Capstone projects, if required, are consistent with instructional and professional standards based on commonly accepted higher education and/or distance education practices and any applicable relevant professional organizations. Capstone projects shall have learning outcomes that are clearly stated.
- Development of an instructional action plan developed in consultation with a qualified instructor or learner success team member that addresses competencies identified by the institution.

The Chief Executive Officer shall establish procedures for the development and review of all curricular offerings, including their establishment, modification, or discontinuance. These procedures shall include: appropriate involvement of the instructional team and its Senate in all processes; regular review and justification of programs and course descriptions; opportunities for training for persons involved in aspects of curriculum development; and input and involvement from relevant industry and labor organizations.

All new programs, program modifications, and program discontinuances shall be approved by the Board. All new programs shall be submitted to the California Community Colleges Chancellor's Office for approval as required. Non-degree-applicable credit and degree-applicable courses must satisfy the conditions authorized by Title 5 regulations and shall be approved by the Board.

All noncredit courses and noncredit certificates shall be approved by the Board. Consistent with federal regulations applicable to federal financial aid eligibility, the COCC shall assess and designate each of its CBE programs as direct assessment. Because a direct assessment program does not utilize credit or clock hours as a measure of learner learning, the Chief Executive Officer must establish a methodology to reasonably equate the direct assessment program to credit hours for the purpose of complying with applicable regulatory requirements. The Chief Executive Officer shall establish a procedure which prescribes the definition of "credit hour" consistent with applicable federal regulations, as they apply to community college districts. The Chief Executive Officer shall establish a procedure for using a clock-to-credit hour conversion formula to determine whether a credit hour program is eligible for federal financial aid. The conversion formula is used to determine whether such a credit-hour program has an appropriate minimum number of clock hours of instruction for each credit hour it claims.

PHILOSOPHY AND CRITERIA FOR DEGREES AND GENERAL EDUCATION

To the extent that the COCC may provide courses and programs that lead to one or more Associate degrees, and which are designated to fulfill general education and depth requirements, such courses and programs shall meet the following philosophy taken from Title 5 Section 55061:

The awarding of an Associate degree is intended to represent more than an accumulation of units. It is to symbolize a successful attempt on the part of the college to lead learners through patterns of learning experiences designed to develop certain capabilities and insights. Among these are the ability to think and to communicate clearly and effectively both orally and in writing; to use mathematics; to understand the modes of inquiry of the major disciplines; to be aware of other cultures and times; to achieve insights gained through experience in thinking about ethical problems; to develop the capacity for self-understanding; and, to attain knowledge, master skills, develop the appreciation, attitudes and values needed to succeed and participate responsibly in a democratic and environmentally sustainable society. In addition to these accomplishments, the learner shall possess sufficient depth in some field of knowledge to contribute to lifetime interest.

Central to an Associate degree, general education is designed to introduce learners to the variety of means through which people comprehend the modern world. It reflects the conviction of colleges that those who receive their degrees must possess in common certain basic principles, concepts and methodologies both unique to and shared by the various disciplines. College educated persons must be able to use this knowledge when evaluating and appreciating the physical environment, the culture, and the society in which they live. Most important, general education should lead to better understanding.

In the establishment or modification of a general education program, ways shall be sought to create coherence and integration among the separate requirements. It is also desirable that general education programs involve learners actively in examining values inherent in proposed solutions to major societal problems.

In such circumstances, the Chief Executive Officer shall establish procedures to ensure that courses used to meet general education and Associate degree requirements meet the standards in this policy. The procedures shall provide for involvement by the Instructional Team and its Senate.

INTELLECTUAL FREEDOM

Intellectual freedom is to be guarded as a basic right of all citizens in a free society. To this end, the Board of Trustees of the COCC District is committed to free discussion and open inquiry in the pursuit of truth. It is recognized that freedom to think, to read, to speak, and to question is necessary to the development of an informed citizenry. It is the policy of the Board of Trustees that this freedom shall be integral to the philosophy of the COCC and be guaranteed to all staff and learners, including the Instructional Team and its Senate and the Learner Success Team.

For each Instructional and Learner Success Team member, intellectual freedom is both a right and a responsibility. As a right, it guarantees the instructor freedom to interpret personal findings and to communicate the conclusions without being subjected to interference, molestation, or penalty because the conclusions are at variance with those of other persons. As a responsibility, it carries the obligation to study, to investigate, to present, to discuss, and to interpret fairly and objectively, facts and ideas related to the instructor's assignments.

Since human knowledge is limited and changeable, the instructor will acknowledge the facts on which controversial views are based and show respect for opinions held by others. While striving to avoid bias, the instructor will cite the evidence available and present the conclusions to which the instructor believes this evidence points without limiting the freedom of the learner to express and defend their own views and beliefs. With the understanding that the learner must also respect the rights of others, the learner shall have the freedom to question and differ without jeopardy to the learner's scholastic standing.

Each Instructional or Learner Success Team member is a citizen, a member of a learned profession, and an employee of an educational institution. As a person of learning and an educational employee, the team member should remember that the public judges the profession and the institution by their utterances. Hence, the team member should at all times be accurate, should show respect for the opinions of others, and should make every effort to indicate that they are not an institutional spokesperson. To insure these principles of intellectual freedom for the COCC, the administration and the board, as the governing body of the COCC District, will demonstrate their support by actively working toward a climate which will foster this freedom. Such participation will extend to the point of defending and supporting any team instructional or learner success team member who, while maintaining the high standards of the profession, finds personal freedom of expression unfairly attacked or curtailed.

The COCC Board of Trustees recognizes the right of any employee of the COCC to take or refrain from taking a stand on any political issue and to support or oppose any issue or candidate for elective public office. In accordance with the Education Code, such activities must be conducted on the employee's own time. The employee will exercise reasonable care to show that they are acting in their capacity as a private citizen. Nothing in this policy shall prevent the discussion and study of political, social, and moral issues when such discussion and study are appropriate to the subject matter of a course.

BOARD POLICY

4040

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

LIBRARY AND OTHER INSTRUCTION SUPPORT SERVICES

The College shall offer access to appropriate online library, wiki, learning, and/or instructional support services that are an integral part of the instructional program. Such online resources support the intellectual, professional, and personal development of learners, instructional and learner success teams, and staff. Additionally, such services support general information literacy, supplemental programs, and the mission of the COCC.

Such resources shall be generally available via COCC-operated cloud-based electronic access platforms in order to:

1. Provide information that enrich and support the curriculum.
2. Provide information that will stimulate growth in factual knowledge.
3. Provide broad-based information resources to empower learners to make informed judgments in their daily lives.
4. Place generally-accepted library ethics above personal opinion and prejudice in the provision of online resources and materials that will comply with the requirements of the Reader Privacy Act.

On occasion, online users may question or challenge the suitability of resources made available to support instruction. On these occasions, the complainant will be reminded that it is the obligation of the COCC to promote intellectual freedom. As such entities, COCC resources as described hereinabove will provide materials that promote free, open, and educational discussion of sometimes-controversial matters in order to prepare learners to make informed decisions about challenges in their daily lives. It is the sole responsibility of the Chief Executive Officer with the consultation of instructional and learner success teams to make final decisions concerning inclusion and exclusion of online supportive instructional resources.

BOARD POLICY

4050

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

ARTICULATION

The Chief Executive Officer shall establish procedures that assure appropriate articulation of the COCC's educational programs with institutions, including high schools, community colleges, four-year institutions, and/or other institutions that are appropriate and advantageous for partnership with the COCC.

BOARD POLICY

4060

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

DELINEATION OF FUNCTIONS

Whenever a mutual agreement with a school district or other educational entity relating to responsibility for noncredit education programs is required by state law, the Chief Executive Officer shall present an appropriate memorandum of understanding to the Board for approval.

BOARD POLICY

4070

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

COURSE AUDITING

Auditing of online course offering is permitted (no class enrollment required).

Learners auditing will be limited to online course materials.

This auditing policy shall be published on the COCC website, including online catalogs and instruction descriptions.

BOARD POLICY

4100

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

REQUIREMENTS FOR OBTAINING DEGREES AND CERTIFICATES

The COCC may award a Certificate of Completion, including industry-recognized certifications, or a Certificate of Competency upon successful completion of curricula for which the COCC offers a certificate. Further, the COCC may award an Associate degree upon successful completion of the course of instruction and curricula for which the COCC offers an Associate degree.

The Chief Executive Officer shall establish procedures to determine degree and certificate requirements that include appropriate involvement of each of the COCC Instructional and Learner Success teams.

Capstone projects, if required, shall be consistent with instructional and professional standards based on commonly accepted higher education practices and any applicable relevant professional organizations.

Procedures shall assure that requirements for attainment of Certificates and / or Degrees are published in COCC electronic catalogs and included in other online resources that are convenient for learners. Further, each electronic college catalog shall include a statement on Catalog Rights.

BOARD POLICY

4220

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

STANDARDS OF SCHOLARSHIP

The Chief Executive Officer shall establish procedures that establish standards of scholarship consistent within the guidelines established by Title 5, Board policy, Federal regulations, and Accreditation guidelines for Competency Based Education Direct Assessment programs.

BOARD POLICY

4225

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

COURSE REPETITION

The Chief Executive Officer shall ensure the establishment of instructional policies with regard to the repetition of courses, either in whole or in part, in consultation with relevant instructional and learner success team members, and how such repetition coincides with or results from assessment, testing, capstone, or other related evaluations. Further, the Chief Executive Officer shall ensure such policies are posted and readily accessible to learners via the COCC website, online catalog, and online course and/or program descriptions.

BOARD POLICY

4226

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

MULTIPLE AND OVERLAPPING ENROLLMENTS

The Chief Executive Officer shall establish policies and procedures relating to the enrollment in multiple programs and/or courses in accordance with Title 5 requirements.

BOARD POLICY

4230

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

GRADING AND LEARNING RECORD SYMBOLS

The Chief Executive Officer shall establish Grading and/or Learning Record Symbols in accordance with Title 5 regulations. Such a system shall be published on the COCC website and online catalog(s), and made available to learners.

BOARD POLICY

4231

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

GRADE CHANGES

The Chief Executive Officer shall implement procedures to assure the accuracy and integrity of all grades/instructional record symbols awarded by the Instructional and Learner Success teams. The procedures shall include, but not necessarily be limited to, the following:

- Assurance that in the absence of mistake, bad faith, fraud, or incompetence, the grades and/or record symbols awarded by Instructional and Learner Success teams shall be final.
- Procedures for learners to challenge the correctness of a grade and/or record symbol.
- The installation of security measures to protect learner records and related storage systems from unauthorized access.
- Limitations on access to learner records and related storage systems.
- Discipline for learners or staff who are found to have gained access to learner records without proper authorization or to have changed grades and/or record symbols without proper authorization.
- Notice to learners, faculty, transfer institutions, accreditation agencies, and law enforcement agencies if unauthorized access to learner records and related storage systems is discovered to have occurred.

BOARD POLICY

4235

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

CREDIT BY EXAMINATION

Credit may be earned by learners who satisfactorily pass authorized examinations. The Chief Executive Officer shall establish administrative procedures to implement this policy.

BOARD POLICY

4240

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

LEARNING RENEWAL

Previously recorded substandard learning performance may be disregarded if it is not reflective of a learner's demonstrated ability. The Chief Executive Officer shall establish procedures that provide for learning renewal.

BOARD POLICY

4250

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

PROBATION, DISMISSAL, READMISSION, AND DISQUALIFICATION

The Chief Executive Officer shall establish administrative procedures that govern learner probation, dismissal, readmission, and disqualification.

BOARD POLICY

4260

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

PREREQUISITES AND COREQUISITES

The COCC is authorized to establish pre-requisites, co-requisites and advisories on recommended preparation for courses in the curriculum. All such pre-requisites, corequisites, and advisories shall be established in accordance with the standards set out in Title 5. Any pre-requisites, co-requisites or advisories shall be necessary and appropriate for achieving the purpose for which they are established. The procedures shall include a way in which a pre-requisite or corequisite may be challenged by a learner on grounds permitted by law. Pre-requisites, co-requisites, and advisories shall be identified in District websites available to learners.

The COCC recognizes that, if these prerequisites, co-requisites, advisories, and limitations are established unnecessarily or inappropriately, they constitute unjustifiable obstacles to learner access and success (disproportionate impact) and, therefore, the COCC will use caution and careful scrutiny in establishing them. Nonetheless, the COCC recognizes that it is as important to have prerequisites in place where they are a vital factor in maintaining learning standards as it is to avoid establishing prerequisites where they are not needed.

CHAPTER 5: LEARNER SERVICES

BOARD POLICY

5010

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

ADMISSIONS AND CONCURRENT ENROLLMENT

While it is the general intent of the COCC to target its educational offerings to adult learners aged 25 years and older, in accordance with the “open door” mission of community colleges, the COCC shall admit any learner who meets any of the following conditions and is capable of benefiting from the instruction offered:

- Any person over the age of eighteen (18) and possessing a high school diploma or its equivalent.
- Any person over the age of 18 years and who, in the judgment of the Chief Executive Officer or his or her designee, is capable of profiting from the instruction offered. Such persons shall be admitted as provisional learners, and thereafter shall be required to comply with COCC's rules and regulations regarding scholastic achievement and other standards to be met by provisional or probationary learners as a condition to being readmitted in any succeeding timeframe.
- Persons who are apprentices as defined in Labor Code Section 3077.

The COCC shall in its discretion, or as otherwise federally mandated, evaluate the validity of a learner's high school completion. If and when necessary or required, the Chief Executive Officer shall establish procedures for evaluating the validity of a learner's high school completion.

The Chief Executive Officer shall establish procedures regarding ability to benefit and the admission of high school and younger learners if and when necessary.

The Chief Executive Officer shall determine whether the COCC will seek state apportionment funding or not. If the COCC will seek state apportionment funding for enrollment to any or all of its programs, the Chief Executive Officer shall satisfy the criteria established by statute and any applicable regulations of the Board of Governors of the California Community Colleges. Further, the Chief Executive Officer shall establish procedures regarding compliance with statutory and regulatory criteria for concurrent enrollment, if necessary.

The COCC may deny or place conditions on a learner's enrollment or other usage of the COCC online instructional or other resources upon a finding by the Chief Executive Officer (or designee of the Chief Executive Officer) that the applicant or user has been expelled within the preceding five years or is undergoing expulsion procedures in another California community college, and that the applicant or user continues to present a danger to the physical safety of the learners and employees of the College.

BOARD POLICY

5015

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

RESIDENCE DETERMINATION

The Chief Executive Officer shall enact procedures to assure that residence determinations are made in accordance with Education Code and Title 5 Regulations.

Learners applying online for certification or degree programs shall be classified at the time of each application for admission or registration as a resident or nonresident learner.

A resident is any person who has been a bona fide resident of California for at least one year on the residence determination date. The residence determination date shall be the day immediately preceding the first day of application for admission or registration online.

Residence classification shall be made for each learner at the time applications for admission or registration are accepted. A learner previously classified as a nonresident may be reclassified as of any residence determination date.

BOARD POLICY

5030

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

FEES

The Chief Executive Officer is responsible for establishing procedures for the collection, deposit, waiver, refund, and accounting for fees, if any, as required by law. The regulations shall also ensure those who are exempt from, or for whom the fee is waived, are properly enrolled and accounted for. All fees must comply with Education Code and Title 5 regulations.

Fee amounts shall be published in COCC websites, online catalogs, and/or descriptions of course or program offerings.

Deferment of payment of the Enrollment Fee and Non-Resident Tuition, if any, is authorized only under the conditions delineated in related Administrative Procedure.

BOARD POLICY

5035

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

WITHHOLDING OF RECORDS

Learners or former learners who have been provided with written notice that they have failed to pay a proper financial obligation to the COCC shall have grades, transcripts, badges, certificates, diplomas, credentials, and registration privileges withheld until the outstanding obligation is paid or otherwise settled.

BOARD POLICY

5040

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

RECORDS, DIRECTORY INFORMATION, AND PRIVACY

The Chief Executive Officer shall assure that learner records are maintained in compliance with applicable federal and state laws relating to the privacy of learner records. The Chief Executive Officer shall direct the implementation of appropriate safeguards to assure that learner records cannot be accessed or modified by any person not authorized to do so.

Any currently enrolled or former learner of the College has a right of access to any and all learner records relating to them maintained by the COCC.

No COCC representative shall release the contents of a learner record to any member of the public without the prior written consent of the learner, other than directory information as defined in this policy and information sought pursuant to a court order or lawfully issued subpoena, or as otherwise authorized by applicable federal and state laws.

Learners shall be notified of their rights with respect to learner records, including the definition of directory information contained here, and that they may limit the information.

BOARD POLICY

5050

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

SUCCESS AND SUPPORT PROGRAM

The Chief Executive Officer or designee shall establish policies and procedures to assure implementation of Learner Success and Support Program services that comply with California Code of Regulations, Title 5, requirements and ensure that procedures are maintained and made known to all learners by prominent inclusion in the COCC orientation, online resources, and websites.

BOARD POLICY

5052

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

OPEN ENROLLMENT

The policy of COCC is that, unless specifically exempted by statute or regulation, every course, course section, or program of learning, reported for state aid, wherever offered and maintained by the COCC, shall be fully open to enrollment and participation by any person who has been admitted to the COCC.

Enrollment may be limited to learners meeting properly validated prerequisites and corequisites, or other exemptions set out in statute or regulation.

Enrollment may be subject to any priority system that has been established.

The Chief Executive Officer shall assure that this policy is published in websites, online catalogs, and online descriptions of courses or programs.

BOARD POLICY

5055

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

ENROLLMENT LIMITATIONS AND PRIORITIES

The Chief Executive Officer shall establish procedures defining enrollment priorities, limitations, and processes for learner challenge, which shall comply with Title 5 regulations.

All courses of the College shall be open to enrollment, subject to a priority system that may be established. Enrollment also may be limited to learners meeting properly validated prerequisites and co-requisites, or due to other, practical considerations.

The Chief Executive Officer is responsible for establishing procedures defining enrollment priorities, limitations, and processes for learners, which shall comply with Title 5 regulations.

BOARD POLICY

5110

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

COUNSELING

The Chief Executive Officer shall establish policies and procedures for the provision of career coaching/mentoring, career pathway coaching, and life-skills coaching that are related to the learner's instruction or training. Such career and life-skills services are not considered "counseling" services of the COCC.

The Chief Executive Officer shall further assure the provision of instructional pathways counseling services that are related to the learner's instruction. In accordance with Title 5 Section 51018(c), such counseling shall be provided to all new, continuing, and returning learners. Counseling services shall be provided by a qualified counselor pursuant to Education Code sections 87355 and 87356.

The counseling services available in the COCC District's counseling program shall include at least the following:

- Instructional counseling, in which the learner is assisted in assessing, planning, and implementing their immediate and long-range learning goals;
- Career counseling, in which the learner is assisted in assessing their aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;
- Personal counseling, in which the learner is assisted with personal, family, or other social concerns, when that assistance is related to the learner's instruction; and
- Coordination with the counseling aspects of other services to learners, which exist via other COCC programs and services, including but not limited to those services provided in programs for learners with special needs, skills testing programs, financial assistance programs, and job placement services.

Information of a personal nature disclosed by a learner 12 years of age or older in the process of receiving counseling from a counselor is confidential, and shall not become part of the learner record without the written consent of the person who disclosed the confidential information. However, information shall be disclosed when permitted by applicable law, including but not limited to disclosure as necessary to report child abuse or neglect; reporting to the Chief Executive Officer or other persons when the counselor has reason to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the learner or other persons in the COCC community; reporting information to the Chief Executive Officer or other persons as necessary when the learner indicates that a crime involving the likelihood of personal injury or significant or substantial property losses will or has been committed; reporting information to one or more persons specified in a written waiver by the learner.

TRANSFER SERVICES

The COCC recognizes and incorporates, as part of its mission, the transfer of its learners to baccalaureate-level institutions. The COCC further recognizes that learners who have historically been underrepresented in transfer to baccalaureate-level institutions are a special responsibility.

The Chief Executive Officer shall assure that an appropriate transfer services plan is implemented that identifies target learner populations, is designed to increase the transfer applications of underrepresented learners, and complies with laws and regulations.

The transfer of learners to four-year institutions is a primary mission of the District. To support the transfer mission and ensure a transfer culture on campus, each college shall have a Transfer Center. Under the direction of a designated manager, a Transfer Center report will be developed describing the services and the activities of the Transfer Center. The Transfer Center report is submitted annually to the California Community Colleges Chancellor's Office. Further information regarding the report is located in the Transfer Center at each college. Services of the Transfer Center shall include, but not be limited to the following: a) Transfer support services to include emphasis on serving learners from historically underrepresented groups; b) Academic planning for transfer; c) Development and use of transfer agreements with four-year institutions; d) Maintaining up-to-date transfer information including application deadlines and transfer admission requirements; e) Monitor the progress of learners in following their academic plans; f) Assist learners with the use of other support services available including DSPS, financial aid, tutoring and counseling services; and g) Assist learners with the transition process to four-year institutions. References: Education Code Sections 66720-66744; Title 5 Section 51027

BOARD POLICY

5130

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

FINANCIAL AID

The COCC is committed to maximizing learner access to financial aid and supporting learner success and opportunity through financial aid. The Chief Executive Officer shall establish procedures to provide access to and provision of aid in a prompt fashion for every eligible learner submitting the complete application according to established procedure.

The Chief Executive Officer shall establish, publicize, and apply satisfactory instructional progress standards for participants in Title IV learner/learner aid programs. 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.

The COCC shall provide a detailed Financial Aid guide that includes information on Financial Aid programs offered, but not limited to:

- California College Promise Grant (formerly known as the BOG Fee Waiver)
- Cal Grants
- Federal Pell Grant
- Federal Supplemental Educational Opportunity Grant
- Federal Direct learner Loan Program
- Federal Work Study
- Scholarships

The Financial Aid guide shall also address:

- Application procedures, including deadlines
- Learner eligibility
- Payment procedures
- Overpayment recovery
- Accounting requirements
- Satisfactory progress requirements

This guide shall be made available to learners online at the Financial Aid Office webpage of the COCC website, including via PDF download, print from a web resource, and available in print via the United State Postal Service upon request. The financial aid guide is reviewed and updated annually by the

Financial Aid Office. Additional information on financial aid is also provided in the online COCC catalog, course information, and through other resources as may be required.

Consistent with applicable federal regulations for federal financial aid, the COCC shall not engage in “substantial misrepresentation” of 1) the nature of its instructional program, 2) the nature of its financial charges, or 3) the employability of its graduates.

Misrepresentation is defined as any false, erroneous, or misleading statement that the COCC, a representative of COCC, or a service provider with which the COCC has contracted to provide instructional programs, marketing, advertising, recruiting, or admissions services, makes directly or indirectly to a learner, prospective learner, a member of the public, an accrediting agency, a state agency, or the United States Department of Education.

A misleading statement includes any statement that has the likelihood or tendency to deceive or confuse. If a person to whom the misrepresentation was made could reasonably be expected to rely, or has reasonably relied on the misrepresentation, the misrepresentation would be substantial.

This procedure does not apply to statements by learners through social media outlets or by vendors that are not providing covered services, as reflected herein.

The Chief Executive Officer shall ensure all information pertaining to the College’s financial aid program available to the public is regularly reviewed for accuracy and completeness.

BOARD POLICY

5140

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

DISABLED LEARNERS PROGRAMS AND SERVICES

The Chief Executive Officer shall establish policies and procedures to ensure accessibility and instructional success of learners with disabilities.

The services to be provided include, but are not limited to, reasonable accommodations, instructional adjustments, technology accessibility, accessible facilities, equipment, instructional programs, disability adjustment counseling, and learning counseling, personal and vocational counseling.

The COCC shall respond in a timely manner to accommodation requests involving instructional adjustments. The Chief Executive Officer shall establish a procedure to implement this policy which, at a minimum, provides for an individualized review of each such request, and permits interim decisions on such requests pending final resolution by the appropriate administrator or designee.

The Chief Executive Officer shall assure that all policies, procedures, and/or programs conform to all requirements established by the relevant laws and regulations.

BOARD POLICY

5205

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

ACCIDENT INSURANCE

The Chief Executive Officer shall assure that learners are covered by accident insurance in those instances required by law or contract.

BOARD POLICY

5300

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

EQUITY

The COCC Board of Trustees is committed to ensuring learner equity in all educational programs and all College services. The Chief Executive Officer shall establish and implement a learner equity plan that meets the Title 5 standards for such a plan and which ensures that all learners, especially underrepresented learners, have the opportunity to achieve their learning goals. The plan may be periodically reviewed at the discretion of the Board.

The COCC is firmly committed to a policy of learner equity that excludes any form of discrimination based on race, color, sex, religion, age, handicap or national origin. Further, the COCC is committed to a program of recruitment designed to achieve continued growth in the number of learners whose race, sex, sexual orientation, age, socio-economic situation, and/or handicap have been factors, historically, in their under-representation.

The Chief Success Officer or designee will be responsible for the program plan and annual reports. The plan and subsequent progress reports will include appropriate statistical data and periodic review for areas such as admissions, financial aid, learner programs, learner services, and/or COCC staff awareness.

STANDARDS OF LEARNER CONDUCT

The Chief Executive Officer shall establish and enforce a learner code of conduct the purpose of which is to promote and maintain orderly conduct of a responsible learner community in a manner compatible with the COCC function as an educational institution.

Learners are subject to state and federal laws and to the specific regulations and Terms of Service (TOS) established by the COCC. Violators shall be subject to disciplinary action, including possible cancellation of registration, denial or revocation of access to web-based instruction and services, and may be denied future admission to the COCC. Criminal actions may also result in referral for prosecution.

The Chief Executive Officer shall establish regulations and procedures for the imposition of discipline on learners in accordance with the requirements for due process of the federal and state law and regulations. The regulations and procedures shall clearly define the standards of conduct and Terms of Service that is subject to discipline, shall detail the discipline due process, and shall identify potential disciplinary actions, including but not limited to the removal, suspension, or expulsion of a learner.

The Board shall consider any recommendation from the Chief Executive Officer for expulsion. The Board shall consider an expulsion recommendation in closed session unless the learner requests that the matter be considered in a public meeting. Final action by the Board on the expulsion shall be taken at a public meeting.

The learner standards of conduct and discipline due process shall be made widely available to learners through the college catalog and other means.

The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension, or expulsion of a learner:

- Causing, attempting to cause, or threatening to cause emotional or physical injury to another person, whether online or in person.
- Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the California Health and Safety Code, an alcoholic beverage, a cannabis product of any form, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, whether online or in person, as defined in California Health and Safety Code Section 11014.5.
- Committing or attempting to commit robbery or extortion.
- Causing or attempting to cause damage to District property or to private property in a COCC facility.

- Stealing or attempting to steal College property or private property in a COCC facility, or knowingly receiving stolen College property or private property in a COCC facility.
- Willful or persistent smoking in any College facility where smoking has been prohibited by law or by regulation of the College.
- Committing sexual harassment as defined by law or by College policies and procedures, whether online or in person.
- Engaging in harassing or discriminatory behavior based on disability, sex, gender identity and expression, nationality, race or ethnicity, religion, sexual orientation, age, or any other status protected by law, whether online or in person.
- Engaging in intimidating conduct or bullying against another learner through words or actions, including direct physical contact; verbal written/oral assaults such as teasing or name-calling whether in-person or whether through the use of online communications applications; social isolation or manipulation; and cyberbullying.
- Willful misconduct, which results in injury or death to a learner or to COCC personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the College or at any physical location used by the College for a College-sponsored function.
- Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
- Cheating, plagiarism (including plagiarism in a learner publication), or engaging in other learning dishonesty.
- Dishonesty, forgery, alteration, or misuse of college documents, records, or identification; or knowingly furnishing false information to the COCC.
- Unauthorized entry upon or use of the COCC facilities.
- Lewd, indecent, or obscene conduct on College-owned or College-controlled property or at College-sponsored or College-supervised functions.
- Engaging in expression that is obscene, libelous, or slanderous; or which so incites learners as to create a clear and present danger of the commission of unlawful acts on College premises, or the violation of lawful College administrative procedures, or the substantial disruption of the orderly operation of the COCC.
- Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
- Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of a learning presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any College policy or Administrative Procedures.
- Violation of the Terms of Service (TOS) of the COCC.

BOARD POLICY

5505

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

LEARNING INTEGRITY

The COCC seeks to promote and ensure learning honesty and personal integrity among learners and other members of the college community. All members of the COCC community are responsible for knowing the COCC Terms of Service and policy and procedures on learning honesty. The Chief Executive Officer shall establish Terms of Service, policy, and procedure for a learner code of conduct designed to promote and enforce learning honesty and integrity.

BOARD POLICY

5530

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

LEARNER RIGHTS AND GRIEVANCES

In the pursuit of their educational goals, learners should be free of unfair and improper action by any member of the learning community. A grievance may be initiated by learners when they believe that they have been subject to unjust action or denied their rights as stipulated in published COCC regulations, state laws, or federal laws. Such action may be instituted by learners against a instructional team/staff member or an administrator. When learners believe an injustice has been done to them, they may seek redress. The Chief Executive Officer shall establish policy and procedure to enable and support such redress, and ensure these are published and easily accessed via the COCC website and other resources.

BOARD POLICY

5800

CALIFORNIA ONLINE
COMMUNITY COLLEGE

THE COLLEGE

PREVENTION OF IDENTITY THEFT IN LEARNER FINANCIAL TRANSACTIONS

The Chief Executive Officer shall establish policy and procedure for the identification, detection, and response to patterns, practices, or specific activities (“Red Flags”) that could indicate identity theft of learners when the COCC serves as a creditor in relation to its learners. When applicable, the Chief Executive Officer is directed to develop procedures to implement an Identity Theft Prevention Program (ITPP) to control reasonably foreseeable risks to learners from identity theft.

CHAPTER 6: BUSINESS AND FISCAL AFFAIRS

BOARD POLICY

6100

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BUSINESS AND FISCAL AFFAIRS

DELEGATION OF AUTHORITY – BUSINESS AND ADMINISTRATIVE SERVICES

The Board of Trustees delegates to the Chief Executive Officer/President the authority to supervise the general business procedures of the College to ensure the proper administration of: property and contracts; the budget, audit, and accounting of funds; the acquisition of supplies, equipment, and property; and the protection of assets and persons. All transactions shall comply with applicable laws and regulations and with the California Community Colleges Budget and Accounting Manual. The Chief Executive Officer/President may delegate such authority as necessary to other officers of the College.

Consistent with Education Code section 75003, subdivision (d) and section 75005, subdivision (d)(1), the Board of Trustees authorizes the Chief Executive Officer/President to take the official actions to manage the Online College including but not limited to: acquiring or disposing of Online College assets; entering into contracts; making expenditures; and managing facilities, funds, personnel, and property. Official actions taken by the Chief Executive Officer/President under the authority of this Board Policy must be reported promptly to the Chair and Vice-Chair of the Executive Committee of the Board of Trustees or to the Board at the next Board meeting.

Any official action taken by the Chief Executive Officer/President under the authority of this Board Policy involving more than \$100,000 in College assets, contracts expenditures, facilities, funds, or property must be ratified by the Executive Committee at the next Executive Committee meeting. The Board has delegated authority to the Executive Committee to exercise jurisdiction over the management and control of the College's property, including contracts for the procurement of goods and services pursuant to Board Resolution No. 2018-06.

Pursuant to the statutory authority granted to the Board of Trustees to delegate authority to the Chief Executive Officer/President to take official action with respect to the management of the College pursuant to Education Code section 75005, subdivisions (d)(1) and (d)(4)(B), contracts entered into by the Chief Executive Officer/President for amounts under \$100,000 are effective upon execution by the Chief Executive Officer/President. The Chief Executive Officer/President shall inform the Board of all contracts entered into by the Chief Executive Officer/President at the next Board meeting following contract formation.

The Chief Executive Officer/President shall make appropriate periodic reports to the Board and shall keep the Board fully advised regarding the financial status of the College.

References:

Education Code §§70902(d); 75003(d); 75005(d)(1) & (d)(4)(B); 81655; 81656

Board of Trustees, Resolution 2018-06

BOARD POLICY

6150

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BUSINESS AND FISCAL AFFAIRS

DESIGNATION OF AUTHORIZED SIGNATURES

Authority to sign orders and other transactions on behalf of the Board of Trustees is delegated to the Chief Executive Officer/President and/or other officers designated by the Chief Executive Officer/President. The authorized signatures shall be filed with the county office of education with which the Online College enters into a fiscal services agreement.

References:

Education Code §§85232, 85233

BOARD POLICY

6200

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BUSINESS AND FISCAL AFFAIRS

BUDGET PREPARATION

Each year, the Chief Executive Officer/President shall present to the Board of Trustees a budget prepared in accordance with Title 5 and the California Community Colleges Budget and Accounting Manual. The schedule for presentation and review of budget proposals shall comply with state law and regulations and provide adequate time for Board study.

Budget development shall meet the following criteria:

- A. The annual budget shall support the College's strategic priorities.
- B. Assumptions upon which the budget is based are presented to the Board for review.
- C. A schedule is provided to the Board by March of each year that includes dates for presentation of the tentative budget, required public hearing, Board study sessions, and approval of the final budget. At the public hearing, interested persons may appear and address the Board regarding the proposed budget or any item in the proposed budget.
- D. Unrestricted general reserves shall be no less than five percent (5%) of the general fund.
- E. Changes in the assumptions upon which the budget was based shall be reported to the Board in a timely manner.
- F. Budget projections address long-term goals and commitments.

See Administrative Procedure 6200.

References:

Education Code §§70901, 70902(b)(5)

Title 5, §58300 et seq.

BOARD POLICY

6250

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BUSINESS AND FISCAL AFFAIRS

BUDGET MANAGEMENT

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.

Revenues accruing to the College in excess of amounts budgeted shall be added to the College's reserve for contingencies. Reserve for contingency funds 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 transfers of funds 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.

See Administrative Procedure 6250.

References:

Title 5, §§58307, 58308

Education Code §§70901, 70902

FISCAL MANAGEMENT

The Chief Executive Officer/President (or designee) shall ensure that the fiscal procedures of the College are prudent, sound, and in compliance with California Code of Regulations, Title 5 and the California Community Colleges Budget and Accounting Manual, including:

- A. Adequate internal controls exist.
- B. Fiscal objectives, procedures, and constraints are communicated to the Board of Trustees and employees.
- C. Adjustments to the budget are made in a timely manner, when necessary.
- D. The management information system provides timely, accurate, and reliable fiscal information.
- E. Responsibility and accountability for fiscal management are clearly delineated.

The College shall establish and maintain an efficient organization for managing and reporting financial information and providing supportive services in the areas of budget preparation, contracts, investments, payroll, accounts payable and receivable, revolving cash fund, learner financial aid, programs funded by external sources, general ledger accounting, risk management, and purchasing.

The College, under direction of the Chief Executive Officer/President (or designee), is responsible to ensure that all federal, state, county, and College procedures are adhered to and that the necessary accounting and audit records are monitored and maintained within approved guidelines and according to the California Community Colleges Budget and Accounting Manual.

The Chief Executive Officer/President (or designee) shall make quarterly periodic reports to the Board and shall keep the Board fully advised regarding the financial status of the College, including a mid-year report showing the financial and budgetary condition of the College.

References:

Education Code §§70901, 84040(c)

Title 5, §§58310, 58311

2 Code of Federal Regulations §§200.302(b)(6)-(7), 200.305, and 200.400 et seq.

BOARD POLICY

6301

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BUSINESS AND FISCAL AFFAIRS

FUNDS

The Board of Trustees authorizes the establishment and maintenance of a general fund. All College moneys not otherwise designated for placement in special funds or accounts shall be deposited in the general fund.

- A. General Fund. The General Fund books and records shall be maintained in accordance with the Budget and Accounting Manual prescribed by the Governing Board of the California Community Colleges.
- B. Other Funds. The Board of Trustees authorizes the establishment and maintenance of other funds in accordance with the Budget and Accounting Manual prescribed by the Governing Board of the California Community Colleges.

References:

CA Community Colleges Budget and Accounting Manual

BOARD POLICY

6320

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BUSINESS AND FISCAL AFFAIRS

INVESTMENTS

The Chief Executive Officer/President is responsible for ensuring that funds not required for the immediate needs of the College are invested in accordance with law, including California Government Code section 53600, et seq.

Investments shall be made based on the following criteria:

- A. The preservation of principal shall be of primary importance.
- B. The investment program must remain sufficiently liquid to permit the College to meet all operating requirements.
- C. Return on investment shall be sought for funds not required for the immediate needs of the College.

Transactions should be avoided that might impair public confidence.

References:

Government Code §53600, et seq.

PURCHASING AND CONTRACTS

The Board of Trustees delegates to the Chief Executive Officer/President the authority to enter into purchases and contracts on behalf of the College and to establish administrative procedures for all purchases, contract awards, and their management, subject to the following:

A. Purchases

The Chief Executive Officer/President is delegated the authority to purchase supplies, materials, equipment, and services as necessary to the efficient operation of the College. No such purchase shall exceed the amounts specified by California Public Contract Code §20651, as amended from time to time. The Chief Executive Officer/President is responsible for developing and implementing the necessary purchasing procedures and controls.

A summary of all purchasing transactions shall be reviewed by the Board every sixty (60) days.

The Chief Executive Officer/President is specifically given the authority by the Board to delegate his or her authority to approve and sign purchase orders, contracts, and other purchasing documents and instruments as deemed necessary.

B. Contracts

1. With the exception of contracts entered into by the Chief Executive Officer/President in amounts less than \$100,000, in accordance with the authority delegated to the Chief Executive Officer/President in Board Policy 6100, contracts are not enforceable obligations until they are ratified by the Board.
2. With the exception of contracts entered into by the Chief Executive Officer/President in amounts less than \$100,000, in accordance with the authority delegated to the Chief Executive Officer/President in Board Policy 6100, contracts for work to be done, services to be performed or for goods, equipment, or supplies to be furnished or sold to the College that exceed the amounts specified in Public Contracts Code section 20651 shall require prior approval by the Board.
3. With the exception of contracts entered into by the Chief Executive Officer/President in amounts less than \$100,000, in accordance with the authority delegated to the Chief Executive Officer/President in Board Policy 6100, contracts for fiscal audit and legal services shall require prior approval by the Board, except in the unusual situation that it is deemed in the best interest of the College by the Chief Executive Officer/President to retain legal counsel on an emergency basis prior to a Board meeting.

PURCHASING AND CONTRACTS

4. With the exception of contracts for fiscal audit and legal services, contracts that do not exceed the amounts specified in Public Contracts Code section 20651 shall not require prior approval by the Board but shall be presented to the Board for ratification.

When bids are required according to Public Contracts Code section 20651, the Board shall award each such contract to the lowest responsive and responsible bidder who meets the specifications published by the College and who shall give such security as the Board requires, or the Board shall reject all bids.

If the best interests of the College will be served by a contract, lease, requisition, or purchase order through any other public corporation or agency in accordance with Public Contracts Code section 20652, the Chief Executive Officer/President is authorized to proceed with a contract.

Authority to execute purchases and contracts on behalf of the College is delegated to the Chief Executive Officer/President.

References:

Education Code §§ 75003(d), 75005(d)(1) & (d)(4)(B), 81656

Public Contracts Code §20650, 20651

Government Code §53060

BOARD POLICY

6330.1

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BUSINESS AND FISCAL AFFAIRS

DATA PRIVACY AGREEMENTS WITH THIRD PARTIES

The College shall ensure that contracts between the College and Third Parties shall include provisions ensuring privacy and security of the data of working adults attending the College and shall ensure such contracts are in compliance with State and Federal law. Third Parties, for the purposes of this Policy, shall include private contractors as well as other public agencies.

References:

20 U.S.C.A. §1232g (FERPA)

Education Code §§76210 through 76246

PURCHASES FROM OTHER CALIFORNIA PUBLIC AGENCIES AND AUXILIARIES, AND HIGHER EDUCATION INSTITUTIONS AND SYSTEMS

The College may purchase materials, equipment, supplies or services under the same terms and conditions specified in a contract lawfully awarded by the following:

California Community College's Chancellor's Office and its auxiliary, the Foundation for California Community Colleges pursuant to California Public Contract Code 20661, and California Education Code 72670.5;

Contracts through the California Department of General Services (DGS) California Multiple Award Schedule (CMAS) pursuant to California Public Contract Code 20653;

California State University and the University of California pursuant to California's Public Contract Code 20653.5;

Other competitively bid California public agency ("Public agency" as defined by California Government Code 20057) agreements pursuant to California Public Contract Code 20652; and

Any Joint Powers Authority formed pursuant to Government Code section 6502 et seq. to which the College is a member.

References:

Education Code §81646

BOARD POLICY

6400

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BUSINESS AND FISCAL AFFAIRS

FINANCIAL AUDITS

There shall be an annual outside audit of all funds, books, and accounts of the College in accordance with the regulations of Title 5 of the California Code of Regulations. The Chief Executive Officer/President (or designee) shall ensure that an annual outside audit is completed. The Chief Executive Officer/President (or designee) recommend a certified public accountancy firm to the Board with which to contract for the annual audit.

References:

Education Code §84040(b)

Title 5, CA Code of Regulations §59100, et seq.

BOARD POLICY

6450

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BUSINESS AND FISCAL AFFAIRS

MOBILE COMMUNICATION DEVICES

The Chief Executive Officer/President shall determine if it is in the best interests of the College to provide cellular or wireless phones or other type of mobile communication devices at College expense for the use of College employees. The Chief Executive Officer/President may also develop procedures for providing stipends to employees for their acquisition and operation of mobile communication devices when doing so is in the best interests of the College.

References:

Vehicle Code §§23123, 23124

BOARD POLICY

6500

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BUSINESS AND FISCAL AFFAIRS

PROPERTY MANAGEMENT

The Chief Executive Officer/President or designee is delegated the authority to act as the Board of Trustees' negotiator regarding all property management matters that are necessary for the benefit of the College. No transaction regarding the lease, sale, use, or exchange of real property by the College shall be enforceable until acted on by the Board itself.

The Chief Executive Officer/President or designee shall establish such procedures as may be necessary to ensure compliance with all applicable laws relating to the sale, lease, use, or exchange of real property by the College.

References:

Education Code §§75003(b)(6), 81300, et seq., 81600, et seq.

BOARD POLICY

6520

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BUSINESS AND FISCAL AFFAIRS

SECURITY FOR COLLEGE PROPERTY

The Chief Executive Officer/President shall establish procedures necessary to manage, control and protect the assets of the College, including but not limited to ensuring sufficient security to protect property, equipment, and information from theft, loss, or significant damage.

References:

Education Code §§75003(b)(6), 81600, et seq.

34 Code of Federal Regulations §668.46(b)(3)

BOARD POLICY

6520.1

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BUSINESS AND FISCAL AFFAIRS

DATA GOVERNANCE POLICY

The Chief Executive Officer shall establish a policy and procedure for data governance, including the preparation of a Data Governance Plan. Data governance is an organizational approach to data management and protection that encompasses the full life cycle of data, from acquisition, to use, to disposal. The Data Governance Plan shall be applicable to all faculty and staff, including temporary employees and contractors of the College. This Data Governance Plan shall ensure confidential information, which shall include both the data of working adults enrolled at the College and of College employees, is only accessible and disclosed to authorized personnel. The Data Governance Plan shall be periodically updated to reflect changes in administrative, legal and technical requirements.

References:

20 U.S.C.A. §1232g (FERPA)

California Constitution, Article 1, section 1

Education Code §§70620 through 76246

Civil Code §1798.29

BOARD POLICY

6520.2

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BUSINESS AND FISCAL AFFAIRS

DATA SECURITY

The Chief Executive Officer shall develop a Data Security Policy. The Policy shall include the following elements: (1) Implementing procedural and electronic security controls; (2) Security training for faculty and staff; (3) Periodic audits of the District's security practices and policies; and (4) Detecting and reporting of unauthorized access to confidential data.

References:

20 U.S.C.A. §1232g

Education Code §§76230 through 76246

BOARD POLICY

6540

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BUSINESS AND FISCAL AFFAIRS

INSURANCE

The Chief Executive Officer/President shall be responsible to secure insurance coverage for the College as required by law, which shall include but is not limited to the liabilities described in Education Code Section 72506, as follows:

- A. Liability for damages for death, injury to persons, or damage or loss of property.
- B. Personal liability of the members of the Board of Trustees and the officers and employees of the College for damages for death, injury to a person, or damage or loss of property caused by the negligent act or omission of the members of the board, officers, or employees when acting within the scope of office or employment.
- C. Workers' Compensation.

The Chief Executive Officer/President may authorize coverage for persons who perform volunteer services for the College.

Insurance also shall include College real and personal-property insurance and insurance against other perils, subject to insurance limitations and exclusions.

The College may join in on a joint powers agreement pursuant to Education Code Section 81603 for the purposes described in this policy.

References:

Education Code §§70902, 72502, 72506

SAFETY

The Chief Executive Officer/President shall establish administrative procedures to ensure the safety of employees, learner workers, learners, and volunteers on College sites, including the following:

- A. Compliance with the United States Department of Transportation regulations implementing the Federal Omnibus Transportation Employee Testing Act of 1991. Specifically, the College shall comply with the regulations of the Federal Highway Administration (FHWA) and, if applicable, the Federal Transit Administration (FTA). Compliance with these policies and procedures may be a condition of employment.
- B. Establishment of an Injury and Illness Prevention Program in compliance with applicable Cal/OSHA regulations and state law. These procedures shall promote an active and aggressive program to reduce and/or control safety and health risks.
- C. Establishment of a Hazardous Material Communications Program, which shall include review of all chemicals or materials received by the College for hazardous properties, instruction for employees, learner workers, learners, and volunteers on the safe handling of such materials, proper disposal methods for hazardous materials, and effective management and administration of Material Safety Data Sheets (MSDS).
- D. Prohibition of the use of tobacco in all public buildings.

References:

49 Code of Federal Regulations, Part 40 and Part 655

Title 8, CA Code of Regulations §3203

29 Code of Federal Regulations §1910.101 et seq.

Health and Safety Code §104420

BOARD POLICY

6805

CALIFORNIA ONLINE
COMMUNITY COLLEGE

BUSINESS AND FISCAL AFFAIRS

SERVICE ANIMALS ON CAMPUS

The Chief Executive Officer/President shall establish procedures regarding service animals and service animals in training. This policy addresses animals utilized for disability accommodation services. As established and defined by the Americans with Disabilities Act (ADA), service animals and service animals in training shall not be excluded from Online Community College facilities or activities.

References:

Americans with Disabilities Act (ADA) Title II and III (1990)

§504 of the Rehabilitation Act of 1973

US Department of Justice (DOJ), Civil Rights Division, Disability Rights Section

California Civil Code §§54.1(6) through 54.1(7)(b)

CHAPTER 7: HUMAN RESOURCES

BOARD POLICY

7100

CALIFORNIA ONLINE
COMMUNITY COLLEGE

HUMAN RESOURCES

COMMITMENT TO EQUITY, DIVERSITY, AND INCLUSION IN HIRING

The College is committed to employing qualified, equity-minded administrators, faculty, and staff members who are dedicated to working adult success. The Board of Trustees recognizes that diversity in the academic environment fosters cultural awareness, promotes mutual understanding and respect, enhances learning, and provides suitable role models for all working adults enrolled at the College. The Board is committed to hiring and staff-development processes that support the goals of equal opportunity, equity, diversity, and inclusion. In support of this commitment, all employees who participate in the hiring process must receive training on equal opportunity, equity, diversity and inclusion.

References:

Education Code §§87100 et seq.

Title 5, §§53000 et seq.

BOARD POLICY

7110

CALIFORNIA ONLINE
COMMUNITY COLLEGE

HUMAN RESOURCES

DELEGATION OF AUTHORITY – HUMAN RESOURCES

The Board of Trustees delegates authority to the Chief Executive Officer, or his designee, to authorize employment, designate job responsibilities, and perform other personnel actions. All federal and state laws and regulations and board policies and administrative procedures shall be followed. The Chief Executive Officer's actions are subject to ratification by the board where required by law.

References:

Education Code §70902, subd. (d)

BOARD POLICY

7120

CALIFORNIA ONLINE
COMMUNITY COLLEGE

HUMAN RESOURCES

RECRUITMENT

The Chief Executive Officer shall establish procedures for the recruitment and selection of employees including, but not limited to, the following criteria:

An Equal Employment Opportunity plan shall be implemented according to Title 5 and Board Policy 3420, Equal Employment Opportunity.

Academic employees shall possess the minimum qualifications, or the equivalent, prescribed for their positions by the Board of Trustees.

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

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

Full-time personnel appointments are normally to be approved by the Board before work begins, however, with the approval of the Chief Executive Officer, full-time personnel may begin work prior to Board approval, subject to ratification by the Board no more than sixty days after work begins.

References:

Education Code §§70901.2, 70902(b)(7),(d), 87100 et seq., and 87458

Title 5, §§51023.5 and 53000 et seq.

Accrediting Commission for Community and Junior Colleges Accreditation Standard III.A.1

BOARD POLICY

7130

CALIFORNIA ONLINE
COMMUNITY COLLEGE

HUMAN RESOURCES

COMPENSATION

Salary schedules, compensation and benefits, including health and welfare benefits, for all classes of employees and each contract employee shall be established by the Board of Trustees.

Prohibition of Incentive Compensation

The College shall not provide any commission, bonus, or other incentive payment based, directly or indirectly, on the success in securing enrollments or financial aid, to any person or entity engaged in any recruiting of working adults, in admission activities, or in making decisions regarding the award of financial assistance to working adults. Employees covered by this ban shall be referred to as “covered employees” for purposes of this policy.

The Board of Trustees is committed to public accountability and disclosure of employee compensation. A publicly available report with all salary schedules shall be submitted each year to the Board of Trustees.

References:

Education Code §§70902(b)(4), 72411, 87801, and 88160

Government Code §53200

U.S. Department of Education regulations on the Integrity of Federal learner

Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended

BOARD POLICY

7140

CALIFORNIA ONLINE
COMMUNITY COLLEGE

HUMAN RESOURCES

COLLEGIAL NEGOTIATION AND COLLECTIVE BARGAINING

If eligible employees of the College select an employee organization as their exclusive representative, and if, after recognition by the College or after a properly conducted election, an exclusive representative is certified as the representative of an appropriate unit of employees under the provisions of the Educational Employment Relations Act, Government Code Sections 3540 et seq., the College will meet and negotiate in good faith on matters within the scope of bargaining as defined by law.

References:

Government Code §§3540-3549.3, Educational Employment Relations Act

BOARD POLICY

7150

CALIFORNIA ONLINE
COMMUNITY COLLEGE

HUMAN RESOURCES

EVALUATION

All employees will periodically undergo a performance evaluation, at prescribed intervals.

The performance and conduct of substitute and short-term employees who are exempt from the classified service shall be evaluated from time to time as may be appropriate and in such a manner as may be prescribed by the Chief Executive Officer or his/her designee.

Information on evaluation of represented employees can be found in the respective collective bargaining agreement.

References:

Accreditation Standard III.A.1.b

BOARD POLICY

7160

CALIFORNIA ONLINE
COMMUNITY COLLEGE

HUMAN RESOURCES

PROFESSIONAL DEVELOPMENT

It is the intent of the Board of Trustees to provide for the professional development of all employees.

References:

Education Code §87150 et seq.

Accrediting Commission for Community and Junior Colleges

Accreditation Standard III.A.14

BOARD POLICY

7210

CALIFORNIA ONLINE
COMMUNITY COLLEGE

HUMAN RESOURCES

ACADEMIC EMPLOYEES

Academic employees are all persons employed by the College in academic positions. Academic positions include every type of service, other than paraprofessional service, for which minimum qualifications have been established by the Board of Governors for the California Community Colleges.

Faculty members are those employees who are employed by the College in academic positions that are not designated as supervisory or management. Faculty employees include, but are not limited to, instructors, librarians, counselors, and professionals in health services, DSPS, and EOPS.

Decisions regarding tenure of faculty shall be made in accordance with the evaluation procedures established for the evaluation of probationary faculty and in accordance with the requirements of the Education Code. The Board reserves the right to determine whether a faculty member shall be granted tenure.

The College may employ temporary faculty from time to time as required by the interests of the College. Temporary faculty may be employed full time or part time. The Board delegates authority to the Chief Executive Officer to determine the extent of the College's needs for temporary faculty.

References:

Education Code S§§87400 et seq., 87419.1, 87600 et seq., and 87482.8

Title 5, §51025

BOARD POLICY

7230

CALIFORNIA ONLINE
COMMUNITY COLLEGE

HUMAN RESOURCES

CLASSIFIED EMPLOYEES

Classified employees are those who are employed in positions that are not academic positions. The employees and positions shall be known as the classified service.

The classified service does not include:

- A. Substitute and short-term workers (aka “temporary workers”) who are employed and paid for less than seventy-five percent (75%) of the academic year (meaning 195 working days, regardless of the number of hours worked per day).
- B. Part-time apprentices and professional experts employed on a temporary basis for a specific project, regardless of length of employment.
- C. Employment of either full-time or part-time working adults enrolled at the College in any work-study program or in a work-experience-education program conducted by the College.

The Board of Trustees shall fix and prescribe the duties of the members of the classified service. Before a short-term employee is employed, the Board, at a regularly scheduled meeting, shall specify the service required to be performed and certify the ending date of the service. The board may later act to shorten or extend the ending date, but shall not extend it beyond seventy-five percent (75%) of an academic year. (See Board Policy 7110–Delegation of Authority.)

The Chief Executive Officer shall establish procedures to assure that the requirements of state law and regulations regarding the classified service are met.

The probationary period for classified employees shall be one year.

References:

Education Code §§88003, 88004, 88009, and 88013

BOARD POLICY

7232

CALIFORNIA ONLINE
COMMUNITY COLLEGE

HUMAN RESOURCES

CLASSIFICATION AND RECLASSIFICATION REVIEW

Upon the recommendation of the Chief Executive Officer, the Board may approve a classification change in any or all of the positions or classes of positions.

Information on classification and reclassification review for represented employees can be found in the respective collective bargaining agreement.

References:

Education Code §§88001 and 88009

BOARD POLICY

7240

CALIFORNIA ONLINE
COMMUNITY COLLEGE

HUMAN RESOURCES

CONFIDENTIAL EMPLOYEES

Confidential employees are those who are required to develop or represent management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. The fact that an employee has access to confidential or sensitive information shall not in and of itself make the employee a confidential employee.

A determination whether a position is a confidential one shall be made by the Board in accordance with applicable law and with the regulations of the California Public Employment Relations Board.

Confidential employees are not eligible for inclusion in a bargaining unit represented by an exclusive representative and the terms and conditions of their employment are not controlled by any collective bargaining agreement.

The terms and conditions of employment for confidential employees shall be addressed in Board policies and provided for in administrative procedures developed by the Chief Executive Officer. Such terms and conditions of employment shall include, but not be limited to, procedures for evaluation and rules regarding leaves, transfers, and reassignments.

References:

Government Code §3540.1(c)

EDUCATIONAL ADMINISTRATORS

An educational administrator is a person employed by the Board of Trustees in a supervisory or management position as defined in Government Code Section 3540 et seq.

Educational administrators are those who exercise direct responsibility for supervising the operation of or formulating policy regarding the instructional or working adult services programs of the College.

Educational administrators shall be compensated in the manner provided for by the appointment or contract of employment. Compensation shall be set by the Board of Trustees upon recommendation by the Chief Executive Officer. Educational administrators shall further be entitled to health and welfare benefits made available by action of the Board of Trustees upon recommendation by the Chief Executive Officer.

Educational administrators shall be entitled to vacation leave, sick leave, and other leaves as provided by law, these policies, and administrative procedures adopted by the Chief Executive Officer.

Every educational administrator shall be employed by an appointment or contract of up to maximum amount permitted by law.

The Board of Trustees may, with the consent of the administrator concerned, terminate, effective on the next succeeding first day of July, the terms of employment and any contract of employment with the administrator, and reemploy the administrator on any terms and conditions as may be mutually agreed upon by the Board and the administrator, for a new term to commence on the effective date of the termination of the existing term of employment.

If the Board of Trustees determines that the administrator is not to be reemployed when his or her appointment or contract expires, notice to an administrator shall be in accordance with the terms of the existing contract. If the contract is silent, notice shall be in accordance with Education Code Section 72411.

Retreat Rights

An educational administrator who has not previously acquired tenure as a faculty member in the College shall have the right to become a first year probationary faculty member once his or her administrative assignment expires or is terminated, if the following criteria are met:

EDUCATIONAL ADMINISTRATORS

- The administrator meets the criteria established by the College for minimum qualifications for a faculty position, in accordance with procedures developed jointly by the Chief Executive Officer and the Academic Senate and approved by the Board of Trustees. The Board of Trustees shall rely primarily on the advice and judgment of the Academic Senate to determine that an administrator possesses minimum qualifications for employment as a faculty member; and
- The requirements of Education Code Sections 87458(c) and (d), or any successor statute, are met with respect to prior satisfactory service and reason for termination of the administrative assignment.

References:

Education Code §§72411 et seq., 87002(b), and 87457-87460

Government Code §3540.1(g) and (m)

BOARD POLICY

7260

CALIFORNIA ONLINE
COMMUNITY COLLEGE

HUMAN RESOURCES

CLASSIFIED ADMINISTRATORS

Classified administrators are administrators who are not employed as educational administrators.

Classified administrators, regardless of job description, have the authority to hire, transfer, suspend, recall, promote, discharge, assign, reward, or discipline other employees, or have the responsibility to assign work to and direct them, adjust their grievances, or effectively recommend such action.

Classified administrators may be employed by an appointment or contract. If a classified administrator is employed by an appointment or contract, the appointment or contract shall be subject to the same conditions as applicable to educational administrators.

Classified administrators may also be employed in the same manner as the other members of the classified service. If a classified administrator is employed as a regular member of the classified service, employment shall be consistent with other provisions of these policies regarding employment of classified employees.

References:

Government Code §3540.1(g), (m)

Education Code §72411

BOARD POLICY

7270

CALIFORNIA ONLINE
COMMUNITY COLLEGE

HUMAN RESOURCES

WORKING ADULTS

The Chief Executive Officer shall establish administrative procedures to administer the employment of working adults at the College to ensure the requirements of state law and regulations regarding working adults are met.

References:

Education Code §§69960(f) and 88003

BOARD POLICY

7280

CALIFORNIA ONLINE
COMMUNITY COLLEGE

HUMAN RESOURCES

EMPLOYEE RECOGNITION

The College is committed to recognizing employees for their contributions to the College. The Chief Executive Officer, in consultation with the various employee group organizations, may recommend to the Board of Trustees appropriate types of recognition.

References:

NEPOTISM

The College may employ, for any position, qualified persons who are related to or are domestic partners of the current employees of the College provided all of the following conditions are met:

Employees of the College shall not initiate or participate in decisions involving a direct benefit (initial employment, supervision, evaluation, retention, promotion, salary, leave of absence, work schedule, etc.) to members of their immediate family or to the employee's domestic partner.

For purposes of this policy, "members of the immediate family" as used in this section means the mother, father, mother-in-law, father-in-law, grandmother or grandfather of the employee, the spouse, grandchild, son, son-in-law, daughter, daughter-in-law, stepson, stepdaughter, brother or sister of the employee or stepparents or any relative living in the immediate household of the employee.

For purposes of this policy, "domestic partner" is defined by California Family Code Section 297 et. seq.

The College retains the right to reassign or transfer one of the related individuals or domestic partners to eliminate any potential for creating any adverse impact on supervision, safety, security, morale, or other potential conflicts of interest.

If, subsequent to appointment to any position, an employee becomes legally related to or a domestic partner of another employee of the College, the College may require one of the parties to change department or position to avoid a potential conflict of interest.

At any time that an immediate family member or relative of a member of the Board of Trustees (even though they are not employees of the College) is being considered for employment in any regular full-time, part-time, or hourly capacity by the College, said member of the Board of Trustees shall make known the family relationship in writing to the Chief Executive Officer before action is taken. A spouse or domestic partner of a member of the Board of Trustees may not be considered for employment in any new position requiring approval by the Board of Trustees.

Nothing in this policy shall be construed to allow discrimination that is otherwise prohibited by law.

References:

Government Code §§12940 et seq., and 1090 et seq.

BOARD POLICY

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COMMUNICABLE DISEASE

All newly hired employees shall have on file a medical certificate indicating freedom from communicable diseases, including tuberculosis, that render the applicant unfit to instruct or associate with working adults enrolled at the College. No employee shall commence service until such medical certificate has been provided to the College.

All newly hired academic or classified employees must show that within the past 60 days they have submitted a tuberculosis risk assessment and, if risk factors are present, been examined to determine that they are free from active tuberculosis. If risk factors were present at the tuberculosis risk assessment and an examination occurs, after the examination the employee shall provide the College with a certificate from employee's examining physician showing that the employee was examined and found to be free from active tuberculosis.

All employees shall be required to undergo a tuberculosis risk assessment within four years of employment and every four years thereafter to determine if they are free from tuberculosis.

References:

Education Code §§87408; 87408.6; and 88021

BOARD POLICY

7335

CALIFORNIA ONLINE
COMMUNITY COLLEGE

HUMAN RESOURCES

HEALTH EXAMINATIONS

The Chief Executive Officer shall establish administrative procedures related to medical or psychological examinations of candidates for appropriate positions prior to assuming the duties of the position. Such pre-employment medical examinations shall be required only after a conditional job offer has been made, and shall be required of any candidate for a position for which a pre-employment medical examination has been deemed appropriate. No candidate shall be required to participate in such an examination solely on the basis of the candidate's age or disability.

The procedures may require any employee to undergo a physical or mental examination where such a fitness for duty exam is job related and consistent with business necessity. Such medical examinations shall be at the College's expense and shall be conducted by a physician chosen by the College.

References:

42 U.S.C. §12112

29 C.F.R., Part 1630 (Equal Employment Opportunity Commission/EEOC)

Education Code §§87408 and 88021

Government Code §12940

ADA (Americans with Disabilities Act)

LEAVES

The Board of Trustees may grant a leave of absence upon the request of an employee. The Chief Executive Officer shall establish procedures for employee leaves as authorized by law and by any collective bargaining agreements entered into by the College. Such leaves shall include, but are not limited to:

- Illness or injury leaves for all classes of permanent employees (Education Code Sections 87781 and 88192)
- Paid sick leave (Labor Code Section 246)
- Vacation leave for all classes of employees (temporary, permanent and probationary)
- Leave for service as an elected official of a community college public employee organization, or of any statewide or national employee organization with which the local organization is affiliated or leave for a reasonable number of unelected classified employees for the purpose of enabling an employee to attend important organizational activities authorized by the public employee organization (Education Code Sections 87768.5 and 88210)
- Leave of absence to serve as an elected member of the legislature (Education Code Section 87701)
- Pregnancy leave (Education Code Sections 87766 and 88193; Government Code Section 12945)
- Leave to bond with a new child (Education Code Sections 87784.5 and 88207.5)
- Use of illness leave for personal necessity (Education Code Sections 87784 and 88207)
- Industrial accident and illness leave (Education Code Sections 87787 and 88192)
- Bereavement leave (Education Code Sections 87788 and 88194)
- Jury service or appearance as a witness in court (Education Code Sections 87035 and 87036)
- Military service (Education Code Section 87700)
- Sabbatical leaves

An employee who has been on authorized leave of absence shall be reinstated to an appropriate position for which he/she is qualified, except that an employee who has been on authorized leave of absence for one year or less and whose position was filled by a temporary worker shall be reinstated in the position that he/she held prior to going on leave of absence, if the same position exists. No paid leave of absence shall be construed as a break in continuity of service required for employee classification or College benefits. The time during which the leave of absence is taken shall not be considered as employment.

Vacation leave for members of the classified service and educational administrators and classified administrators shall not accumulate beyond the equivalent of paid leave earned in twenty-four (24) months. Employees shall be permitted to take vacation in a timely manner to avoid accumulation of excess vacation.

In addition to these policies and collective bargaining agreements, the Board retains the power to grant leaves with or without pay for other purposes or for other periods of time.

Individual departments are responsible for establishing protocols for absence notification. Employees must follow department call-in procedures to notify the department of the reason for lateness and expected arrival time.

References:

Education Code §§87763 et seq., 87780.1, 88190 et seq., and 88196.1

Labor Code §245 et seq.

PROFESSIONAL DEVELOPMENT LEAVE (ADMINISTRATIVE)

A member of the administrative staff may be granted, upon favorable review by the appropriate administrative supervisor, recommendation by the Chief Executive Officer, and approval by the Board of Trustees, an educational or professional development leave for up to one semester in length. Such a leave must be consistent with the interests of the College, and related to the administrator's area of responsibility.

Professional Development Leaves shall be granted only after determination that the leave will not have a negative impact on College operations, with the assurance that appropriate provision can be made for carrying out the administrator's work during the leave period.

The purpose of the leave is to provide a substantial block of time and commitment for a major professional development activity which will ultimately benefit the College. Leaves may be granted for purpose of study, research, and/or improvement of administrative skills, to take advantage of an opportunity which will result in more effective leadership and service to the College.

References:

Education Code §§87767 et seq., 88221 et seq.

BOARD POLICY

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HOLIDAYS

Management, supervisory, and confidential personnel are entitled to the same paid holidays that are extended to the classified personnel. Each manager shall be entitled to those holidays that fall within his/her dates of employment each fiscal year. Certificated management personnel paid on a ten month basis with extra pay for extra days worked are not scheduled for work on designated holidays and are not paid for these holidays. Holidays shall be determined by the Board of Trustees in accordance with the Education Code.

References:

Education Code §§79020 and 88203

BOARD POLICY

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CATASTROPHIC LEAVE PROGRAM

The Board of Trustees authorizes implementation of a catastrophic leave program to permit employees of the College to donate eligible leave credits to an employee when that employee or a member of his or her immediate family suffers from a catastrophic illness or injury.

The Chief Executive Officer shall establish administrative procedures to administer the program that comply with the requirements established by the Education Code. The administrative procedures shall assure that the program is administered in a nondiscriminatory way.

References:

Education Code §87045

FAMILY AND MEDICAL LEAVE

The College will grant family and medical leave in accordance with the requirements of applicable state and federal law in effect at the time the leave is granted. No greater or lesser leave benefits will be granted than those set forth in such state or federal laws unless so provided in a collective bargaining agreement. In certain situations, the federal law requires that provisions of state law apply. In any case, employees will be eligible for the most liberal benefits available under either law.

An employee should contact his/her supervisor or the Human Resources office as soon as he/she becomes aware of the need for a family and medical leave. Supervisors should gather sufficient information to enable him/her to ascertain whether an employee may be entitled to family and medical leave, even if the employee does not specifically request such leave. Supervisors must refer all employees requesting or potentially entitled to a family and medical leave to the Human Resources office.

References:

Government Code §§12940, 12945, 12945.1-12945.2 (California Family Rights Act), and 19702.3

Title 2 §§7291.2 et seq. and 7297 et seq.

29 United States Code, §§2601-2654 (Family And Medical Leave Act of 1993)

29 Code of Federal Regulations, §§825.100-825.800 (Family And Medical Leave Act of 1993)

BOARD POLICY

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RESIGNATIONS

The Board of Trustees shall accept the resignation of any employee and shall fix the time when the resignation takes effect, which shall not be later than the close of the academic year during which the resignation has been received by the board.

The Board hereby delegates to the Chief Executive Officer and the Chief Human Resources Officer the authority to accept resignations on its behalf at any time. Resignations shall be deemed accepted by the Board when accepted in writing (including via electronic communication) by the Chief Executive Officer or the Chief Human Resources Officer. When accepted by the Chief Executive Officer or the Chief Human Resources Officer, the resignation is final and may not be rescinded. All such resignations shall be forwarded to the board for ratification.

References:

Education Code §§87730 and 88201

DISCIPLINE AND DISMISSAL - ACADEMIC EMPLOYEES

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 by 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 Chief Executive Officer; and
- 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 Chief Executive Officer or designee shall thereafter assure that the employee is afforded the full post-termination due process required by the Education Code.

References:

Education Code §§87660 et seq. and 87732

BOARD POLICY

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DISCIPLINE AND DISMISSAL – CLASSIFIED EMPLOYEES

The Chief Executive Officer shall enact procedures for the disciplinary proceedings applicable to permanent classified employees (other than “Classified Administrators” as that term is defined in Board Policy) of the College. Such procedures shall conform to the requirements of the Education Code and may be set forth in the applicable collective bargaining agreement.

The Board’s determination of the sufficiency of the cause for disciplinary action of a classified employee shall be conclusive.

No disciplinary action shall be taken for any cause that arose prior to the employee becoming permanent, or for any cause that arose more than two years preceding the date of the filing of any charge against the employee, unless the cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee should have disclosed the facts to the College.

References:

Education Code §88013

Government Code §§3300 et seq.

BOARD POLICY

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HUMAN RESOURCES

USE OF COLLEGE RESOURCES FOR POLITICAL ACTIVITY

Employees shall not use College funds, services, supplies, or equipment to urge the passage or defeat of any ballot measure or candidate. This policy prohibits political activity during an employee's working hours, but shall not be construed to prohibit an employee from urging the support or defeat of a ballot measure or candidate during nonworking time.

The Board recognizes the right of an employee of the College to take or refrain from taking a stand on a political issue and to support or oppose any issue or candidate. Such activities shall be conducted on the employee's own time and off the premises of the College. The employee will exercise reasonable care to show that any actions are being taken in the capacity of a private citizen.

This policy is not intended to impinge upon academic freedom or free speech.

References:

Education Code §§7054 and 7056

Government Code §8314

RETIREE HEALTH BENEFITS

The College shall permit any former permanent employee who has retired from the College and the California State Teachers Retirement System and/or California Public Employees Retirement System to enroll in the health-and-welfare benefit plan and/or dental care benefit plan currently provided to its employees; provided, however, that the benefit plan providers permit such enrollment. In addition, the College shall also permit the enrollment of the surviving spouse of a former permanent employee who either retired from the College or was, at the time of his or her death, employed by the College as a permanent employee and a member of the California State Teachers Retirement System and/or California Public Employees Retirement System.

A retired employee or surviving spouse may enroll in the College's health-and-welfare benefit plans only once pursuant to this policy. A retired employee or surviving spouse who voluntarily terminates coverage under this policy or is terminated due to non-payment may be excluded from obtaining coverage again.

Enrollment pursuant to this policy shall be at the retiree or surviving spouse's own expense, unless otherwise required by law.

The Chief Executive Officer shall establish procedures as may be deemed necessary to administer this policy in accordance with Education Code Section 7000 et seq.

References:

Education Code §7000 et seq.

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BENEFITS

The College provides to eligible employees and their eligible dependents medical insurance, dental insurance, vision care, life insurance, and disability insurance. The College reserves the right to select all insurance companies, including self-insurance. In addition, health benefits are subject to the provisions in applicable collective bargaining agreements.

Upon the death of an employee, the College will provide continuance of health, dental and vision coverage for eligible enrolled dependents to the end of the month following one hundred and twenty (120) days from the date of death. After this period of time, the surviving spouse or domestic partner may continue the College's health, dental, and vision coverage with advance payments as determined by the College, and acceptance of the insurance carrier.

References:

Government Code §53200

BOARD POLICY

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SALARY DEDUCTIONS

An employee may request reduction of his/her salary in any amount for any or all of the following purposes:

- Participation in a deferred compensation program (revocable at the employee's request);
- Paying premiums on any policy or certificate of group life insurance or disability insurance or legal expense insurance, or any of them;
- Garnishments as required by law.

The College shall reduce the salary payment by the amount which the employee has authorized in writing for the purpose of paying his/her membership dues in any local, statewide or other professional organization. Revocation of such authorization shall be in writing and shall be effective beginning with the next pay period.

Absences, Taxes, Retirement and Voluntary Deductions

Absences by employees which require deductions from payroll warrants shall be made on the payroll warrant for the period following the month in which the absence occurs, unless otherwise determined by the Chief Executive Officer. Each employee shall file necessary forms for federal and state withholding taxes. Any and all required deductions shall be made for Social Security benefits, the Public Employees' Retirement System, and the State Teachers' Retirement System, and other required deductions such as Medicare, Public Alternative Retirement System, etc.

Voluntary deductions may also be made as authorized by the Board and in accordance with Education Code Section 87040.

Group Insurance

The policy of the Board with respect to payroll deductions for group insurance will be:

1. Employees of the College may authorize the Board of Trustees to make deductions from their salaries or wages for the premiums on life, accident, health or disability insurance when such insurance is offered to the employee by reason of membership in any bona-fide association whose members are:

SALARY DEDUCTIONS

- a. comprised exclusively of the employees of the College;
 - b. comprised of employees of the public schools of this state;
 - c. comprised of employees of any association of faculty members or any association of certificated school employees;
 - d. comprised of employees of any non-certificated association of school employees;
 - e. such other organizations or association, federal, state, or local, as may be approved from time to time by the Board of Trustees.
2. A written payroll deduction authorization shall be executed by the employee and filed with payroll and shall be revocable at any time upon the written request of the employee.
 3. Deductions from salaries or wages will be made without charge by the College and will be remitted periodically as required to the organization or association named by such payroll deduction authorization.

It is agreed and understood that the approval of any and all such payroll deduction authorizations by the Board shall in no way constitute any approval of the plan or purposes for which the deduction is made nor shall the Board incur any liability for the operation of such plans or purposes.

Employee Organizations

Payroll deductions for authorized employee organizations may be approved by the governing board in accordance with state law. If any such dues, assessments, or fees are deducted by the Board, from the pay of any employee and sent to the employee organization and the employee does not owe the same, the employee organization shall refund the same to the employee and the Board shall not be liable for any refund.

References:

Education Code §§87040, 87833, 87834, and 88167

BOARD POLICY

7400

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COMMUNITY COLLEGE

HUMAN RESOURCES

EMPLOYEE TRAVEL

Overview

The College's policy is to reimburse employees for reasonable and necessary expenses incurred in connection with approved travel on behalf of the College.

Authorization and Responsibility

The Chief Executive Officer is authorized to attend conferences, meetings, and other activities that are appropriate to the functions of the College.

The Chief Executive Officer shall establish procedures regarding the attendance of other employees at conferences, meetings, or activities. The procedures shall include authorized expenses, advance of funds, and reimbursement.

References:

Education Code §87032

BOARD POLICY

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DOMESTIC PARTNERS

Domestic partners registered with the California Secretary of State shall have, insofar as permitted by California law, all of the same rights, protections, and benefits as well as the same obligations, responsibilities, and duties of married persons (spouses) under state law. Former domestic partners shall have all the rights and obligations of former spouses. Surviving domestic partners shall have the same rights, protections, and benefits as are granted to a surviving spouse of a decedent.

Therefore, all references to “spouses” in the College’s policies or procedures shall be read to include registered domestic partners as permitted by California law.

References:

Family Code §§297, 297.5, 298, 298.5, 299, 299.2, and 299.3

BOARD POLICY

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PUBLIC SAFETY OFFICERS

The College may employ campus public safety officers, who shall provide services as security guards or patrol persons on property owned or operated by the College. Their duties include, but are not limited to, protecting persons or property, preventing the theft of College property, and reporting any unlawful activity to the College and local law enforcement.

By virtue of this Board Policy public safety officers are designated as public officers and, thereby, have the authority, protection, and responsibility specified in Penal Code Section 836.5.

The Chief Executive Officer shall establish procedures necessary for administration of College security. In addition, the Chief Executive Officer shall enter into an agreement with local law enforcement, which includes that campus public safety officers shall cooperate with local law enforcement in performing their duties.

Every campus public safety officer who works more than twenty (20) hours per week shall complete a course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs as required by Education Code Section 72330.5(b).

Every campus public safety officer shall meet other requirements set out in Education Code Section 72330.5.

References:

Education Code §72330 et seq.

Government Code §3300 et seq.

WHISTLEBLOWER PROTECTION

The Chief Executive Officer shall establish procedures regarding the reporting and investigation of suspected unlawful activities by College employees, and the protection from retaliation of those who make such reports in good faith and/or assist in the investigation of such reports. For the purposes of this policy and any implementing procedures, “unlawful activity” refers to any activity—intentional or negligent— that violates state or federal law, local ordinances, or College policy.

The procedures shall provide that individuals are encouraged to report suspected incidents of unlawful activities without fear of retaliation, that such reports are investigated thoroughly and promptly, remedies are applied for any unlawful practices, and protections are provided to those employees who, in good faith, report these activities and/or assist the College in its investigation.

Furthermore, College employees shall not:

- A. Retaliate against an employee or applicant for employment who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order.
- B. Retaliate against an employee or applicant for employment because the employee or applicant is a family member of a person who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order.
- C. Directly or indirectly use or attempt to use the official authority or influence of his or her position for the purpose of interfering with the right of an applicant or an employee to make a protected disclosure to the College. The College will not tolerate retaliation and will take whatever action may be needed to prevent and correct activities that violate this policy, including discipline of those who violate it up to and including termination.

*References:**Education Code §§87160-87164**Labor Code §1102.5**Government Code §53296**Private Attorney General Act of 2004 (Labor Code §2698)**Affordable Care Act (29 U.S.C. §218C)*