

Consultation Council/Strategic Planning Committee Minutes
May 24, 2011

Present

Terry Bartley (management)	Dr. Doug Houston (President)
Shelly Baxter (management)	Phil Horner (classified)
Sandy Beckwith (Lead Counselor – faculty)	Jeff Lang (classified)
David Burris (Exec Director-HR)	Logan Merchant (Chair/IT Planning)
Carie Camacho (Div Chair -faculty)	Sue Mouck (Accreditation Liaison -faculty)
Kayleigh Carabajal (Exec Director-IR)	Eric Rulofson (Chair/ Facilities Planning)
Dave Clausen (Exec Director –Fiscal Services)	Cary Templeton (Dean of Student Services)
Noelle Eckley (Div Chair -faculty)	Brian Wolf (Div Chair –faculty)

Absent

Cheryl Aschenbach (AS-faculty)	Marshel Couso (management)
Dr. Irving Berkowitz (Dean of Instruction)	Carol Montgomery (classified)
Monica Cochran (Public Relations)	ASB Representative

Guest

Mary Hasselwander (classified)

With a quorum present, the meeting began at 9:37 am.

Consultation Council:

1. Initial Review of June 14, 2011 Governing Board Agenda (Information)

Dr. Houston introduced the preliminary board agenda for June 14, 2011. Items include: adoption of the CIMP, approval of the Tentative Budget, establishment of Residence Hall rates for next year, approval of Special Trustee contract and the acceptance of the resignation of the Superintendent/President. Dr. Houston plans to be on campus for the remainder of this week, absent from campus the first week in June, on campus the next two weeks in June and then off campus for the remainder of June. He and Tom Henry (Special Trustee), who will be on campus today, are reviewing resumes for the interim president position. Several resumes look very positive and Dr. Houston is hopeful that the campus may have an interim president by mid-June.

Strategic Planning:

1. Adoption of the 2012-2016 CIMP (Consultation)

Sue Mouck advised the group that the Comprehensive Institutional Master Plan had been compiled from the master plans developed by the various planning committees. Strategies had been arranged under existing objectives for each of the strategic goals. In several instances, new objectives were written to accommodate strategies, which did not clearly fit with existing objectives. In addition, omitted objectives and strategies consistent with the COM.P.Act and accreditation discussions over the last six months have been included. **Consultation Council adopted the Comprehensive Institutional Master plan and forwarded the plan to the Governing Board by consensus.**

2. Acceptance of Final Update on Progress on Annual Action Plans 2010-2011 (Information)

Sue Mouck reminded the committee that two years ago Consultation Council adopted the Annual Action Plan Evaluation Matrix as the mechanism to track progress on strategies identified in the Comprehensive Institutional Master Plan for completion in the current year. The final matrix is then sent to the Governing Board along with the updated CIMP at their June meeting. Attached to the agenda was the final evaluation matrix for 2010-2011. As an information item no action was required.

Consultation Council:

1. Acceptance of Evaluation Results and Adoption of any recommendations for change to structure or processes for planning or governance (Governance)

One individual shared the view that, the suggestion from the administration that the process should include some type of “discipline protocol” was a complete contrast in tone from all of the other comments provided. An additional comment was made that the possibility of disciplinary action would inhibit the free exchange of ideas in the shared governance setting resulting in limited participation. Sue Mouck informed the group that the evaluation forms from all, but two groups had been combined and distributed with the agenda. She suggested that the evaluation involved two different

structures and process (planning/budget development and governance) and separate consideration should be given to each of those two areas. She indicated that during her analysis of the evaluation forms, she had not identified any specific recommendations to change the planning and budget development process. The recommendations to complete master plans earlier and/or adhere to the planning timelines were consistent with the existing process. She suggested that the recommendation to form a subcommittee of Consultation Council or add Consultation Council representative to Cabinet in order to develop the initial budget proposal next year could be implemented as a pilot project without changing the structure or process. Following evaluation of the pilot at the end of next year, a decision to permanently modify the process could be made. She asked if anyone had identified any other recommendations that needed to be considered. The membership offered no additional recommendations. **By consensus, Consultation Council recommended using the same planning and budget development process next year as utilized this year and only changing the dates on the Institutional Planning and Budget Development Process Handbook.** In light of this recommendation, the subcommittee of the Academic Senate and Consultation Council will not need to meet this June.

Sue Mouck further identified for the group that the only material change other than updating administrative titles in the shared governance document appeared to be the recommended change to their charge proposed by Facilities Planning Committee. **By consensus, Consultation Council recommended updating the charge of the Facilities Planning Committee and revising the administrative titles within the Shared Governance & Collegial Consultation Process Handbook.**

2. Adoption of Board Policies – Chapter 7 (Consultation)

Sue Mouck reminded the committee of the process currently utilized for revisions and development of board policies. Proposed policies are brought to Consultation Council, which provides and opportunity for the constituent groups to review the policies prior to the policies being returned to Consultation Council. Consultation Council recommends board policies to the subcommittee of the Governing Board for consideration and adoption. The policies from Chapter 7 currently under consideration are either renumbered existing board policies are recommended changes consistent with legal requirements proposed by the consultant hired by the District two years ago. Jeff Lang, the classified representative, expressed concerns and asked questions about the proposed BPs 7350 – Resignations and 7365 – Discipline & Dismissal (Classified Employees). It was suggested that those two board policies be removed from the list to allow extra time for the administration to meet with the classified unit in order to answer questions and address concerns. Cheryl Aschenbach, faculty representative, suggested a change to BP 7250-Educational Administrators in order to bring the board policy into alignment with existing process.

By consensus, Consultation Council recommended the following board policies to the Governing Board for consideration: BP 7000 - Personnel Matters, BP 7100 - Commitment to Diversity, BP 7110 - Delegation of Authority, BP 7120 – Recruitment and Hiring, BP 7130 – Compensation, BP 7135 – Health and Welfare Benefits (Administrators, Managers, and Confidential Employees), BP 7140 - Collective Bargaining, BP 7150 – Evaluation, BP 7210 – Academic Employees, BP 7230 – Classified Employees, BP 7240 - Confidential Employees, BP 7250 - Educational Administrators, BP 7260 – Classified Supervisors and Managers, BP 7310 – Nepotism, BP 7330 – Communicable Disease, BP 7340 – Leaves, BP 7345 – Catastrophic Leave Program, BP 7360 - Discipline & Dismissal (Academic Employees), BP 7370- Political Activity, BP 7380 – Retiree Health Benefits: Academic Employees, BP 7385 – Salary Deductions, BP 7400 – Travel, BP 7510 – Domestic Partners, BP 7700 – Whistleblower Protection.

3. Personnel Update (Information) – Administration

David Burris identified that a decision had been reach on the Distance Education Coordinator. The position has been offered and accepted. The job description for a supervisory position in Admissions and Records is being developed. The Financial Aid Technician II position will be advertised soon. No decision has been made on the Counseling position. One of the full-time counselors had indicated that she will be resigning as soon as her hiring is approved by the Governing Board of the other community college. In light of the administrative changes, John Jones has been offered and accepted the Athletic Director position for next year.

4. Consultation Council Summer Meeting Schedule (Consultation)

Consultation Council will meet Tuesday, June 7 at 9:30 am in an air-conditioned room in Math-Science if available. The next meeting will occur on Tuesday, June 16 also at 9:30 am preferably in an air-conditioned room. The date of June 16 was selected in anticipation that an interim president might be hired at the June 14, 2011 board meeting and could attend that meeting. The next meeting scheduled is Tuesday, July 26 at 1:30 pm, but that meeting date and time will be revisited at the June 16 meeting. Discussion occurred around the attendance of alternates in the absence of the appointed representative. The groups seemed in favor of attendance and participation of alternates appointed by the constituent or planning group as appropriate.

Other:

Cary Templeton informed the group that one of our students, Chivon Nelson, died in a fire in Standish. Students are engaged in fund raising activities to pay for a funeral.

The meeting adjourned at 10:20 am

Future Agendas:

1. **Presentation of Status on KPI's (Information) - June 2011- Dr. Kayleigh Carabajal**
2. **Plan for Work Study Allocation for 2011-2012 (Information)– Cary Templeton**
3. **AP concerning vehicles parking on sidewalks (denying access to handicapped individuals) - Sandy Beckwith**
4. **Environmental Stewardship - Noxious Weed Discussion — Jeff Lang**
5. **Auxiliary Services (Child Development) NIPR (Information) – May 2011– Shelley Baxter**
6. **Administrative Services (Duplicating, Purchasing, Logistics, Fiscal Services) NIPR (Information) – May 2011– Dave Clausen**
7. **Contract Education NIPR (Information) – May 2011– Dr. Irving Berkowitz**
8. **Instructional Services (Learning Center) NIPR (Information) – May 2011**
9. **Information Technology NIPR (Information) – May 2011– Dr. Kayleigh Carabajal**
10. **Social Science IPR (Information) – May 2011– Cheryl Aschenbach**
11. **Work Experience IPR (Information) – May 2011– Cheryl Aschenbach**
12. **Automotive Technology IPR (Information) – May 2011– Cheryl Aschenbach**
13. **Fire Technology IPR (Information) – May 2011– Cheryl Aschenbach**
14. **Gunsmithing IPR (Information) – May 2011– Cheryl Aschenbach**
15. **Human Services IPR (Information) – May 2011– Cheryl Aschenbach**
16. **Journalism IPR (Information) – May 2011– Cheryl Aschenbach**
17. **Vocational Nursing IPR (Information) – May 2011– Cheryl Aschenbach**
18. **Welding Technology IPR (Information) – May 2011– Cheryl Aschenbach**

Proposed Lassen Community College District Policy CCLC No. 7000

Human Resources
DRAFT accepted by CC 5/24/11

BP 7000 PERSONNEL MATTERS

References:

Government Code Sections 3540 – 3549.3

❖ **From current Lassen College Policy 4000 titled General Policy Statement**

The following broad, guiding policies are adopted by the ~~Lassen Community College District~~ Governing Board, as a basis for establishing more specific policy guides in personnel matters:

1. The ~~Lassen Community College~~ District shall employ, and maintain, a staff that is completely trained. In administering this policy, the ~~District~~ shall observe all federal and state laws, ~~district~~ Board policies and administrative regulations bearing on recruitment, eligibility, selection, assignment, efficiency in service, promotion, tenure, reassignment, resignation, dismissal, and retirement of all academic personnel in the ~~District~~.
2. In order to attract, and maintain a high quality of instruction and to encourage continuing self-improvement by all faculty members, it shall be the policy of the Governing Board to provide opportunity for career advancement for all teaching faculty; and to implement this policy, service, or prior service to the ~~District~~ under any kind of appointment shall be given commensurate consideration in recruitment and selection for advancement.
3. It shall be the general policy of the Governing Board to provide remuneration, working conditions and benefits as good as those provided the personnel of outstanding similar institutions in the nation.
4. The following is a partial list of the general responsibilities, obligations, and duties of the teaching faculty of the ~~Lassen Community College~~ District. A number of these responsibilities and duties are implicit for example, loyalty to the teaching profession and the ~~District~~; responsibility for growing professionally; cooperation with the administrative staff of the ~~District~~ and colleagues; and helping students achieve success. In addition, a faculty member's full-time responsibilities includes: service for all days included in the academic calendar, except summer session, and an obligation to evaluate each student's achievement in a fair and equitable manner and in accord with the adopted criteria.

~~Legal Reference: Government Code 3540-3549.3 Public Educational Employer-Employee Relations~~

❖ **From current Lassen College Policy 4001 titled Policy**

When any of the following ~~Personnel section (4,000's)~~ policies are included in an existing collective bargaining contract, such policies are null and void for all unit employees who are covered by such contract. In addition, when any policy, ~~in any section of the Lassen Community College District Policy Manual,~~ covers a subject, or regulates a matter that addressed in a current collective bargaining contract, such policy is null and void for all unit employees who are covered by such contract.

NOTE: The language in **black ink** is current Lassen College Policy 4000 titled General Policy Statement adopted on 7/5/77 and revised on 8/4/87 and 12/12/00 as well as Policy 4001 titled Policy adopted on 8/4/87 and revised on 12/12/00. The information in **blue type** is additional language to consider including in this policy.

Date Adopted:

(This is current Lassen College Policies 4000 and 4001 – just re-numbered)

Proposed Lassen Community College District Policy CCLC No. 7100

Human Resources
DRAFT accepted by CC 5/24/11

BP 7100 COMMITMENT TO DIVERSITY

References:

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

The District is committed to employing qualified administrators, faculty, and staff members who are dedicated to student success. 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. The Board is committed to hiring and staff development processes that support the goals of equal opportunity and diversity, and provide equal consideration for all qualified candidates.

NOTE: The **red type** signifies **legally required** language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore).

Date Adopted:

(This is a new policy recommended by the CC League and the League's legal counsel)

BP 7110 DELEGATION OF AUTHORITY

Reference:

Education Code Section 70902(d)

The Board of Trustees delegates authority to the Superintendent/President to authorize employment, fix job responsibilities, and perform other personnel actions provided that all federal and state laws/regulations, Board policies, and administrative procedures have been followed **subject to confirmation by the board.**

***Note:** While Education Code Section 70902 authorizes the Board to delegate this authority to the Superintendent/President, it is **legally advised** that the following language be placed at the end of this policy.*

“ . . . subject to confirmation by the Board.”

NOTE: The **red type** signifies **legally required** language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore).

Date Adopted:

(This is a new policy recommended by the CC League and the League’s legal counsel)

BP 7120 RECRUITMENT AND HIRING

References:

Education Code Sections 70901.2, 70902(b)(7) & (d), 87100 et seq.;
Title 5 Sections 53000 et seq. and 51023.5;
ACCJC Accreditation Standard III.1.A

The Superintendent/President 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 BP 3420 titled Equal Employment Opportunity.

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

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

The criteria and procedures for hiring classified employees shall be established after first affording the **recognized classified bargaining unit [classified organization]** an opportunity to participate in the decisions under the Board's policies regarding local decision making.

NOTE: The **red type** signifies **legally required** language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore).

Date Adopted:

(This is a new policy recommended by the CC League and the League's legal counsel)

Proposed Lassen Community College District Policy CCLC No. 7130

Human Resources
DRAFT accepted by CC 5/24/11

BP 7130 COMPENSATION

References:

Education Code Sections 70902(b)(4), 87801, and 88160;
Government Code Section 53200

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.

NOTE: The **red type** signifies **legally required** language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore).

Date Adopted:

(This is a new policy recommended by the CC League and the League's legal counsel)

**BP 7135 HEALTH AND WELFARE BENEFITS
(ADMINISTRATORS, MANAGERS & CONFIDENTIAL
EMPLOYEES)**

The District shall provide health and welfare benefits, such as major medical, dental and vision for each employee and eligible dependents and \$50,000 decreasing term life insurance policy for each employee. All employees of the District are covered by job-related liability and indemnity insurance carried by the District.

All insurance programs are subject to carrier requirements for eligibility and enrollment and processing claims.

Consistent with the health care provider's policies, confidential employees, ***managers,*** and administrators working less than full-time are entitled to premium payments prorated at the same ratio as their workload bears to full-time. For purposes of this policy, employees who work ten (10) or more months shall be considered full-time.

For each confidential employee, ***manager,*** and administrator, the District shall pay a monthly premium for medical/hospital coverage, dental coverage, vision coverage, and life insurance subject to a total premium cap. The Board shall designate the amount of coverage for each benefit prior to June 30 each year. Employees shall be individually responsible for any balance due insurance carriers. Payments of such monthly amounts shall be made by payroll deduction.

All confidential employees, ***managers,*** and classified administrators who were hired as confidential employees, ***managers,*** or classified administrators prior to June 30, 1989, who retire before age 65 and have served the District for at least ten (10) years as confidential employees, ***managers,*** or classified administrators will be covered, along with eligible dependents, at District expense under the District's medical and dental insurance until the employee reaches the age of 65, or to the date of death, whichever is earlier.

NOTE: From Lassen College Board Policy 4308 entitled "Personnel-Health and Welfare Benefits" adopted 05/16/89, revised 03/05/91, reviewed 12/12/00, revised 11/09/04. ***Italicized bold*** type signifies proposed language change.

Date Adopted:

BP 7140 COLLECTIVE BARGAINING

References:

[Government Code Sections 3540 et seq.](#)

[If eligible employees of the District select an employee organization as their exclusive representative, and if after recognition by the District 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 District will meet and negotiate in good faith on matters within the scope of bargaining as defined by law.](#)

❖ **From current Lassen College Policy 4134.4 titled Negotiations/Consultation**

~~The Governing Board will strictly construe the scope of negotiations as provided in Government Code 3543.2.~~

~~The Governing Board will also freely consult with exclusive representatives within rights granted to them by law. (Government Code 3543.2)~~

~~The Governing Board reserves to itself its unlimited right to consult with any employee groups on any matter outside the scope of representation. Consultation procedures and processes are not negotiable. The Governing Board views healthy consultation between and among Governing Board, administration and employee groups as being highly desirable.~~

~~Legal Reference: Government Code 3543.2 (re: scope of representation)~~

❖ **From current Lassen College Policy 4134.1 titled Agreement**

~~Each agreement entered into by the Governing Board with an employee organization shall constitute a commitment by the Governing Board to the provisions of the agreement for its duration or until its amendment by an instrument in writing duly executed by both parties.~~

~~Legal Reference: Continuation Sheet for Filing Administrative Regulations with the Secretary of State (pursuant to Government Code Section 11350.1)~~

~~Article 2. General Provision Section 32120, Filing Contracts with Board~~

Also see BP/AP 2610 titled Presentation of Initial Collective Bargaining Proposals

NOTE: The **red type** signifies **legally required** language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in **black ink** reflects current Lassen College Policy 4134.1 titled Agreement adopted on 8/4/87 and revised on 12/12/00 and Policy 4134.4 titled Negotiations/Consultation adopted on 8/4/87 and revised on 12/12/00. The information in **blue type** is additional language to consider including in this policy.

Date Adopted:

(Replaces current Lassen College Policies 4134.1 and 4134.4)

BP 7150 EVALUATION

References:

[Education Code Sections 70902 and 87663-87683](#)
[Accreditation Standard III.A.1.b](#)

[All employees will periodically undergo a performance evaluation.](#)

NOTE: This policy is **suggested** as **good practice**. The information in **blue type** is additional language to consider including in this policy.

Date Adopted:

(This is a new policy recommended by the CC League and the League's legal counsel)

BP 7210 ACADEMIC EMPLOYEES

References:

Education Code Sections 87400 et seq., 87419.1, 87482.8, and 87600 et seq.;
Title 5 Section 51025

Academic employees are all persons employed by the District 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 District 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, Disabled Student Programs and Services (DSPS), and Extended Opportunity Programs and Services (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 of Trustees reserves the right to determine whether a faculty member shall be granted tenure.

The District may employ temporary faculty from time to time as required by the interests of the District. Temporary faculty may be employed full time or part time. The Board of Trustees delegates authority to the Superintendent/President to determine the extent of the District's needs for temporary faculty.

Notwithstanding this policy, the District shall comply with its goals under the Education Code regarding the ratio of full-time to part-time faculty to be employed by it and for making progress toward the standard of 75% of total faculty work load hours taught by full-time faculty.

~~❖ From current Lassen College Policy 2130 titled Performance and Productivity~~

~~It shall be the policy of the District to maximize the FTES (WSCH) of all members of the certificated unit. The Board of Trustees directs the Dean of Instruction to schedule and~~

~~assign members of the faculty to those activities that maximize performance and productivity. The Board also directs the Director of Admissions & Records to report to the Board at the end of each semester the FTES (WSCH) production of each member of the certificated unit with the intent to demonstrate continuous improvement.~~

~~❖ **From current Lassen College Policy 4116 titled Rights, Responsibilities, and Duties**~~

~~**Rights, Responsibilities and Duties**~~

~~Teachers must consider teaching college their primary job, to which their allegiance and energy are due. Regardless of social or business commitments, teaching comes first. The success of any organization depends largely on the cooperation of its members. The continued growth and progress of the college system depends on the wholehearted zeal of the staff, both teaching and non-teaching members, in working together.~~

~~The duties and functions of a classroom teacher are those of normal teaching situation and are determined to a great extent by the Superintendent/President and the existing educational philosophy of the system.~~

~~Legal Reference: Education code 72400 Duties of employees fixed by Governing Board
87828 Drawing of warrants for teachers~~

~~**NOTE:** The **red type** signifies **legally required** language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in **black ink** reflects current Lassen College Policy 2130 titled Performance and Productivity adopted on 12/19/06 as well as Policy 4116 titled Rights, Responsibilities, and Duties adopted on 7/5/77 and revised on 8/4/87 and 12/12/00.~~

Date Adopted:

~~(Replaces current Lassen College Policies 2130 and 4116)~~

BP 7230 CLASSIFIED EMPLOYEES

References:

Education Code Sections 88003, 88004, 88009, and 88013

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:

- Substitute and short-term employees who are employed and paid for less than 75 percent of the fiscal year.
- Part-time apprentices and professional experts employed on a temporary basis for a specific project, regardless of length of employment.
- Full-time students employed part time, and part-time students employed part time in any college work-study program or in a work experience education program conducted by the District.

The Board shall fix and prescribe the duties of the members of the classified service. (See BP 7110 titled Delegation of Authority)

Before a short-term employee is employed, the Board of Trustees, 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 75 percent of an academic year.

The Superintendent/President shall establish procedures to assure that the requirements of state law and regulations regarding the classified service are met.

***Note:** Education Code Section 88013 requires the Board of Trustees to establish a probationary period for classified employees “which shall not exceed one year.” It is legally advised that the Board establish a one year probationary period, as described here.*

The probationary period for classified employees shall be one year **unless otherwise defined by a collective bargaining agreement.**

NOTE: The **red type** signifies **legally required** language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore).

Date Adopted:

(This is a new policy recommended by the CC League and the League's legal counsel)

BP 7240 CONFIDENTIAL EMPLOYEES

Reference:

Government Code Section 3540.1(c)

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 of Trustees 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 provided for by procedures developed by the Superintendent/President. Such terms and conditions of employment shall include, but not be limited to, procedures for evaluation and rules regarding leaves, transfers and reassignments.

NOTE: The **red type** signifies **legally required** language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore).

Date Adopted:

(This is a new policy recommended by the CC League and the League's legal counsel)

BP 7250 EDUCATIONAL ADMINISTRATORS

References:

Education Code Sections 72411 et seq., 87002(b), and 87457-87460;
Government Code Section 3540.1(g) and (m)

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

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

❖ From current Lassen College Policy 4301 titled Management Employees

All management employees have the following responsibilities:

1. To promote the educational leadership necessary to achieve the goals and objectives of the District.
2. To formulate and recommend District policies.
3. To administer District programs.
4. To supervise other members of the College staff.
5. To evaluate employees in accordance with District procedures.
6. To make recommendations to the Governing Board, through the Superintendent/President, regarding the selection, employment, promotion, transfer, suspension, and discharge of employees.
7. To adjudicate grievances of employees under their supervision.

❖ From current Lassen College Policy 2410 titled Retreat Rights – Educational Administrators

The following is a complete list of Educational Administrator positions at Lassen Community College:

President/Superintendent
Assistant Superintendent/Vice-President of Instruction
Assistant or Associated Dean of Educational Programs or equivalent
Dean of Student Support Services

~~Assistant or Associate Dean of Students Support Services or equivalent~~

~~New Educational Administrative positions will be added to this policy as they are created and are mutually approved for this status with the Academic Senate.~~

~~An educational administrator who has not previously acquired tenure as a faculty member in the District shall have the right to become a first year probationary faculty member once his/her administrative assignment expires or is terminated, if the following criteria are met: Educational Administrators have retreat rights as provided by law in the following manner. In all cases when an administrator is transferred to a faculty position, the governing board must give the employee a written statement of the reasons for the transfer upon request.~~

- ~~• The administrator meets the criteria established by the District for minimum qualifications for a faculty position, in accordance with procedures developing by the Academic Senate and approved by the Board of Trustees. An employee already possessing tenure retains status as a tenure faculty member when transferred from a faculty position to an educational administrative position or any other type of work and retains seniority date as a faculty member for purposes of layoff. The Board 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.~~
 - ~~• The requirements of Education Code Section 87458(c) and (d), or any successor statute, are met with respect to prior satisfactory service and reason for termination of the administrative assignment.~~
- ~~1. Educational Administrators whose first date of paid service is on or after July 1, 1990:~~
- ~~A. An employee hired as an Educational Administrator has the right to become a first year probationary faculty member under the following conditions:
 - ~~1) The administrative position is terminated or the administrative assignment expires.~~
 - ~~2) The administrator possesses minimum qualifications in accordance with the provisions of the "Lassen Community College Verification of Faculty to Meet Minimum Qualifications in Discipline of Instruction Resource Handbook."~~
 - ~~3) The administrator has completed two years of satisfactory service.~~
 - ~~4) The terminations are for any reason other than dismissal for cause.~~~~
 - ~~B. Seniority as a faculty member does not begin until the first day of paid service in the probationary faculty position.~~
 - ~~C. Minimum qualifications and Faculty Service Areas will be determined for an educational administrator at the time of initial employment. New Faculty Service Areas must be applied for annually prior to February 15.~~

2. ~~An employee whose first day of paid service as a certificated administrator in the Lassen Community College District without a break in service precedes July 1, 1990:~~
 - A. ~~A certificated administrator was hired in a position requiring credentialing through the California certification process.~~
 - B. ~~Upon completing a two year probationary period, including any time spent as a classroom instructor in the Lassen Community College District, the administrator shall be classified as and become as regular employee as a classroom instructor.~~

This policy is subject to periodic review.

Legal Reference: ~~Education Code Sections 87414, 87454, 87457, 87458, 87458.1, and 87743.3~~

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 Superintendent/President. Educational Administrators shall further be entitled to health and welfare benefits made available by action of the Board upon recommendation by the Superintendent/President.

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 Superintendent/President.

Note: *To be used if the Board offers contracts for educational administrators:*

Every educational administrator shall be employed by an appointment or contract of **[up to four years in duration]**.

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/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.

❖ ~~From current Lassen College Policy 4300 titled Definition of Management Employees~~

The management staff consists of those employees identified as contract, supervisory, and confidential by the Governing Board. They supervise other members of the College staff and are salaried.

Administration

~~District Superintendent/President
Assistant Superintendent/Vice President – Instruction
Dean of Administrative Services
Dean of Student Personnel Services~~

Management

~~Administrative Assistant III/Office of Human Resources
Administrative Assistant III/Office of Instruction
Administrative Assistant III/Student Personnel Services
Administrative Assistant IV/Assistant to the President
Administrative Services Fiscal Analyst
Assistant to the President for College Research/Grants
Child Development Center Site Supervisor
Coordinator of Student Health Services
Data Processing Manager
Director of Admissions & Records/Instructional Services
Director of Facilities
Director of Financial Aid
Director of Fund Development and the College Foundation
Director of Human Resources
Director of Student Life
Manager, Coppervale Ski Hill
Manager of Custodial Services
Outreach/Admin. Of Justice/Corrections/Fire
Science/Driver's Training
Purchasing Agent
Workability III/Job Placement Specialist~~

NOTE: The **red type** signifies **legally required** language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in **black ink** is current Lassen College Policy 4301 titled Management Employees adopted on 5/16/89 and revised on 12/12/00; Policy 2410 titled Retreat Rights – Educational Administrators adopted on 5/21/91 and revised on 11/24/98; Policy 4300 titled Definition of Management Employees adopted on 5/16/89 and revised on 12/12/00; and Policy 4301 titled Management Employees adopted on 5/16/89 and revised on 12/12/00.

Date Adopted:

(Replaces current Lassen College Policies 2410, 4300, and 4301)

BP 7260 CLASSIFIED SUPERVISORS AND MANAGERS

References:

Education Code Section 72411;
Government Code Section 3540.1(g) and (m)

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

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

Classified managers are those classified administrators, regardless of job description, having significant responsibilities for formulating District policies or administering District programs other than the educational programs of the District.

***Note:** To be used if the District offers contracts to classified administrators:*

Classified administrators may be employed by an appointment or contract of **up to four years in duration**. 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.

***Note:** To be used if the District does not offer contracts to classified administrators:*

Classified administrators may 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.

NOTE: The **red type** signifies **legally required** language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore).

Date Adopted:

(This is a new policy recommended by the CC League and the League's legal counsel)

BP 7310 NEPOTISM

References:

Government Code Sections 1090 et seq. and 12920 et seq.

❖ **From current Lassen College Policy 2005 titled Nepotism**

~~This District will not discriminate in favor of or against any job applicant because of a family member's employment in the District. Generally, an employee will not be the immediate supervisor of a family member (parent, spouse, son, daughter, brother, or sister).~~ The District does not prohibit the employment of relatives (or domestic partners as defined by Family Code Section 297 et seq.) in the same department or division, with the exception that they shall not be assigned to a regular position within the same department, division, or site that has an immediate family member who is in a position to recommend or influence personnel decisions.

Personnel decisions include appointment, retention, evaluation, tenure, work assignment, promotion, demotion, or salary of the relative (or domestic partner as defined by Family Code Section 297 et seq.).

Immediate family means spouse, parents, grandparents, siblings, children, grandchildren and in-laws or any other relative living in the employee's home.

The District will make reasonable efforts to assign job duties to minimize the potential for creating an adverse impact on supervision, safety, security, or morale, or creating other potential conflicts of interest. ~~An employee shall not be assigned to any position which is under the control or supervision of any person with whom the employee has a personal relationship. In addition, persons having a personal relationship with an employee of the District shall not be eligible for employment where problems of supervision, safety, morale, or conflicts of interest exist. "Personal relationship" is defined as a relationship by marriage, blood, or cohabitation.~~

~~In the event, that two co-workers marry or cohabit, and such marriage or cohabitation results in a violation of this policy, the Superintendent/President shall assign an alternate supervisor.~~

~~No employee shall participate in the review and decision making process or other matters concerning employment, promotion, retention, or termination or another employee with whom they have a personal relationship.~~

~~For purposes of this policy "blood" refers to the following relationship: spouse, mother, father, sister, brother, son, daughter, grandfather, grandmother, grandchild, aunt, uncle, niece, or nephew.~~

Notwithstanding the above, the District retains the right where such placement has the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest, to refuse to place spouses in the same department, division, or facility. The District retains the right to reassign or transfer any person to eliminate the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest.

Note: In accordance with Government Code Section 1091.5 (a)(6), there is no conflict of interest for a Board member whose spouse is an employee of the District, if the spouse was employed at least one year prior to the election or appointment of the Board Member.

NOTE: The **red type** signifies **legally advised** language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in **black ink** reflects current Lassen College Policy 2005 titled Nepotism adopted on 9/19/89 and revised on 6/24/97 and 7/8/97.

Date Adopted:
(Replaces current Lassen College Policy 2005)

Human Resources
DRAFT accepted by CC 5/24/11

BP 7330 COMMUNICABLE DISEASE

References:

Education Code Sections 87408, 87408.6, and 88021

All newly hired academic employees shall have on file a medical certificate indicating freedom from communicable diseases, including tuberculosis. No academic employee shall commence service until such medical certificate has been provided to the District.

All newly hired employees must show that they have been examined within the past 60 days to determine that they are free from active tuberculosis.

All employees shall be required to undergo an examination within [four years of employment and every four years thereafter,] to determine if they are free from tuberculosis.

NOTE: The **red type** signifies **legally required** language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore).

Date Adopted:

(This is a new policy recommended by the CC League and the League's legal counsel)

BP 7340 LEAVES

References:

Education Code Sections 87763 et seq., 88190 et seq., and cites below

The Superintendent/President shall establish procedures for employee leaves as authorized by law and by any collective bargaining agreements entered into by the District. Such leaves shall include, but are not limited to:

- illness leaves for all classes of permanent employees;
- vacation leave for members of the classified service, administrators, supervisors and managers;
- leave for service as an elected official of a community college district public employee organization, or of any statewide or national employee organization with which the local organization is affiliated; (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)
- use of illness leave for personal necessity; (Education Code Sections 87784 and 88207)
- industrial accident leave;
- bereavement leave;
- jury service or appearance as a witness in court; (Education Code Sections 87036 and 87037)
- military service; (Education Code Section 87700)
- sabbatical leaves for [permanent faculty; academic employees, administrators and managers].

Vacation leave for members of the classified service, educational administrators, and classified supervisors and managers shall not accumulate beyond 30 days of paid leave or 240 hours of paid leave. Employees less than full-time shall earn and accumulate no more than their pro-rata rate. Employees shall be permitted to take vacation in a timely manner to avoid accumulation of excess vacation.

❖ **From current Lassen College Policy 4260 titled Leaves**

In addition to these policies and collective bargaining agreements, the Board of Trustees retains the power to grant leaves with or without pay for other purposes or for other periods of time. The ~~G~~governing ~~B~~board may grant leaves of absence without

~~pay for reasons not listed in the contract. Such leaves must be requested in writing through the Superintendent/President at least thirty (30) days prior to the proposed date of such leave.~~

~~Leaves in excess of one week in length must be approved by the Governing Board.~~

~~Reference: Collective Bargaining Agreement (1985-8, Article 7)~~

❖ **From current Lassen College Policy 4360 titled Leaves**

~~The Governing Board may grant leaves of absence without pay. Such leaves must be requested in writing through the Superintendent/President at least thirty (30) days prior to the proposed date of such leave. Leaves in excess of one (1) week in length must be approved by the Governing Board.~~

Confidential employees shall be entitled to all leaves available to classified bargaining unit members.

~~Legal Reference: Education Code 87763, 88190~~

[Also refer to the language in the appropriate collective bargaining agreement](#)

NOTE: The **red type** signifies **legally advised** language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in **black ink** reflects current Lassen College Policy 4260 titled Leaves adopted on 7/5/77 and revised on 7/7/87, 12/12/00, 7/25/06, and 8/22/06 as well as Policy 4360 titled Leaves adopted on 5/16/89 and revised on 12/12/00 and 1/25/05. The information in **blue type** is additional language to consider including in this policy.

Date Adopted:

(Replaces current Lassen College Policies 4260 and 4360)

BP 7345 CATASTROPHIC LEAVE PROGRAM

Reference:

Education Code Section 87045

Note: The Board of Trustees has discretion whether to implement a Catastrophic Leave Program under Education Code Section 87045. A Catastrophic Leave Program may be the subject of negotiations between the District and a union representing a unit of employees. The following language satisfies the requirements of Education Code Section 87045 if the District wishes to implement a program for un-represented employees.

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

The Superintendent/President 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.

NOTE: The **red type** signifies **legally advised** language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore).

Date Adopted:

(This is a new policy recommended by the CC League and the League's legal counsel)

BP 7360 DISCIPLINE AND DISMISSAL – ACADEMIC EMPLOYEES

References:

Education Code Sections 87660 et seq., 87732, and 87740

❖ **From current Lassen College Policy 4118.2 titled Dismissal/Suspension**

~~An academic employee may be suspended by the Governing Board for a violation of any of the causes for dismissal listed in Education Code Section 87735, when insufficient cause for dismissal is considered to exist, or may be suspended pending board or legal action for dismissal of the employee on charges of violation of one or more of said causes for dismissal. The Superintendent/President may suspend an employee pending Board action when, in the opinion of the Superintendent/President, continuation of the employee in his/her position presents a clear danger to the employee.~~

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 of Trustees shall determine the nature of the penalties. If the Board decides to dismiss or penalize a contract or regular employee, it shall assure that each of the following has been satisfied:

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

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

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

Dismissal

~~No academic employee, whether regular or contract, shall be dismissed from the service of the district without cause.~~

- ~~1. Regular employees may be dismissed at any time for violation of one or more of the Causes listed in Education Code Section 87732, and may be subject to dismissal for the reasons given in sections 87743 to 87746 of the Education Code at the end of the college year. Procedures and notices to the employee shall be those specified in Education Code Section 87732.~~
- ~~2. Contract employees may be dismissed at any time by the Governing Board for violation of one or more of the causes listed in Education Code Section 87740.~~

~~Great care will be exercised so that the personnel record of any employee dismissed for reasons other than violation of one or more of the causes listed in Education Code 87732.~~

~~Legal Reference: Education Code~~

~~87740 Cause Notice and right to Hearing Required for Dismissal of Probationary Employee~~

~~87741 Continuation in Position unless notified (No longer exists)~~

~~87666 Dismissal and Penalties Contract and Regular Employees~~

~~87732 & 87743 through 87746 Contract & Regular Employees Subject to Dismissal Generally~~

NOTE: The **red type** signifies **legally required** language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in **black ink** reflects current Lassen College Policy 4118.2 titled Dismissal/Suspension adopted on 7/5/77 and revised on 8/4/87 and 12/12/00.

Date Adopted:

(Replaces current Lassen College Policy 4118.2)

BP 7370 POLITICAL ACTIVITY

References:

[Education Code Sections 7054 and 7056;](#)
[Government Code Section 8314](#)

❖ ~~From current Lassen College Policy 4380 titled Freedom of Speech~~

~~The Governing Board recognizes the rights of any employee to take, or refrain from taking, a stand on an issue and to support, or oppose, any issue or candidate or position. Employees shall not use District funds, services, supplies or equipment to urge the passage or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the Board of Trustees.~~

~~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. Such activities must be conducted on the employee's own time. The employee will exercise reasonable care to show that he/she is acting in his/her capacity as a private citizen.~~

❖ ~~From current Lassen College Policy 4230 titled Freedom of Speech; Political Activities~~

~~The governing board recognizes the rights of any employee to take or refrain from taking a stand on a political issue and to support or oppose any issue or candidate. Such activities must be conducted on the employee's own time. The employee will exercise reasonable care to show that he/she is acting in his capacity as a private citizen.~~

❖ ~~From current Lassen College Policy 4116.2 titled Civil and Legal Rights~~

~~The Governing Board recognizes the right of any employee of the district to take, or refrain from taking, a stand on a political issue and to support, or oppose, any issue or candidate. Such activities, however, must be conducted on the employee's own time and off the premises of the district. The employee will exercise reasonable care to show that he is acting in his capacity as a private citizen.~~

~~The personal life of an employee is not an appropriate concern of the Governing Board, except as it may directly prevent the employee from performing properly his/her assigned functions during the workday.~~

~~Employees shall be entitled to full rights of citizenship, and no religious or political activities of any employee, or the lack thereof, shall be grounds for any discipline or discrimination with respect to the professional employment of such employee, providing said activities do not violate any local, state, or federal laws.~~

~~Legal Reference: Education Code~~

~~7000-7007 Prohibition of Communist Party Membership~~

~~7057-7057 Political Activities of College Officers and Employees~~

~~87039 Unlawful to discriminate solely because of employee appearance before certain boards or committees~~

~~87701 Leave of absence for employees elected to the Legislature~~

NOTE: The **red type** signifies **legally required** language (unless indicated otherwise) recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in **black ink** reflects current Lassen College Policy 4116.2 titled Civil and Legal Rights adopted on 7/5/77 and revised on 8/4/87 and 12/12/00; Policy 4230 titled Freedom of Speech; Political Activity adopted on 7/5/77 and revised on 7/7/87, 12/12/00, and 8/22/06; and Policy 4380 titled Freedom of Speech adopted on 5/16/87 and revised on 12/12/00 and 1/25/05.

Date Adopted:

(Replaces current Lassen College Policies 4116.2, 4230, and 4380)

BP 7380 RETIREE HEALTH BENEFITS – ACADEMIC EMPLOYEES

References:

Education Code Sections 7000 et seq.

The District shall permit any former academic employee who has retired from the District to enroll in the health and welfare benefit plan and/or dental care benefit plan currently provided to its current academic employees. In addition, the District shall also permit the enrollment of the surviving spouse of a former academic employee who either retired from the District or was, at the time of his or her death, employed by the District as an academic employee and a member of the State Teacher’s Retirement System.

Enrollment pursuant to this policy shall be at the retiree or surviving spouse’s own expense.

A retired academic employee or surviving spouse may enroll in the District’s health and welfare benefit plans only once pursuant to this policy. A retired academic employee or surviving spouse who voluntarily terminates coverage under this policy may be excluded from obtaining coverage again.

The Superintendent/President shall establish procedures as may be deemed necessary to administer this policy in accordance with Education Code Sections 7000 et seq.

NOTE: The **red type** signifies **legally required** language (unless indicated otherwise) recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore).

Date Adopted:

(This is a new policy recommended by the CC League and the League’s legal counsel)

BP 7385 SALARY DEDUCTIONS

References:

Education Code Sections 87040, 87833, 87834, and 88167

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;
- paying premiums on any policy or certificate of group life insurance or disability insurance or legal expense insurance, or any of them;
- paying rates, dues, fees, or other periodic charges on any hospital service contract.

The request provided for above shall be revocable by the employee.

The District shall [**with or without charge**] reduce the salary payment by the amount which the employee has authorized in writing for the purpose of paying the 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.

NOTE: The **red type** signifies **legally required** language (unless indicated otherwise) recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore).

Date Adopted:

(This is a new policy recommended by the CC League and the League's legal counsel)

BP 7400 TRAVEL

Reference:

Education Code Section 87032

The Superintendent/President is authorized to attend conferences, meetings, and other activities that are appropriate to the functions of the District.

❖ From current Lassen College Policy 4133 titled Travel - Reimbursement

~~It shall be the policy of the Governing Board to **shall** reimburse employees and officials of the District for actual and necessary expenses incurred, while using private vehicles, or attending authorized meetings or conferences.~~

~~The Superintendent/President is hereby authorized to give advance administrative approval for attendance at such conferences.~~

~~Legal Reference: Education Code
87032 Travel Expense Payment~~

The Superintendent/President 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.

Note: The following language is optional.

All travel outside the United States must be approved in advance by the Board of Trustees.

NOTE: The **red type** signifies **legally required** language (unless indicated otherwise) recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in **black ink** is current Lassen College Policy 4133 titled Travel - Reimbursement adopted on 7/5/77 and revised on 8/4/87 and 12/12/00.

Date Adopted:

(Replaces current Lassen College Policy 4133)

BP 7510 DOMESTIC PARTNERS

References:

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

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 of 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 District’s policies or procedures shall be read to include registered domestic partners as permitted by California law.

NOTE: The **red type** signifies **legally required** language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore).

Date Adopted:

(This is a new policy recommended by the CC League and the League’s legal counsel)

BP 7700 WHISTLEBLOWER PROTECTION

References:

Education Code Sections 87160-87164;

Government Code Section 53296;

Labor Code Sections 1102.5 and 2698 (Private Attorney General Act of 2004)

Note: *The District may insert its local practice. The following language is **suggested as good practice.***

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: (1) 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; or (2) directly or indirectly use or attempt to use the official authority or influence of his/her 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.

NOTE: *The **red type** signifies **language that is suggested as good practice** by the Community College League and legal counsel (Liebert Cassidy Whitmore).*

Date Adopted:

(This is a new policy recommended by the CC League and the League’s legal counsel)