



# College Coordinating Council Meeting

**August 23, 2023**  
 9:30 a.m. – 10:30 a.m.  
 L201

**Type of Meeting: Regular**  
**Note Taker: Patty McClure**  
**Please Review/Bring: Agenda, Minutes**

**Committee Members:**  
 Hal Huntsman, Academic Senate  
 Steve Benitez , ASO  
 Pamela Ford, Classified Union  
 Greg Bormann Confidential/Management/Supervisory/Administrators  
 LaDonna Trimble, Deans  
 Dr. Jason Bowen, Faculty Union

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Dr. Jennifer Zellet, **CHAIR**  
 Shami Brar, Vice President of Administrative Services  
 Bridget Cook, General Counsel  
 Dr. Kathy Bakhit, Vice President of Academic Affairs  
 Dr. Lauren Elan Helsper, Vice President of Human Resources  
 Idania Padron, Vice President of Student Services

## MEETING

Items	Person(s) Responsible	Time	Action
<b>STANDING ITEMS:</b>			
I. Approval of Previous Minutes of May 24, 2023.	All	5 minutes	
II. Constituent Reports	All	5 minutes	
<b>DISCUSSION/ACTION ITEMS:</b>			
I. Welcome, Introductions & Brief Review of AP 2510 Participation in Local Decision Making	Jennifer	10 minutes	
II. Review of BP/AP Review Cycle	All	5 minutes	Returned from May 24th, 2023, Meeting.
III. AP 2715 Board Code of Ethics/Standards of Practice/Censure	Bridget	2 minutes	
IV. BP/AP 3440 – Service Animals	Lauren	2 minutes	
V. BP/AP 5130 – Financial Aid	Jennifer	2 minutes	
VI. AP 6305 – Reserves	Shami	2 minutes	
VII. BP/AP 7100 – Commitment to Diversity	Lauren	2 minutes	

VIII.	BP/AP 7700 – Whistleblower Protection	Lauren	2 minutes	
<b>POLICIES OUT FOR CONSTITUENT REVIEW</b>				
<b>POLICIES IN PROCESS</b>				
BP/AP 2510 – Participation in Local Decision Making	Hal/Meeta	Working with the task force.		
Decision-Making Principle Document	Jennifer	Meeting with various groups on campus for input.		
BP/AP 4010 – Academic Calendar	Kathy	Waiting for Negotiations.		
BP/AP 4100 – Graduation Requirements	Idania	Working on revisions with counseling.		
BP/AP 4400 – Community Services	Kathy	Working on revisions.		
BP/AP 7130 - Compensation	Shami & Legal			
BP/AP 7800 – Emeritus Status (NEW)	Jennifer	Working on revisions.		
<b>NEXT MEETING DATE: September 13, 2023</b>				



# College Coordinating Council Minutes

May 24, 2023  
9:30 a.m. – 10:30 a.m.  
L201

**Type of Meeting: Regular**  
**Note Taker: Patty McClure**  
**Please Review/Bring: Agenda, Minutes**

**Committee Members:**

Tamira Palmetto-Despain, Academic Senate  
Steve Benitez , ASO - **ABSENT**  
Pamela Ford, Classified Union  
Greg Bormann Confidential/Management/Supervisory/Administrators - **ABSENT**  
LaDonna Trimble, Deans - **ABSENT**  
Dr. Jason Bowen, Faculty Union  
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Dr. Jennifer Zellet, **CHAIR**  
Shami Brar, Vice President of Administrative Services - **ABSENT**  
Bridget Cook, General Counsel  
Dr. Howard Davis, Interim Vice President of Academic Affairs - **ABSENT**  
Harmony Miller, Interim Vice President of Human Resources  
Idania Padron, Vice President of Student Services

## MINUTES

Items	Person(s) Responsible	Time	Action
<b>STANDING ITEMS:</b>			
I. Approval of Previous Minutes of February 22 and March 22, 2023	All	5 minutes	The minutes were approved as presented.
II. Constituent Reports	All	5 minutes	The President handed out a BP/AP Review/Updating Timeline document, stated that she wanted the committee to agree on the timeline. There was some discussion regarding the revision of AP 2510 and that there was a group working on it. There was some discussion about some policies overlapping from chapter to chapter and that they could be paired together.  There were no constituent reports.
<b>DISCUSSION/ACTION ITEMS:</b>			
I. Representation on the IT Committee	Shami	2 minutes	It was decided to postpone until the August Meeting.
II. BP/AP 3410 – Nondiscrimination	Jennifer	2 minutes	It was agreed to go forward to the June 12, 2023, Board Meeting.

III.	BP/AP 3420 – Equal Employment Opportunity	Harmony	2 minutes	There was some discussion regarding the college’s EEO Plan is currently being reviewed by the Chancellor’s Office. Tamira stated that there were some grammatical concerns, and it was agreed to review after the EEO plan returns and after the President reviews.
IV.	BP/AP 3430 – Prohibition of Harassment	Harmony	2 minutes	It was agreed to go forward to the June 12, 2023, Board Meeting.
V.	BP/AP 3433 – Prohibition of Sexual Harassment	Harmony	2 minutes	There was some discussion regarding coaches being included in the trainings. The President stated that she would speak to the Dean of Athletics, and it was agreed to go forward to the June 12, 2023, Board Meeting.
VI.	NEW - AP 3434 – Responding to Harassment	Harmony	2 minutes	Bridget stated that there are more recent changes to the AP that are not reflected in the document, but that the District is out of compliance and that it will be revised again. It was agreed to go forward to the June 12, 2023, Board Meeting.
VII.	BP/AP 5700 – Intercollegiate Athletics	Idania	2 minutes	It was agreed to go forward to the June 12, 2023, Board Meeting.
VIII.	BP/AP 7120 – Recruitment and Hiring	Jennifer	10 minutes	Pamela stated that she had some concerns regarding the hiring process, that it has major impacts on the campus. She stated that the committee chair needs to be trained, and that the EEO Rep should take responsibility and speak up. There was discussion on the “minimum” qualifications and additional ranking for a doctorate. There was some discussion regarding education vs. experience. Harmony confirmed that when the new EEO Plan is implemented, training would be provided. There was discussion around DEIA and the importance of not just a conversation putting things into practice. Tamira stated that that there should be mandatory bias training before serving on a hiring committee, and to consider who is hiring who, making sure that there is representation on the committee and that adjuncts are overlooked in the process. Pamela suggested that there should be a revision as to when the President meets with the candidates, and that the committee feels rushed

			when deliberating. The President agreed that the procedure needs to be revised. Harmony stated that the college is doing some things right in the recruitment process. Idania stated that in looking at other institutions, she agreed with Harmony.	
IX.	Review of BP/AP Review Cycle	All	10 minutes	Ran Out of Time.

**POLICIES OUT FOR CONSTITUENT REVIEW**

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**POLICIES IN PROCESS**

BP/AP 2510 – Participation in Local Decision Making	Hal/Meeta	Working with the task force.
BP/AP 4010 – Academic Calendar	Kathy	Waiting for Negotiations.
BP/AP 4100 – Graduation Requirements	Idania	Working on revisions with counseling.
BP/AP 4400 – Community Services	Kathy	Working on revisions.
BP/AP 7130 - Compensation	Shami & Legal	
BP/AP 7800 – Emeritus Status (NEW)	Jennifer	Working on revisions.

**NEXT MEETING DATE: August 23, 2023**  
**(See attached 2023-2024 Meeting Schedule)**

# AP 2510 Participation in Local Decision-Making

Reference:

***Education Code Section 70902(b)(7); Title 5, Sections 53200 et seq; 51023.5; 51023.7  
Accreditation Standard IV.A.2, IV.A.5***

## ADMINISTRATIVE PROCEDURES RELATED TO PARTICIPATORY GOVERNANCE

The faculty, students, staff, and administration of Antelope Valley Community College District have developed the following procedures to fulfill the statutory requirements of Title 5 related to Participatory Governance.

### Procedures for Participatory Governance Committees and Academic and Professional Matters:

- A. Procedures related to participatory governance committees:
1. All collegewide participatory governance committees will abide by the “Participatory Governance Committee Operating Procedures” in Appendix I. Academic Senate committees will operate in accord with Senate guidelines.
  2. To insure “effective participation,” collegewide participatory governance committees shall include representatives from constituencies directly affected by the recommendation and representatives who also have expertise related to the role and purpose of the committee, whenever possible.
  3. The College Coordinating Council (CCC) will determine the role and function of collegewide participatory governance committees and specify the membership and terms of those committees. In addition, the CCC will review the role, function and membership of all collegewide participatory governance committees at least every three years and modify as needed. Participatory governance committees may request that the CCC review their role, function, or membership at any time for possible modification.
  4. Each constituent group represented on the College Coordinating Council will determine the process by which it appoints representatives to collegewide participatory governance committees.
  5. Each collegewide standing committee will determine if any part of an item or issue before it is related to an academic and professional matter, or a collective bargaining issue, using the guidelines listed in Appendix II, and refer that part to the College Superintendent/President and the Academic Senate or Collective Bargaining Agent, as appropriate, for consideration.
- B. Procedures for reaching agreement on Academic and Professional Matters:
1. Recommendations related to Academic and Professional Matters, where the Board relies primarily on the Academic Senate, will be submitted to the Board of Trustees for consideration, via the Superintendent/President. If the recommendations of the Academic Senate are not accepted, the Board will communicate the “compelling reasons or legal liability” to the Academic Senate in a written statement.
  2. For those Academic and Professional Matters that require mutual agreement, the Mutual Agreement Council will solicit feedback from the Board of Trustees and the Academic Senate, and may solicit feedback from other college constituent groups if needed. The Mutual Agreement Council will deliberate until mutual agreement is reached between the Board of Trustees, or their designees, and the Academic Senate.

3. If mutual agreement is reached, the Board will put the new policy into effect unless legal liability or substantial fiscal hardship can be demonstrated. If mutual agreement cannot be reached and a policy currently exists, the current policy remains in effect, unless legal liability or substantial fiscal hardship can be demonstrated. Both the Board of Trustees, or their designees, and the Academic Senate will communicate in a joint statement the reasons that agreement cannot be reached.
4. Mutual agreements between the Academic Senate and the Board of Trustees, or their designees, will be placed on the next scheduled Board Agenda as an informative report. Mutual agreements requiring Board approval will be submitted at a subsequent meeting as a communication for approval.
5. The Mutual Agreement Council will also serve as a forum for the President's Executive Council and Senate Executive Committee to share information and discuss concerns about academic and professional matters.

AVCCD Governance Councils and Committees:

- A. College Coordinating Council
- B. Mutual Agreement Council
- C. Strategic Planning & Budget Council
- D. Collegewide Participatory Governance Committees
  1. Staff Development Committee
  2. Information Technology Committee
  3. Matriculation Committee
  4. Equal Employment Opportunity Advisory Committee
  5. Campus Safety Committee
  6. Calendar Committee
  7. Legislative Committee
  8. Enrollment Management Committee
- E. Academic Senate Standing Committees
  1. Academic Policies & Procedures Committee
  2. Faculty Professional Development Committee
  3. Honors Program Committee
  4. Distance Education Committee
  5. Student Learning Outcomes Committee
  6. Equivalency Committee
  7. Senate Grant Program Committee

Membership and Functions of Governance Councils:

- A. College Coordinating Council  
(Membership)

1. Superintendent/President and/or Vice Presidents (one vote) Representing the Board of Trustees
2. Academic Senate President
3. Administrative Council Representative
4. President of Faculty Exclusive Bargaining Unit
5. President of Classified Exclusive Bargaining Unit
6. Confidential/Management/Supervisory Unit Representative
7. Associated Student Organization Representative

(Function)

- a) The College Coordinating Council will serve as the coordinating body for governance issues at Antelope Valley College, except academic and professional matters and collective bargaining issues. The Council will have four main functions: issue management, providing a communication network for distributing information to all college constituent groups, determining the decision-making and recommending authority of collegewide participatory governance committees, and submitting recommendations to the President in areas of “effective participation”.
- b) Issue management means the Council will determine the appropriate governance committee or process to address any new issue or task that is not already assigned to an existing committee or process. When the Council assigns an issue or task to an existing or a newly created committee, the Council will specify in writing the nature and scope of the assignment, if the committee has decision-making or recommending authority, the appropriate reporting process, and a timeline for completion of the assignment.
- c) If an issue before the Council involves an academic and professional matter, it will be referred to the Academic Senate and the-President’s Executive Council for consideration. If an issue before the Council involves collective bargaining matters, it will be referred to the affected Collective Bargaining Unit and the Superintendent/President for deliberation.
- d) When a collegewide participatory governance committee makes a recommendation that only requires “effective participation” of faculty, staff and students, the College Coordinating Council will consider the recommendation and communicate the committee’s recommendation to all college constituent groups.
- e) The Council may address an issue itself, when a recommendation cannot be made in a timely manner by another committee or process, or the Council determines that **not** taking action will expose the district to legal liability or cause substantial fiscal hardship. The Council may also make a recommendation to the Superintendent/President when no existing or new committee or process is deemed appropriate for handling the issue, or a committee or constituent group requests a recommendation from the Council regarding an issue.
- f) The Council shall seek consensus as the basis for making decisions. However, when consensus cannot be reached, the Council may take action if six out of seven Council members are in agreement. When a resolution before the Council does not have the required “6 out of 7” members in favor, the status quo remains in effect until such time as a mutually acceptable resolution can be negotiated and agreed to by 6 of the 7 members of the Council. The Council will determine, by consensus, criteria and a process for emergency and fast-track decision-making to be used when waiting until the next regular Council meeting would not be in the best interest of the district. All Council members have a single vote and the meetings of the Council shall be open.



- g) The Council will review the purpose/function and scope of decision-making/recommending authority of each college standing committee every three years. Any recommendation for change in purpose or scope of a committee, including the dissolution of the committee, will be presented to college constituent groups for feedback. All feedback will be shared with the affected committee. The Council and the affected committee will discuss the recommendation and the feedback from constituent groups with the goal of reaching consensus. If consensus is reached, the purpose/function and/or decision-making/recommending authority will be changed. If consensus cannot be reached, the Council may still make changes in these areas if six of seven Council members are in agreement with the change.
- h) If a proposed change in purpose/function involves an academic and professional matter, the recommendation and feedback from constituent groups will be forwarded to the Mutual Agreement Council (MAC) for deliberation. If mutual agreement is reached by the MAC, the purpose will be changed. If mutual agreement cannot be reached, the purpose/function of the committee remains the same in accord with the provisions of Title 5.

B. Mutual Agreement Council

(Membership)

- 1. President's Executive Council
- 2. Senate Executive Committee

(Function)

The Mutual Agreement Council consists of the President's Executive Council and the Senate Executive Committee and its purpose is to consult and deliberate with the intention of reaching mutual agreement between the Academic Senate and the Board of Trustees on academic and professional matters 6, 7, 9, 10 and 11 of Section 53200 in Title 5. "The governing board, or its designees, and the academic senate shall reach mutual agreement by written resolution, regulation, or policy of the governing board effectuating such recommendations."

C. Strategic Planning & Budget Council

(Membership)

- 1. Superintendent/President - Ex-Officio
- 2. Academic Senate President (Co-chair)
- 3. Dean of Institutional Effectiveness, Research and Planning (Co-chair)
- 4. College Vice Presidents (4)
- 5. Faculty Union Representative (1)
- 6. Student Representatives (2)
- 7. Faculty Representatives (5 - 1 transfer, 1 student services, 1 instructional resources, 1 vocational, 1 adjunct)
- 8. Classified Representatives (5)
- 9. Confidential/Management/Supervisory Representative (1)
- 10. Deans/Directors Representatives (2)
- 11. Director of Facilities Planning and Campus Development
- 12.-Director of Information Technology Services

13. Executive Director of Institutional Advancement and Foundation

14. Director of Public and Governmental Relations

15. Enrollment Management Committee Co-chair

(Function)

The Strategic Planning & Budget Council (SPBC) is a shared governance council that provides oversight and monitoring of the various planning documents within the institution in order to accomplish the mission and goals of the district. SPBC utilizes the Educational Master Plan, which is the district's strategic plan, to review the mission, vision, values, and practices of the institution and to monitor and modify the Strategic Goals and the Institutional Learning Outcomes.

The council reviews the annual budget requests brought forward by the Budget Subcommittee and makes a recommendation to the Superintendent/President to fund those requests that utilize institutional resources most efficiently in accomplishing the district's strategic goals and improving the Institutional Learning Outcomes. SPBC works collegially with the Superintendent/President to recommend budget priorities in a timely fashion. The Superintendent/President may recommend budget expenditures to the Board of Trustees without consensus of the SPBC in those instances of legal and fiscal responsibility, as cited in both Education Code and Title 5. The Superintendent/President submits budget recommendations to the Board of Trustees for approval.

In order to function most efficiently and to support and execute the Educational Master Plan, members of the SPBC are assigned to the following subgroups/subcommittee:

- Facilities: Based on the findings of the Educational Master Plan, responsible for developing and evaluating the effectiveness of the Facilities Master Plan, which oversees the district's long-range infrastructure, building, and parking needs.
- Human Resources: Responsible for creating a Human Resources Plan that includes a long-range Staffing Plan to support the program needs identified in the Educational Master Plan.
- Finance: Responsible for developing a Finance Plan to analyze and determine the financial impact and necessary resources to implement the Facilities, Human Resources, Technology, and Enrollment Management plans.
- Communications: Responsible for developing, implementing, and evaluating a marketing and communications plan with strategies to increase communications with our internal and external constituents. Responsible for disseminating information to the campus and general community through e-mail, the website, myAVC, and the SPBC Annual Review.
- Educational Master Plan: Responsible for annually reviewing the Educational Master Plan to ensure that the District's ongoing needs are met.
- Budget Subcommittee: Responsible for evaluating and prioritizing the annual budget requests to most efficiently utilize institutional resources and present those recommendations to the SPBC.

#### APPENDIX I

##### "Participatory Governance Committee Operating Procedures"

Each committee will have a statement of purpose/function in accord with the district mission and a membership list, along with the minimum number and frequency of meetings that will be held during the academic year. In addition, each committee will have a statement of reporting responsibilities to

individuals, committees or constituent groups and publish this information to all district employees. Committees will make decisions or recommendations through consensus.

Each committee will also circulate a “Call for Agenda Items” five working days prior to a meeting and distribute to members and post an agenda two working days prior to a meeting. Each committee will also distribute to members and post a draft of unapproved minutes within ten working days after a meeting. Minutes will include a brief summary of discussion regarding actions taken, including motions made, seconded, passed or defeated. On an annual basis, each committee will review its activities and submit a year-end report to whichever reporting body it is accountable. In most instances, reports would be made to the College Coordinating Council, Superintendent/President, or appropriate administrator. The year-end report will include accomplishments, preview issues for the coming year, and make recommendations for change in membership or function.

## APPENDIX II

### “Criteria for Committees to Use in Determining if an Item is an Academic and Professional Matter or a Collective Bargaining Issue”

In doing their work, committees, particularly the chair(s), must recognize which items/issues under discussion are subjects of collective bargaining (CB) or are academic and professional matters (APM). Unless specifically asked to handle a CB item or an APM, the committee should not. In addition, each participatory governance committee should assure effective participation of all parties, as well as effective communication with the College Coordinating Council (CCC). As committees forge recommendations, the committee chair is responsible for assuring the following steps have been completed:

Verify that the topic is not CB or APM (unless the CB/APM has been assigned to the committee)

Develop recommendation/policy with input from all representatives

---if representatives are not attending, committee chair notifies constituency president

---ask regularly if representatives have consulted with their constituency

---consult with CCC if stuck, hit controversy or need clarification

Disseminate to campus via mailbox or email prior to completing last draft of recommendation/policy and give the campus 2 weeks to respond to any issues

Consider campus input, complete and send to the Superintendent/President and the CCC

If CB, send to presidents of college and union (s); if APM, send to presidents of college and senate

### **COLLECTIVE BARGAINING**

salaries--steps, columns, merit pay, rate of pay for stipends, bonuses, reassigned time, overtime, placement & advancement benefits

leaves, vacations, holidays

union & district rights

grievance, arbitration & evaluations

discipline procedures.

academic freedom

committees that deal with CB items, such as calendar, classified: as it relates to work hours and calendar year for classified, certificated: as it relates to academic year and work hours

discrimination—sex, race, religion etc

job assignments, reclassification & reassignment

seniority, promotions, retirement

office space & parking

graduation attendance

preparation time

tools/equipment: access to computer, telephone and equipment necessary for the job

training (impact on wages/hours, such as sabbaticals, staff development, flex) & travel

contracting out of bargaining unit work

work load/class size/work hours/work days

### **ACADEMIC AND PROFESSIONAL MATTERS**

curriculum, including establishing prerequisites

degree and certificate requirements

grading policies

education program development

standards or policies regarding student preparation and success

district and college governance structures as related to faculty roles

faculty roles and involvement in accreditation

policies for faculty professional development activities—(staff development, flex,

sabbaticals, faculty academy, senate grant program)

processes for program review

processes for planning and budget

### APPENDIX III

#### Other Statutory Requirements related to Participation in Local Decision-making

- **Ed Code 66450: *Distribution of academic presentations***

Pursuant to Ed. Code Section 66450-66452, anyone (other than the instructor of record) making a recording in any medium of a classroom presentation cannot use the recording for financial or economic gain. Students who are found to be in violation of this section will be subject to disciplinary measures. All persons found to be in violation of this section may be subject to legal action. Distribution of classroom information or materials requires prior permission from the instructor of record.

Students will be informed of this regulation through posting in the college catalog and the Antelope Valley College website.

See Board Policy #5500

- **Ed Code 87458: *Administrative retreat rights***

The process by which the board of trustees determines retreat rights of administrators shall be developed and agreed upon jointly by representatives of the board and the academic senate, and the board relies primarily upon the advice and judgment of the academic senate to determine that the administrator possesses the minimum qualifications for employment as a faculty member. See Administrative Procedure #7250

- **Ed Code 87359: *Equivalencies to minimum qualifications***

The process and criteria used to determine that individual faculty members who do not meet the applicable minimum qualifications specified in Ed. Code 87356 shall be developed and agreed upon jointly by representatives of the board of trustees and the academic senate. The board shall rely primarily upon the advice and judgment of the academic senate to determine that faculty members possess qualifications that are at least equivalent to the applicable minimum qualifications.

Equivalencies for each discipline will be determined by full-time faculty from the respective disciplines and submitted to the Academic Senate for approval. Equivalencies must be approved by the Academic Senate and available to the Human Resources Office prior to screening of applicants.

See Administrative Procedure #7211

- **Ed Code 87360: *Faculty hiring***

Hiring criteria, policies, and procedures for new faculty members shall be developed and agreed upon jointly by representatives of the board of trustees and the academic senate.

See Administrative Procedure #7120

- **Ed Code 87610.1: *Faculty tenure***

The faculty's exclusive representative shall consult with the academic senate prior to engaging in collective bargaining on procedures related to tenure evaluation procedures.

See Administrative Procedure #7210

- **Ed Code 87663: *Faculty evaluation***

The board of trustees, in consultation with the faculty, shall adopt rules and regulations establishing the specific procedures for the evaluation of its contract and regular employees on an individual basis and setting forth reasonable but specific standards which it expects its faculty to meet in the performance of their duties. Such procedures and standards shall be uniform for all contract employees with similar duties and all regular employees with similar duties.

See Administrative Procedure #7150

- **Ed Code 87743.2: *Faculty service areas***

The faculty's exclusive representative shall consult with the academic senate in developing its proposals for establishing faculty service areas.

See Administrative Procedure #7211

- **Title 5 55022: *Curriculum committee***

Curriculum Committee. The college and/or district curriculum committee (Academic Policies and Procedures Committee) recommending the course shall be established by the mutual agreement of the college and/or district administration and the academic senate. The committee shall be either a committee of the academic senate or a committee that includes faculty and is otherwise comprised

in a way that is mutually agreeable to the college and/or district administration and the academic senate.

In order to fulfill the mandate of Title 5, Section 55022, the Board of Trustees and the Academic Senate mutually agree to establish a curriculum committee, referred to as the Academic Policies and Procedures Committee, comprised of members from each faculty division and co-chaired by a full-time faculty member and the vice president of academic affairs.

- **Title 5 53204: Academic senate/union agreements**

Nothing in these administrative procedures shall be construed to impinge upon the due process rights of faculty, nor detract from any negotiated agreements between collective bargaining representatives and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining representatives as to how they will consult, collaborate, share, or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to these regulations.

### Glossary of Terms

#### **1. Academic Senate**

An organization representing faculty, whose primary function is to consult collegially with the governing board of a district and/or the administration of a college as their representative. The role of the academic Senate constitutes a delegation of authority; by regulation local governing boards are required to consult collegially with the academic Senate on academic and professional matters. (Title 5 §53200-53201) (Ed Code §70901)

#### **2. Ad-Hoc**

A group of individuals working on a one-time task

#### **3. College Coordinating Council (CCC)**

The College Coordinating council is a governance group of district constituent leaders, established to respond to changing conditions in the institution within a participatory governance framework.

#### **4. Collegewide Participatory Governance Committee**

A committee that functions under the operating guidelines of the College Coordinating Council.

#### **5. Consensus**

A decision-making process used to resolve conflict creatively and with general agreement. Complete unanimity is not the goal. Each individual should accept the group's decision on the basis of logic and feasibility.

#### **6. Constituent**

Individual members of any represented group.

#### **7. Effective Participation of Faculty Outside of Academic and Professional Matters**

Faculty shall be provided with opportunities to participate on matters affecting them. (Title 5 §51023)

#### **8. Effective Participation of Staff**

a) Staff shall be provided with opportunities to participate in the formulation and development of district and college policies and procedures. Governing boards should solicit input of staff on matters affecting them. Delegation of authority does not extend to staff. The policies and

procedures of the governing board shall ensure that the recommendations and opinions of staff are given every reasonable consideration. (Title 5 §51023.5)

- b) Except in unforeseeable, emergency situations, the governing board shall not take action on a matter having a significant effect on staff until it has provided staff with an opportunity to participate in the formulation of the policy or procedure or the joint development of recommendations regarding the action.

Governing board procedures shall ensure that at the district and college levels, recommendations and positions developed by staff are given every reasonable consideration. (Title 5 §51023.5)

## **9. Effective Participation of Students**

- a) Students shall be provided an opportunity to participate in the formulation and development of district and college policies and procedures that have or will have a significant effect on students. This right includes the opportunity to participate in processes for jointly developing recommendations to the governing board regarding such policies and procedures. Delegation of authority does not extend to students.
- b) Except in unforeseeable, emergency situations, the governing board shall not take action on a matter having a significant effect on students until it has provided students with an opportunity to participate in the formulation of the policy or procedure or the joint development of recommendations regarding the action.

Governing board procedures shall ensure that at the district and college levels, recommendations and positions developed by students are given every reasonable consideration. (Title 5 §51023.7)

## **10. Exceptional Circumstances**

The regulations do not define the terms “exceptional circumstances” and “compelling reasons,” and these terms are not intended to have a legal definition. These terms mean that Boards must usually accept Senate recommendations in relation to academic and professional matters. In instances where a recommendation is not accepted, the Board’s decision must be in writing, based on a clear and substantive rationale which puts the explanation for the decision in an accurate, appropriate, and relevant context. (Title 5 §53203 - d.2).

## **11. Participatory Governance**

Effective participatory governance includes collectively sharing ideas and formulating good recommendations to present to Boards of Trustees or their designee. It is the responsibility of the Board to focus on the needs and best interests of the district as a whole.

Participatory governance is not effective when the participating entities interpret their roles to include final approval of policies, procedures or budgets. (May 19, 1999 Report to the Consultation Council on the Effectiveness of Faculty, Staff and Student Participation in College and District Governance.)

## **12. Recommendations**

Committee makes a “decision” of what to recommend to appropriate bodies (i.e., Academic Senate, Superintendent/President, or Board of Trustees). (Title 5 §53203(d).)

## **13. Senate Standing Committee**

A committee formed by the Academic Senate on academic and professional matters assigned to it.

**14. Taskforce**

A group carrying out a specific task.

**15. Title 5**

The California Code of Regulations specific to education. (California Code of Regulation 1/99 Update).

**16. Subgroup**

A group of individuals assigned by the Strategic Planning and Budget Council to formulate recommendations relating to a designated institutional function or interest including Human Resources, Facilities, Communication, Educational Master Plan, Budget Subcommittee, and Finance.

**7/5/05**

**Revised: 4/14/08**

**Revised: 12/14/09**

**Revised: 4/9/12**



**ANTELOPE VALLEY COLLEGE  
BOARD POLICY & ADMIN. PROCEDURE REVIEW/UPDATING TIMELINE**

<b>~171 Board Policies (BPs) + ~227 Admin. Procedures (APs)</b> = Approx. 398 docs	<b>Chapters 1 &amp; 2</b> The District & Board of Trustees <b>(40 BPs) (18 APs)</b>	<b>Chapter 6</b> Business & Fiscal Affairs <b>(23 BPs) (39 APs)</b>	<b>Chapter 4</b> Academic Affairs <b>(22 BPs) (39 APs)</b>	<b>Chapter 5</b> Student Services <b>(27 BPs) (38 APs)</b>	<b>Chapter 7</b> Human Resources <b>(26 BPs) (55 APs)</b>	<b>Chapter 3</b> General Institution <b>(33 BPs) (38 APs)</b>
Draft of Chapter submitted to Executive Council	Mid-June 2023	July 2023	August 2023	September 2023	October 2023	November 2023
Draft of Chapter reviewed by College Coordinating Council	July 2023	August 2023	September 2023	October 2023	November 2023	December 2023
Constituent Review for 30 Days	August 2023	September 2023	October 2023	November 2023	December 2023	January 2024
Return to College Coordinating Council for Final Review	Sept./Oct. 2023	Oct./Nov. 2023	Nov./Dec. 2023	Dec./Jan. 2023-2024	Jan./Feb. 2024	Feb./March 2024
First reading & discussion of BPs by Board of Trustees	November 2023	December 2023	January 2024	February 2024	March 2024	April 2024
Final Bd. Policy Adoption/Action by Board of Trustees	December 2023	January 2024	February 2024	March 2024	April 2024	May 2024



## **AP 2715 Board Code of Ethics/Standards of Practice/Censure**

### **Ethical Violations**

The Board is responsible for monitoring itself, ensuring adherence to state and federal laws and its own code of ethics. The Superintendent/President will provide the Board with information regarding changes in legislation and ethics laws, but shall not be required to enforce Trustee ethical behavior.

All Board Members are expected to maintain the highest standards of conduct and ethical behavior. The Board will be prepared to investigate the factual basis behind any charge or complaint of Trustee misconduct. The Board will review any complaint of Trustee misconduct to determine whether further investigation is warranted.

When it has been determined that further investigation is warranted, the complaint will be referred by the Board President for investigation and review to an ad hoc committee composed of one Trustee, and two other selected person(s), not subject to the complaint. The committee will be guided in its inquiry by the standards set forth in the Board's Code of Ethics as defined in BP 2715. In a manner deemed appropriate by the committee, a thorough fact-finding process shall be initiated and completed within a reasonable period of time to determine the validity of the complaint.

The Trustee subject to the charge of misconduct shall not be precluded from presenting information to the committee. The committee shall, within a reasonable period of time, make a report of its findings to the Board for consideration and/or action. A Board member may be subject to a resolution of censure by the Board should they determine Trustee misconduct has occurred.

### **Censure Procedure**

Censure is an official reprimand, in the form of a resolution, of disapproval of a Board member's actions. Censure is an appropriate punitive measure when the violation of law or policy is deemed by the Board of Trustees to be a serious offense.

The Board may, but is not required to, attempt to informally resolve the issue by having the Board President speak to the individual Board Member who has acted in a manner that violates the Trustee's obligations under statute, regulation, Board policy, Administrative Procedure, protocol, governance standard or Board direction.

The Board Member will be informed that if such behavior remains unchanged that it may give rise to a motion to censure. If the alleged offending member is the Board President, the Vice President shall be the Board representative to speak to the individual Board member. If the behavior continues or is severe,<sup>18</sup> the following procedures will be utilized:

1. When, in the opinion of any two members of the Board or an ad hoc committee appointed by the Board President, another Board member has, by actions, statements or other conduct, violated his/her/their obligations or responsibilities as a Trustee, the Board President shall have the right to place on the Board's public session agenda a "Motion to Censure" the alleged offending Board Member.
2. The placement of this item on the Board's public session agenda will be in conformity with Board Policy 2340, Agendas. If the alleged offending member is the Board President, the Vice President shall be the Board representative to consider the placement of the item on the agenda.
3. Any such motion, when made, shall be in writing and shall include:
  - a. A specific description of the statute, regulation, Board policy, Administrative Procedure, protocol, governance standard or board direction that is claimed to have been violated;
  - b. A specific factual description of the alleged action, statement or other conduct of the Board Member at issue and a description of how that action, statement or other conduct constitutes a violation;
  - c. The specific recommended language for the proposed censure resolution by the Board of the Board Member for the alleged violation.
4. Any Motion to Censure will be effective upon three affirmative votes of the voting Board members. The Board Member who is the subject of the censure motion shall not, however, be permitted to vote on the motion, and his/her vote shall not be counted in calculating the simple majority.
5. Upon the introduction of any Motion to Censure, and prior to any vote thereon, and in an effort to avoid an official Board Censure, the Board Member who is the subject of said Censure Motion shall be provided the opportunity to explain his/her action, statement, or other conduct, to apologize therefore, and to agree to future compliance with all relevant and applicable statutes, regulations, laws and Board policies and Administrative Regulations.
6. The Board member subject to the censure motion may be represented by counsel at his/her/their own personal expense and may have the representative speak on his/her/their behalf. The foregoing shall not, however, prevent the Board from voting upon or perfecting the Motion to Censure.
7. In order to ensure the right to a fair jury trial, the Board of Trustees shall not impose censure on any of its members for the violation of any law while criminal charges are pending. However, when the criminal proceedings are final, the Board of Trustees

need not be bound by the conclusions of the Court and may consider a motion for censure. While the Board may not act to censure a Trustee while criminal charges are pending, the Board and District may release factual information to the public as deemed appropriate.

Adopted: XX/XX/23



## **BP 3440 Service Animals**

### **References:**

The Americans with Disabilities Act of 1990 -- 42 United States Code Sections 12101 et seq.; 28 Code of Federal Regulations Part 35;  
28 Code of Federal Regulations Part 36; 34 Code of Federal Regulations Part 104.44 subdivision (b)

In order to prevent discrimination on the basis of disability, the District will allow an individual with a disability to use a service animal or miniature horse or emotional support animal in District facilities and on District campuses in compliance with state and federal law.

Also see AP 3440 Service Animals.

Adopted: 12/12/11  
Reviewed: 12/12/16  
Revised: 1/13/20  
**Reviewed:**  
**7/3/23**

## **AP 3440 Service Animals**

### **References:**

Civil Code Sections 54 et seq.;

Penal Code Section 365.5;

The Americans with Disabilities Act of 1990 -- 42 United States Code Sections 12101 et seq.; 28 Code of Federal Regulations Part 35;

28 Code of Federal Regulations Part 36; 34 Code of Federal Regulations Part 104.44 subdivision (b)

The District will allow an individual with a disability to use a service animal in District facilities and on District campuses in compliance with state and federal law.

The District will allow an individual with a disability to use a miniature horse as a service animal in District facilities and on District campuses if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability and the District has determined, based on the assessment factors provided in this procedure, that a reasonable accommodation can be made.

The District will allow an individual with a disability to be accompanied by his/her/**their** service animal in all areas of the District's facilities where members of the public, invitees, clients, customers, patrons, or participants in services, programs or activities, as relevant, are allowed to go.

These procedures shall also be applicable to an individual who is training a service animal.

### **Service Animal Defined**

A "service animal" or emotional support animal for purposes of this procedure means any dog (or miniature horse, as provided herein) that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

The work or tasks performed by a service animal must be directly related to the handler's disability. The crime deterrent effects of an animal's presence and the provision of

emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

### **Exceptions**

The District may ask an individual with a disability to remove a service animal from the premises if:

- The animal is out of control and the animal's handler does not take effective action to control it; or
- The animal is not housebroken.

If a service animal is excluded under one of these exceptions, the District will give the individual with a disability the opportunity to obtain goods, services, and accommodations or to participate in the service, program, or activity without having the service animal on the premises.

### **Assessment Factors for Miniature Horses**

The District shall consider the following factors:

- The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- Whether the handler has sufficient control of the miniature horse;
- Whether the miniature horse is housebroken; and
- Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

### **Control**

The service animal must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

### **Care or Supervision**

The District is not responsible for the care or supervision of the animal.

### **Inquiries by the District**

The District may make two (2) inquiries to determine whether an animal qualifies as a service animal:

- Whether the animal is required because of a disability; and
- What work or task the animal has been trained to perform.

The District will not make either of these inquiries when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

An individual may choose to produce a county service dog license or identification tag as proof that the animal is a service animal. Licensure or certification is not required in order to meet the definition of service animal under this procedure. There are no licensing or certification requirements for miniature horses.

### **No Surcharge**

The District will not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If the District normally charges individuals for damage caused by pets, an individual with a disability may be charged for damage caused by his/her/**their** service animal.

Also see BP 3440 Service Animals and BP/AP 5140 Disabled Student Programs and Services.

Approved: 11/14/11  
Reviewed: 12/12/16  
Revised: 12/9/19  
**Revised: 7/3/23**





## **BP 5130 Financial Aid**

### **References:**

Education Code Sections 66021.6 and 76300;  
20 U.S. Code Sections 1070 et seq.;  
34 Code of Federal Regulations Part 668 (U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965 as amended);  
Accreditation Standard III.D.15

A program of financial aid to students will be provided, which may include, but is not limited to, scholarships, grants, loans, and work and employment 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 Superintendent/President shall establish, publicize, and apply satisfactory academic progress standards for participants in Title IV student aid programs.

### **Misrepresentation**

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

The Superintendent/President shall establish procedures for regularly reviewing the District’s website and other informational materials for accuracy and completeness and for training District employees and vendors providing educational programs, marketing, advertising, recruiting, or admissions services concerning the District’s educational programs, financial charges, and employment of graduates to assure compliance with this policy.

The Superintendent/President shall establish procedures wherein the District shall periodically monitor employees’ and vendors’ communications with prospective students and members of the public and take corrective action where needed.

This policy does not create a private cause of action against the District or any of its representatives or service providers. The District and its governing board do not waive any defenses or governmental immunities by enacting this policy.

### **Scholarship Displacement**

The District shall not engage in scholarship displacement. The *Superintendent/President* shall establish procedures that provide that the District shall not reduce the institutional gift aid offer of a student who is eligible to receive a federal Pell Grant award or financial assistance under the California Dream Act for an academic year as a result of private scholarship awards designated for the student unless the student's gift aid exceeds the student's annual cost of attendance.

Also see AP 5130 Financial Aid.

Adopted: 2/6/06

Revised: 11/12/12

Revised: 1/13/20

Revised: \_\_\_\_/2023



## AP 5130 Financial Aid

### References:

Education Code Sections 66021.3, 66021.6, 66025.9, 69514, 76300, and 94912.5; Title 5 Sections 55031 and 58600 et seq.;  
20 U.S. Code Sections 1070 et seq.;  
34 Code of Federal Regulations Part 668 (U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended);  
Accreditation Standard III.D.15

Financial Aid programs offered at Antelope Valley College include:

- California College Promise Grant (formerly known as the BOG Fee Waiver)
- CalWORKS
- Cal Grants
- Federal Pell Grant
- Federal Direct Student Loan Program
- Federal Supplemental Educational Grant (FSEOG)
- Federal Work Study (FWS)
- Federal Family Education Loan Program (FFELP)

Please refer to the Financial Aid Handbook, Financial Aid Disbursement Policy and the Financial Aid Policies and Procedures Manual that explain procedures including the following:

- Application procedures, including deadlines
- Student eligibility
- Payment procedures
- Overpayment recovery
- Accounting requirements
- Satisfactory Progress

### Misrepresentation

Misrepresentation is defined as any false, erroneous or misleading statement that the District, a representative of the District, or a service provider with which the District has contracted to provide educational programs, marketing, advertising, recruiting or admissions services, makes directly or indirectly to a student, prospective student, 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 students through social media outlets or by vendors that are not providing covered services, as reflected herein.

**~~Loss of Eligibility for California College Promise Grant (formerly known as a BOG Fee Waiver)~~**

~~A student shall become ineligible for a California College Promise Grant if the student is placed on academic or progress probation, or any combination thereof, for two consecutive primary terms. Loss of eligibility shall become effective at the first registration opportunity after such determination is made.~~

~~The District shall notify students of their placement on academic or progress probation no later than thirty days following the end of the term that resulted in the student's placement on probation. The notification must clearly state that two consecutive primary terms of probation will lead to a loss of the California College Promise Grant until the student is no longer on probation. The notification must also advise students about the available student support services to assist them in maintaining eligibility.~~

~~The District shall adopt, prominently display, and disseminate policies ensuring that students are advised about the student support services available to assist them in maintaining and reestablishing California College Promise Grant eligibility. Dissemination includes, but is not limited to, information provided in college catalogs and class schedules.~~

~~The District shall establish written procedures by which a student may appeal the loss of a California College Promise Grant due to extenuating circumstances, or when a student with a disability applied for, but did not receive, a reasonable accommodation in a timely manner. Extenuating circumstances are verified cases of accidents, illnesses, or other circumstances that might include documented changes in the student's economic situation or evidence that the student was unable to obtain essential student support services. Extenuating circumstances also includes special consideration of the specific factors associated with Veterans, CalWORKs, EOPS, and DSPS student status.~~

~~Foster Youth shall not be subject to loss of California College Promise Grant due to placement on academic or progress probation. This exemption for Foster Youth is effective until the date specified in Education Code Section 66025.9 subdivision (c).~~

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The District shall establish written procedures by which a student may appeal the loss of a California College Promise Grant due to extenuating circumstances, or when a student with a disability applied for, but did not receive, a reasonable accommodation in a timely manner. Extenuating circumstances are verified cases of accidents, illnesses, or other circumstances that might include documented changes in the student's economic situation or evidence that the student was unable to obtain essential student support services. Extenuating circumstances also includes special consideration of the specific factors associated with Veterans, CalWORKs, EOPS, and DSPS student status.

Foster Youth shall not be subject to loss of California College Promise Grant due to placement on academic or progress probation. This exemption for Foster Youth is effective until the date specified in Education Code Section 66025.9 subdivision (c).

### **Students Enrolled in a Baccalaureate Degree Program**

Students enrolled in a baccalaureate degree program who wish to apply for a California College Promise Grant (CCPG) waiver must submit either a Free Application for Federal Student Aid (FAFSA) or a California Dream Act application in lieu of completing the Board of Governors Fee Waiver application.

### **Scholarship Displacement**

The District shall not reduce the institutional gift aid offer of a student who is eligible to receive a federal Pell Grant award or financial assistance under the California Dream Act for an academic year as a result of private scholarship awards designated for the student unless the student's gift aid exceeds the student's annual cost of attendance. The District shall not consider receipt or anticipated receipt of private scholarships when considering a student who is eligible to receive a federal Pell Grant award or financial assistance under the California Dream Act for qualification for institutional gift aid.

Approved: 2/6/06

Revised: 10/8/12

Revised: 12/9/19

Revised: \_\_\_\_/2023



## AP 6305 Reserves

### Reference:

Budget and Accounting Manual, Chapter 5; Appendix A

The District shall have as a high budget priority the appropriation in the final budget of an uncommitted reserve in the unrestricted general fund. The Board of Trustees recognizes the need for cash-flow management and the necessity of considering financial uncertainties in the development of the District budget. To this end, the following reserve accounts shall be included in the final budget:

### **General Reserves**

The final budget shall include an unappropriated reserve to ensure that the District will be in a positive cash position at the end of the fiscal year. This reserve shall be (at a minimum) seventeen percent (17%) of prior fiscal year actual unrestricted general fund expenditures and shall not be available for appropriations during the fiscal year.

### **Reserve for Emergencies**

The District budget shall also include an appropriation for reserve for economic uncertainties to cover:

1. unanticipated emergencies;
2. unanticipated declines in property tax revenues or other sources of funds;
3. additional program development activities not considered prior to budget adoption.

### **Reserve for Scheduled Maintenance**

The District budget shall also include an appropriation of a 1% reserve of prior fiscal year actual unrestricted general fund expenditures for scheduled maintenance due to limited and unreliable governmental financial support, increasing costs, and significant deferred maintenance backlog.

The Superintendent/President is authorized to utilize funds from the emergency fund for urgent situation upon verbal notification to the President of the Board of Trustees or, if he/she cannot be reached, any other member of the Board. Any such use of the reserve shall be reported to the Board of Trustees in the next regularly scheduled open session.

Approved: 5/11/20

Revised: 2/13/23

\*CCLC Recommended Language

\*\*AVC Recommended Language



## BP 7100 Commitment to Diversity

### References:

Education Code Sections 87100 et seq.;  
Title 5 Sections 53000 et seq.

The Antelope Valley Community College District is committed to employing qualified administrators, faculty, and staff members who are dedicated to student success **and committed to an inclusive, anti-racist campus culture**. The Board of Trustees recognizes that diversity in the academic environment fosters cultural awareness, promotes mutual understanding and respect, and provides suitable role models for all students **and employees**. The Board of Trustees is **strongly** committed to hiring and staff development processes that support the goals of equal opportunity and diversity, **and equity, and inclusion**, provide equal consideration for all qualified candidates, **and create an anti-racist academic and employment environment**.

Also see AP 7100 Commitment to Diversity and BP/AP 3420 Equal Employment Opportunity

Adopted: 5/8/06  
Revised: 12/11/20  
**Reviewed:**  
**7/7/23**

## AP 7100 Commitment to Diversity

### References:

Education Code Sections 87100 et seq.;  
Title 5 Sections 53000 et seq.

The Antelope Valley Community College District demonstrates its commitment to diversity by complying with all federal, state, and local laws and regulations regarding equal employment and nondiscrimination in employment. The District maintains an Equal Employment Opportunity Plan and Student Equity Plan that addresses issues related to the student's access to educational opportunities and their academic environment.

The District is committed to ensuring equity and diversity among our staff and students' campus wide. The College maintains a commitment to these principles through the recruitment and retention of employees and students, which reflects the diversity of the communities that we serve. By fostering equal participation in critical recruitment and retention activities, we remain driven to establishing and maintaining specific activities and programs designed to promote a mindset of equity, ~~and~~ diversity, inclusion, and anti-racism that welcomes and respects differences.

Also see BP/AP 3410 Nondiscrimination, BP/AP 3420 Equal Employment Opportunity, and AP 3435 Discrimination and Harassment Complaints and Investigations.

Approved: 11/09/20

Revised: 7/11/2023



## BP 7700 Whistleblower Protection

### References:

Education Code Sections 87160-87164;  
Labor Code Section 1102.5;  
Government Code Section 53296;  
Private Attorney General Act of 2004 (Labor Code Section 2698);  
Affordable Care Act (29 U.S. Code Section 218C)

The Superintendent/President shall establish procedures regarding the reporting and investigation of suspected unlawful activities by district 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 District 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 District in its investigation.

Furthermore, District employees shall not:

- 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;
- 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; or
- directly or indirectly use or attempt to use the official authority or influence of his/her/**their** position for the purpose of interfering with the right of an applicant or an employee to make a protected disclosure to the District.

The District 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.

New: 5/9/16

Revised: 7/11/16  
Revised: 7/17/23

## **AP 7700 Whistleblower Protection**

### **References:**

Education Code Sections 87160-87164;  
Government Code Section 53296;  
Labor Code Section 1102.5;  
Private Attorney General Act of 2004 (Labor Code Section 2698);  
29 U.S. Code Section 218C (Affordable Care Act)

Individuals are encouraged to report suspected incidents of unlawful activities by District employees in the performance of their duties. Reports will be investigated promptly and appropriate remedies applied. Employees who, in good faith, reported such activities and/or assist the district in the investigation will be protected from retaliation.

This procedure sets out the processes for responding to and investigating reports of unlawful activities, as defined in BP 7700 titled Whistleblower Protection, and addressing complaints of retaliation for making such reports.

### **Filing a Report of Suspected Unlawful Activities**

Any person may report allegations of suspected unlawful activities. Knowledge or suspicion of such unlawful activities may originate from academic personnel, staff, or administrators carrying out their assigned duties, internal or external auditors, law enforcement, regulatory agencies, customers, vendors, students, or other third parties.

Anonymous reports will be investigated to the extent possible. However, employees are strongly encouraged not to report anonymously because doing so impedes the District's ability to thoroughly investigate the claim and take appropriate remedial measures. As set forth fully below, retaliation against individuals who report suspected unlawful activities will not be tolerated.

Normally, a report by a District employee of allegations of a suspected unlawful activity should be made to the reporting employee's immediate supervisor or other appropriate administrator or supervisor within the operating unit. However, if the report involves or implicates the direct supervisor or others in the operating unit, the report may be made to any another District official whom the reporting employee believes to have either responsibility over the affected area or the authority to review the alleged unlawful activity on behalf of the District. When the alleged unlawful activity involves the Superintendent/President the report should be made to the president of the board of trustees. When the alleged unlawful activity involves the board of trustees or one of its

members, the report should be made to the Superintendent/President who will confer with the president of the board of trustees and/or legal counsel on how to proceed.

Allegations of suspected unlawful activities should be made in writing so as to assure a clear understanding of the issues raised, but may be made orally. Such reports should be factual and contain as much specific information as possible. The receiving supervisor or administrator should elicit as much information as possible. If the report is made orally, the receiving supervisor or administrator shall reduce it to writing and make every attempt to get the reporter to confirm by his/her signature that it is accurate and complete.

Once the receiving supervisor or administrator has received and/or prepared a written report of the alleged unlawful activity, he/she/~~they~~ must immediately forward to the president of the college where the alleged activity has occurred. However, if this process would require submitting the report to an employee implicated in the report, the receiving supervisor or administrator should follow the reporting options outlined, above. The highest-level administrator or trustee who receives the written report pursuant to this paragraph is responsible for ensuring that a prompt and complete investigation is made by an individual with the competence and objectivity to conduct the investigation, and that the assistance of counsel and/or an outside investigator is secured if deemed necessary.

In the course of investigating allegations of unlawful conduct, all individuals who are contacted and/or interviewed shall be advised of the District's no-retaliation policy. Each individual shall be: a) warned that retaliation against the reporter(s) and/or others participating in the investigation will subject the employee to discipline up to and including termination; and b) advised that if he/~~she/they~~ ~~or she~~ experiences retaliation for cooperating in the investigation, then it must be reported immediately.

In the event that an investigation into alleged unlawful activity determines that the allegations are accurate, prompt and appropriate corrective action shall be taken.

### **Protection from Retaliation**

When a person makes a good-faith report of suspected unlawful activities to an appropriate authority, the report is known as a protected disclosure. District employees and applicants for employment who make a protected disclosure are protected from retaliation. A district employee or applicant whose family member makes a protected disclosure is also protected from retaliation.

Any employee who believes he/she/**they** has been (1) subjected to or affected by retaliatory conduct for reporting suspected unlawful activity, or (2) for refusing to engage in activity that would result in a violation of law, should report such conduct to the appropriate supervisory personnel (if such supervisory personnel is not the source of or otherwise involved in the retaliatory conduct). Any supervisory employee who receives such a report, or who otherwise is aware of retaliatory conduct, is required to advise their college president. If the allegations of retaliation, or the underlying allegations of unlawful conduct involve the President, the supervisor shall report to the highest level administrator and/or trustee who is not implicated in the reports of unlawful activity and retaliation.

All allegations of retaliation shall be investigated promptly and with discretion, and all information obtained will be handled on a "need to know" basis. At the conclusion of an investigation, as appropriate, remedial and/or disciplinary action will be taken where the allegations are verified and/or otherwise substantiated.

### **Whistleblower Contact Information**

Employees who have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees should contact the California Community Colleges Chancellor's Office or the District's Board of Trustees. Employees can contact the State Personnel Board with complaints of retaliation resulting from whistleblower activities. The State Personnel Board hotline is (916) 653-1403.

### **Other Remedies and Appropriate Agencies**

In addition to the internal complaint process set forth above, any employee who has information concerning allegedly unlawful conduct may contact the appropriate government agency

Approved: 4/11/16

Revised 8/8/16

**Revised: 7/11/23**