The Governing Board of Cabrillo College is committed to prohibiting discrimination on the basis of race, color, creed, national origin, ancestry, religion, sex, age, sexual orientation, political beliefs or affiliation, marital status or physical or mental disability, in any of Cabrillo’s programs and activities.

It is the intent of this policy that Cabrillo College will provide equal employment opportunity (EEO) at all levels and all segments of employment, including but not limited to hiring, promotion, compensation and fringe benefits, and to continue efforts to eliminate discrimination on the basis of those elements described above.

It is further intended that the District shall maintain and update an Equal Employment Opportunity Plan in accordance with guidelines provided by the California Community Colleges Chancellor’s Office, and other legal requirements as set forth in federal and state regulations, and provide staff development training in these areas.

It is the responsibility of each supervisor, manager and administrator of the District to enforce this policy, and to be aware of developments in the EEO area. Each college official shall understand and follow the processes and procedures as set forth in administrative regulations related to equal employment opportunity and diversity.

Legal Reference: – Education Code Sections 66270, 66271.1 and 70901; Government Code Sections 11135 – 11139 and 12940; et. seq. Title 5, California Code of Regulations, Section 51010, 53000 – 53034, Title 20, U.S. Code, Section 1681; Title 29, U.S. Code, Section 794; and 12101.

Adopted: April 4, 1988
Revised: February 14, 2000
Revised: June 17, 2003
Revised: August 4, 2003
Purpose
The following policy provides District employees with guidance and information about those situations in which In-House or Promotional Only Hiring is permitted or prohibited by law. All requests for In-House or Promotional Only Hiring must be reviewed and authorized by the Director of Personnel and Human Resources (or designee) and the Affirmative Action Officer according to the procedure outlined in this policy.

Background
California Community Colleges are required to make measurable progress toward the goals of their diversity plans. These plans must be designed to recruit historically underrepresented minorities, including women, ethnic minorities and people with disabilities. The state regulations governing Affirmative Action and Equal Employment Opportunity are designed to help colleges achieve these goals, and therefore define full and open recruitment for employment openings as the rule, with a few very restrictive exceptions allowed. In-House or Promotional Only Hiring is one category of exception, and is the focus of this document. However, a brief overview of the whole picture may help the reader understand this exception better.

Under the State requirements, three recruitment scenarios can exist for filling employment openings:

I. No recruitment is required if the position is not a “new opening.” The seven situations that follow define cases that are not new openings:
   1) Openings which occur as the result of a reorganization or series of transfers, as long as there is not a net increase in the number of employees;
   2) A position which is occupied by an incumbent and is upgraded, reclassified, or renamed, as long as there is no significant alteration of the job duties;
   3) Selecting one faculty member in a division or department to serve as chairperson for limited time period;
   4) A position which is filled as a temporary appointment, e.g., substitute, short-term or temporary employees (Ed Code 88003).
   5) Filling a position with an employee who has been laid-off, or who has elected service retirement in lieu of layoff, and has reappointment or reemployment rights pursuant to Education Code Sections 87744 to 87746, 88015, or 88127 et seq.
   6) Assigning overload (including teaching during summer and intersession) to existing full-time employees.
   7) Assigning a part-time faculty member to teach a class in a discipline in which he or she has previously taught without a substantial break in service. (Break in service as defined in Cabrillo College Administrative Regulation #AR5105C). Even though no recruitment is required in these seven situations, the College may elect to use either In-House or full recruitment in any of the seven situations.

II. Full and open recruitment is required for all “new openings” unless the new opening is within one or more of the three exceptions that permit an In-House or Promotional Only hiring (See exceptions described in Section III, below). Cabrillo’s procedures
for full and open recruitment are defined in other documents, such as Board Policy 5100, 5105, 5500 and Board AR 5105.

The requirements for “full and open recruitment” can be satisfied by filling positions from a time-limited list or pool of persons qualified to perform a particular job, where the list was previously established through full and open recruitment involving appropriate outreach to historically underrepresented groups.

III. Restricted recruitment is permissible on an In-House or Promotional Only basis, as outlined in this document, for new openings that meet one or more of the following three qualifications:

1) The position is being filled on an interim basis (less than one year) to allow for full and open recruitment;
2) The pool of eligible District employees has achieved “proportionate representation”;
3) The In-House or Promotional Only Hiring is justified by “business necessity.”

Even though full and open recruitment is not required for openings that meet one or more of these three qualifications, the College may elect to use full recruitment in any of the three situations.

Situations in Which In-house or Promotional Only Hiring Can Be Used
The position that is open should first be reviewed in light of the seven situations defined in “Background” above to determine if the position qualifies as a “new opening.” If it is not a “new opening” the District may elect not to recruit, may elect to follow In-House or Promotional Only recruitment, or may elect to do a full recruitment.

If the position that is open is determined to be a “new opening,” the District can pursue an In-House or Promotional Only hiring only if one or more of the following is true:

1) The position is being filled on an interim basis (less than one year) to allow for full and open recruitment;
2) The pool of eligible District employees has achieved “proportionate representation.” Proportionate representation exists when the percentage of persons from the minority group in the applicable workforce is at least equal to the percentage of members of that group who are determined to be available and qualified to perform the work in question;
3) The In-House or Promotional Only Hiring is justified by “business necessity.” Business necessity requires a showing that the full recruitment will result in substantial additional financial cost or will pose a significant threat to human life or safety. There are few circumstances in which this will occur. “Business necessity” questions will be analyzed by the Chancellor’s Office, the District Faculty and Staff Diversity Advisory Committee, the Director of Human Resources and the Affirmative Action Officer.

If the position is a “new opening” and none of these three situations exist, the District must use full and open recruitment to fill the position (or use a qualified list as defined in “Background” above).
Eligible Applicants for In-house or Promotional Only Hires
In-House or Promotional Only Hiring means that only existing District employees are allowed to apply for a position. For classified bargaining unit positions that are opened to In-House or Promotional Only Hiring, only existing District contract or regular classified employees are eligible to apply.

When the College uses In-House or Promotional Only Hiring to fill a position, all eligible and qualified District employees must be afforded an opportunity to apply.

Procedures for In-house or Promotional Only Hiring
All requests to hire on an In-House or Promotional Only basis must be submitted to the Department of Personnel and Human Resources before any recruitment begins, any job offers are made, or any person begins work.

Upon receiving a request from the unit administrator, the Director of Personnel and Human Resources (or designee) and the Affirmative Action Officer will review the request for compliance with applicable laws, regulations, contracts and policies and may authorize the request to proceed with an In-House or Promotional Only Hiring, or may determine that full recruitment is needed.

If an In-House or Promotional Only Hiring is authorized, a search committee will be recommended pursuant to Cabrillo Community College procedural guidelines for recruitment and selection of classified staff. The College will disseminate the employment announcement internally to all qualified District employees and according to the requirements of collective bargaining agreements.

The employment announcement will list all of the relevant minimum qualifications, testing requirements, and the closing deadline for submitting applications.

Adopted: February 14, 1994
An employment decision shall not be based on whether an individual has a member of the same family unit, legally married or not, presently employed at Cabrillo College except as follows:

1. Cabrillo College employees who are also members of the same family unit shall not participate in the hiring, dismissal, promotion or supervision of the other.

2. In the event that two such relatives are in violation of the policy as a result of one being assigned supervision responsibilities over the other, the Superintendent/President shall assign an alternate supervisor to perform such duties.

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

4. In all cases of nepotism the District shall make reasonable efforts to assign employment duties so as to minimize problems of supervision, safety, security or morale.

Adopted: April 4, 1988
It is the policy of the Cabrillo Community College District to provide an educational, employment and business environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, as defined and otherwise prohibited by state and federal statutes, or the force of law.

It shall be a violation of this policy for anyone who is authorized to recommend or take personnel or academic actions affecting an employee or student, or who is otherwise authorized to transact business or perform other acts or services on behalf of the Cabrillo Community College District to engage in sexual harassment as defined in District Administrative Regulations 5040 on Nondiscrimination.

It is the intent of this policy and Administrative Regulations 5040 to provide all parties with due process of law against irresponsible or false accusation. It is also intended that retaliatory or retributive behavior may not occur simply because an accusation has been made.

Within the educational environment, sexual harassment is prohibited between students, between employees and students, and non-students and students.

Within the work environment, sexual harassment is prohibited between supervisors and employees, between employees, and between non-employees and employees.

Legal Reference: Title VII, Section 703; Title 29, Labor, Chapter XIV, Part 1604, Section 1604.11.

Adopted: April 4, 1988
Revised: October 1, 1990
All academic and classified personnel shall file with the District Personnel Office a certificate showing them to be free from active tuberculosis. Substitutes and non-academic temporary employees may be exempted from this policy at the discretion of the District. In lieu of the certificate, any employee may file with the District an affidavit stating that he or she adheres to the faith or teaching of any well recognized religious sect, denomination or organization, and in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion, and that, to the best of his or her knowledge and belief, he or she is free from active tuberculosis.

The certificate, or the affidavit, shall be filed prior to initial employment, as a condition of initial employment, and every four years thereafter.

Subsequent to initial employment, failure to file the necessary certificate or affidavit shall be grounds for disciplinary action up to and including termination, pursuant to the procedures set forth in District policies and regulations for classified employees, or the procedures set forth in the Education Code for academic employees.

*Legal Reference: Education Code Section 87408, 87408.6, 87660 et seq., 87732 et seq.*

Adopted: April 6, 1987
Revised: January 9, 1995
1. A person who transfers his or her employment from another community college district or from a private or parochial school shall be deemed to have satisfied the certification requirement of this policy if the person can produce a certificate which shows that he or she was examined in the past four years and was found to be free of communicable tuberculosis, or if it is verified by the district or school previously employing the person that it has a certificate on file which contains that showing.

2. Applicants not deemed to have satisfied the certification requirement pursuant to paragraph (1) above, who have been given offers of employment, will be referred to the Cabrillo College Health Services Office to receive an intradermal tuberculin test, the results of which must be on file in the District Personnel Office prior to initial employment. The District provides such testing at no cost to the prospective or current employee. A test may also be administered by a private physician. A negative intradermal test conducted within the past sixty (60) days satisfies the certification requirement of this policy.

3. If such intradermal testing shows a positive reaction, the person will be required to obtain a chest X-ray and a physician’s certificate indicating that the person is tuberculosis free. Such X-ray and certificate may be obtained through a private physician or from an agency identified by the District. In subsequent years, a physician’s certificate alone will satisfy the certification requirement for employees who are subject to this paragraph.

4. Any person who prefers to receive a chest X-ray diagnosis in the first instance may follow the procedure described in item three above.

5. In all cases where an X-ray and a physician’s certificate are obtained, the person is responsible to initiate an appropriate medical insurance claim to cover the cost of service. The difference, if any, between the insurance benefit allowance and the actual cost is reimbursable by the District.

6. If a prospective or current employee wishes to exercise the option of providing an affidavit which shows compliance in accordance with the policy provision relating to exemption because of religious beliefs, it is the responsibility of such person to contact the Personnel Department and make the appropriate inquiries. It is the responsibility of the Personnel Department to advise the person what steps must be taken to facilitate the request. It is necessary to complete such transactions prior to initial employment.

Adopted: April 6, 1987
Revised: December 5, 1994
All applicants who have been given offers of employment shall, prior to initial employment and as a condition of employment, have fingerprint cards prepared, which shall be transmitted to the Department of Justice. Substitutes, and non-academic temporary employees may be exempted from this policy at the discretion of the District.

Adopted: December 5, 1994
It is the policy of the Cabrillo Community College District to provide an environment free of unlawful discrimination or harassment.

Discrimination or harassment on the basis of ethnicity, national origin, religion, age, sex, race, physical or mental disability or sexual orientation, and any other protected status category as may be designated by law, in the District's programs, activities and work environment is considered unlawful and shall not be tolerated by the District.

The District strongly forbids any form of discrimination and has enacted procedures to recognize and eliminate unlawful discrimination or harassment.

Adopted: October 1, 1990
Revised: October 7, 1996
Revised: March 5, 2003
Revised: March 10, 2003
Revised: May 5, 2003
I. **Introduction & Scope**

These are the written policies and procedures for filing and processing complaints of unlawful discrimination and harassment at Cabrillo Community College District. These policies and procedures incorporate the legal principles contained in unlawful discrimination provisions of state and federal substantive and procedural requirements.

A copy of these written policies on unlawful discrimination and harassment will be displayed in a prominent location in the main administrative building or other area where notices regarding the institution’s rules, regulations, procedures, and standards of conduct are posted.

A. **Unlawful Discrimination and Harassment Policy**

The policy of the Cabrillo Community College District is to provide an educational and employment environment in which no person shall be unlawfully denied full and equal access to, the benefits of, or be unlawfully subjected to discrimination or harassment on the basis of ethnicity, national origin, religion, age, sex, sexual orientation, race, or physical or mental disability, and any other protected status category as may be designated by law, in any of its programs or activities.

Employees, students, or other persons acting on behalf of the District who engage in unlawful discrimination, harassment, or retaliation prohibited by this policy, or state or federal law, may be subject to discipline, up to and including, but not limited to, discharge, expulsion, or termination of contract.

B. **Academic Freedom**

Cabrillo College District recognizes that academic freedom provides a foundation for intellectual stimulations and development, and academic success in the teaching environment. The District also recognizes that academic freedom is fundamental to the protection of teachers’ and students’ rights. Academic freedom encompasses the freedom to study, teach and express ideas, including unpopular or controversial ones, without censorship, political restraint or retribution. Academic freedom allows for the free exchange of ideas in the conscientious pursuit of truth. Protecting academic freedom is the responsibility of the college community. In a climate of openness and mutual respect, the college protects and encourages the exchange of ideas, which are presented in the spirit of free and open dialogue. Employment by the District does not in any way restrict or limit the First Amendment right enjoyed by faculty as members of their communities. Faculty members are free to speak and write publicly on any issue, as long as they do not indicate they are speaking for the institution. To this end, academic freedom shall be assured, subject to limitations imposed by law and by the academic standards of the college and the state.
II. **Definitions**

Definitions applicable to nondiscrimination and harassment policies are as follows:

A. “Appeal” means a written request to the Cabrillo College Advisory Panel, Governing Board, or the State Chancellor’s Office for review of a determination made following investigation of a discrimination or harassment complaint, as permitted by AR 5040 or Title 5.

B. “Complaint” means a written and signed statement meeting the requirements of section 59328, which alleges unlawful discrimination or harassment in violation of this subchapter.

C. “Days” means calendar days unless otherwise specified.

D. “Responsible District Officer” means the District Officer identified by the district to the Chancellor's Office as the person responsible for receiving complaints filed pursuant to section 59328 and coordinating their investigation.

E. “Discrimination on the basis of sex” means sexual harassment or discrimination on the basis of gender.

F. “Manager” means anyone who is authorized to recommend or to make personnel or educational decisions affecting an employee or student, or who is otherwise authorized to transact business on behalf of the Cabrillo College District.

G. “Sexual harassment” means unlawful and unwanted sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the workplace or in the educational setting, and includes but is not limited to:

1. Making unsolicited written, verbal, physical, and/or visual contacts with sexual overtones. (Examples of sexual harassment that appear in a written form include, but are not limited to: suggestive or obscene letters, notes, and invitations. Examples of verbal sexual harassment include, but are not limited to: leering, gestures, display of sexually aggressive objects or pictures, cartoons, or posters.)

2. Continuing to express sexual interest after being informed that the interest is unwelcome.

3. Making reprisals, threats of reprisal, or implied threats of reprisal following a rebuff of harassing behavior.

4. Engaging in explicit or implicit coercive sexual behavior within the work environment which is used to control, influence, or affect the employee’s career, salary, and/or work environment.

5. Engaging in explicit or implicit coercive sexual behavior within the educational environment that is used to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.

6. Offering favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.
H. “Hostile Environment Sexual Harassment” includes but is not limited to: behavior that is in the classroom, workplace, or any other college or non-college setting, that is continuous, frequent, repetitive, and part of an overall pattern, rather than one event. However, a single, severe event can constitute hostile work environment sexual harassment, especially if it involves physical contact. Perpetration of such behavior can be from instructors, supervisors, subordinates, consultants, vendors or peers. The intentions of the accused are irrelevant in determining whether her/his behavior constitutes sexual harassment; it is the effect of the behavior upon the recipient which creates a hostile work environment. Such conduct has the purpose or effect of unreasonably interfering with an individual’s performance or creating an intimidating, hostile or offensive work or educational environment.

Behaviors that may contribute to a hostile environment as judged by a reasonable person of the same gender as the complainant, which are inappropriate or have no educational relevance, include, but are not limited to the following:

1. verbal, non-verbal and physical sexual behaviors;
2. sexual advances that are repeated and unwanted even when they are verbal and not coercive;
3. sexual jokes, innuendoes;
4. remarks about a person’s body;
5. turning discussions inappropriately to sexual topics;
6. making offensive sounds, such as whistling or catcalls;
7. looking a person up and down or staring in a sexually suggestive manner;
8. invading someone’s personal space or blocking his or her path;
9. distribution of sexually explicit visuals such as pinups, or digital images;
10. suggestions of sexual intimacy;
11. repeated requests for dates or private meetings in inappropriate or intimate locations;
12. unwanted letters or gifts; or
13. touching, hugging, massaging, or other unwelcome physical contact.

I. “Mental Disability” includes but is not limited to, all of the following:

1. Having any mental or psychological disorder or condition, such as mental retardation;
2. organic brain syndrome;
3. emotional or mental illness, or specific learning disabilities that limits a major life activity.
4. “Mental disability” does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

J. Physical Disability, includes but is not limited to all of the following:

1. Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss.
2. Any physical health impairment that requires specialized supportive services.
3. Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment, which is known to the district.
4. Being regarded or treated by the District as having, or having had, any physical condition that makes achievement of a major life activity difficult.
5. Being regarded or treated by the District as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability.
6. “Physical disability” does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

III. **Responsible District Officer**
   A. The Cabrillo Community College District has identified the Director of Human Resources or designee, to the State Chancellor’s Office and to the public as the single District Officer responsible for receiving unlawful discrimination and harassment complaints and coordinating an appropriate investigation. The actual investigation of any complaint may be assigned to other staff or to outside persons or organizations under contract with the District. However, such investigation delegation procedures must be used whenever the officer designated to receive complaints is named in the complaint or is implicated by the allegations in the complaint.

B. **Employee Notice, Training, and Education**
   1. The Cabrillo Community College District’s Responsible District Officer, or a designee, is responsible for providing training to employees and students on the District’s unlawful discrimination and harassment policy and procedures. Faculty, administrative staff, and all members of the support staff will be provided with a copy of the District’s written policy on unlawful discrimination and harassment at the beginning of the semester of the school year after the policy is adopted.
   2. All District employees will receive this training and a copy of the unlawful discrimination and harassment policies and procedures during the first year of their employment. In years in which a substantive policy or procedural change has occurred, all District managers will attend a training update and receive a copy of the revised policies and procedures to be disseminated to their respective staff.

IV. **Filing A Complaint**
   A. **Informal Complaint Procedure**
When a person brings charges of unlawful discrimination to the attention of the responsible District Officer or designee, that officer will:

1. Undertake efforts to informally resolve the charges, if appropriate;
2. Advise the complainant that he or she need not participate in informal resolution of the complaint;
3. Notify the person bringing the charges of his or her right to file a formal complaint and explain the procedure for filing a formal complaint;
4. Advise the complainant that he or she may file a complaint with the Office of Civil Rights of the U.S. Department of Education (OCR); and,
5. If the complaint is employment-related, the complainant will also be advised that he or she may file a complaint with the State Department of Fair Employment and Housing (DFEH) and/or the U.S. Equal Employment Opportunity Commission.

Efforts at informal resolution need not include any investigation unless the responsible District Officer determines that an investigation is warranted by the seriousness of the charges. Selecting an informal resolution does not extend the time limitations for filing a formal complaint. Efforts at informal resolution may continue after the filing of a formal written complaint, but after a formal complaint is filed an investigation is required to be conducted and will be completed unless the matter is informally resolved and the complainant dismisses or withdraws the complaint. Any efforts at informal resolution after the filing of a written complaint will not exceed the 90-day period for rendering the administrative determination regarding the formal complaint.

B. Formal Complaint Procedure
If a complainant decides to file a formal written unlawful discrimination or harassment complaint against the District, s/he will file the complaint on a form prescribed by the State Chancellor. These approved forms are available from the District and also from the State Chancellor’s office.

The completed form must be filed with the responsible District officer or mailed directly to the State Chancellor’s Office of the California Community Colleges.

C. Investigation Upon Filing of a Formal Written Complaint
When a formal written complaint is filed an investigation will be initiated if the complaint meets the following requirements:
1. The complaint must allege unlawful discrimination or harassment.
2. The complaint must be filed by one who alleges that he or she has personally suffered unlawful discrimination or harassment, or by one who has learned of such unlawful discrimination or harassment in his or her official capacity such as a faculty member or administrator.
3. In any complaint not involving employment, the complaint must be filed within one year of the date of the alleged unlawful discrimination or harassment on which the complainant knew or should have known of the facts underlying the allegation of unlawful discrimination or harassment.
4. Complaints alleging discrimination or harassment in employment must be filed within six (6) months of the date the alleged unlawful employment discrimination occurred. This period can be extended by no more than 90 days following the expiration of the six (6) month period if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of six (6) months.

5. The District may conduct an appropriate investigation whenever it becomes aware of alleged unlawful discrimination or harassment in any of its programs or activities.

D. Notice to Chancellor or District
Upon receipt of a formal written complaint, the responsible District Officer will conduct a full and impartial investigation and notify the State Chancellor’s office of the investigation. Similarly, when the State Chancellor's Office receives a complaint filed in accordance with the regulations a copy will be forwarded to the District for investigation.

E. Confidentiality of the Investigative Process
Investigative processes can best be conducted within a confidential environment, and the District does not reveal information about such matters except as necessary to fulfill its legal obligations. Potential complainants are sometimes reluctant to pursue a complaint if their names will be revealed. The inability to reveal the name of a complainant or facts that are likely to reveal the identity of the complainant can severely limit the ability of the District to respond. If a complainant insists that his/her name not be revealed, the responsible District Officer will ensure confidentiality to the extent possible, as long as doing so does not jeopardize the rights of other students and employees. However, the District cannot guarantee absolute confidentiality in all cases.

Where an investigation reveals the need for disciplinary action, the complainant may wish to have information about what disciplinary actions the District took. However, the privacy rights of the persons involved often prevent the District from providing such information, except as required or authorized by law.

F. Administrative Determination
1. Investigation:
Within sixty (60) days of receiving a formal unlawful discrimination or harassment complaint, the investigation will be completed and the responsible District Officer will notify both the complainant and the accused regarding his/her determination based upon the investigation as to whether discrimination and/or harassment did or did not occur with respect to each allegation in the complaint.

2. Appeal to Advisory Panel:
a. If either the complainant or the respondent is dissatisfied with the responsible District Officer’s determination, that party may appeal to the District’s Advisory Panel in writing within 5 working days of notification of the determination.
b. The Advisory Panel shall include up to five members chosen from a pool of faculty, students and classified staff, selected by the Superintendent/President. The responsible District Officer will recommend impartial panel members and attempt to achieve gender balance for each panel. A student representative may be selected for panels dealing with complaints involving students. All panel members will serve for two consecutive years except the Student Senate representative, who may serve for only one year. At the beginning of their terms, members will receive training on District policy related to nondiscrimination and harassment law. The panel will review formal appeal cases and all proceedings will be confidential to the extent required by law.

c. When either the complainant or the respondent initiates an appeal to the Advisory Panel, the responsible District Officer will submit the investigation report to the panel. The complainant and accused will be given the option of appearing before the panel in person to present their case. The Advisory Panel will review any oral or written statements submitted by the complainant and respondent in determining whether the appeal has merit. After completing a review, the panel may recommend upholding, revising, or reversing the responsible District Officer’s conclusions. The panel’s recommendation will be given in writing to the responsible District Officer within 10 days of the filing of the appeal. Within 5 days of receiving the panel’s recommendation, the responsible District Officer shall review the panel’s recommendation and make his/her written determination. If the responsible District Officer agrees with the recommendations of the panel, the panel’s recommendations shall become the final administrative determination of the District. If the responsible District Officer does not agree with the recommendation of the panel, a final administrative determination shall be rendered by the Superintendent/President in writing, and forwarded to the complainant and respondent, within 10 days of the responsible District Officer’s determination.

3. Complainants’ and State Chancellor’s Notification of Administrative Determination
Within 90 days of receiving a formal complaint alleging unlawful discrimination or harassment, the responsible District Officer will forward a copy of the investigative report to the State Chancellor, a summary of the report to the complainant, and written notice to the State Chancellor and the complainant setting forth the following:

a. The final administrative determination as to whether discrimination or harassment did or did not occur with respect to each allegation in the complaint;
b. A description of the actions taken, if any, to prevent similar problems from occurring in the future;
c. The proposed resolution of the complaint; and
d. The complainant’s right to appeal to the District’s Governing Board and/or the State Chancellor’s Office.

V. Complainant’s Appeal Rights
Complainants have additional appeal rights that they may exercise if they are not satisfied with the results of the District’s final administrative determination. At the time the final administrative determination is made, a summary is mailed to the complainant and the District will notify the complainant of his or her appeal rights as follows:

A. First level of appeal: The complainant has the right to file an appeal to the District’s Governing Board within 15 days from the date of the final administrative determination. The District’s Governing Board will review the original complaint, the investigative report, the administrative determination, and the appeal.

The District’s Governing Board will issue a final District decision in the matter within 45 days after receiving the appeal. Or, the District’s Governing Board may elect to take no action within 45 days, in which case the original decision in the final administrative determination will be deemed to be affirmed and shall become the final District decision in the matter. A copy of the final decision rendered by the District’s Governing Board will be forwarded to the complainant and to the State Chancellor's Office.

B. Second level of appeal: The complainant has the right to file an appeal with the California Community College Chancellor’s Office in any case not involving employment related discrimination or harassment within 30 days from the date that the Governing Board issues the final District decision or permits the administrative determination to become final by taking no action within 45 days.

C. In any case involving employment discrimination or harassment, the complainant may, at any time before or after the final district decision is rendered, file a complaint with the state Department of Fair Employment and Housing and/or the U.S Equal Employment Opportunity Commission.

D. The Chancellor shall have discretion to accept or reject any such petition for review in employment discrimination cases. If the Chancellor agrees to accept the petition, s/he shall take action consistent with the procedures prescribed by the Chancellor’s Office.

Complainants must submit all appeals in writing.

VI. Forward to Chancellor
Within 150 days of receiving a formal complaint, the District will forward the following to the Chancellor:
A. A copy of the final District decision rendered by the Governing Board or a statement indicating the date on which the administrative determination became final as a result of taking no action on the appeal within 45 days.

B. A copy of the notice of appeal rights the District sent the complainant.

VII. Extensions
If, for reasons beyond its control, the District is unable to comply with the 90-day or 150-day deadlines specified above for submission of materials to the complainant and the State Chancellor's Office, the District will file a written request that the Chancellor grant an extension of the deadline. The request will be submitted no later than 10 days prior to the expiration of the deadlines established by law and will set forth the reasons for the request and the date by which the District expects to be able to submit the required materials.

A copy of the request for an extension will be sent to the complainant who may file written objections with the Chancellor within five (5) days of receipt.

The Chancellor may grant the request unless delay would be prejudicial to the complainant. If the Chancellor grants an extension of the 90-day deadline the 150-day deadline is automatically extended by an equal amount.

VIII. Record Retention
Unlawful discrimination records that are part of an employee’s employment records may be classified as class-1 permanent records and retained indefinitely or microfilmed. Unlawful discrimination records of a student that are deemed worthy of preservation but not classified as class-1 permanent may be classified as class-2 optional records or as class-3 disposable records, to be retained for a period of three years.

IX. Retaliation
It is unlawful for anyone to retaliate against someone who files an unlawful discrimination complaint, who refers a matter for investigation or complaint, who participates in an investigation of a complaint, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of this unlawful discrimination policy.

Revised: June 6, 1994
Revised: October 7, 1996
Revised: November 22, 2002
Revised: March 5, 2003
Revised: April 7, 2003
Formal Complaint - 150 days from filing to final disposition

There are no time limits on the resolution of informal complaints. However, once a formal complaint has been filed, the investigation and any attempts at informal resolution must end at the conclusion of 90 days.
The Cabrillo Community College District will grant family and medical leave in accordance with the requirements of applicable state and federal law in effect at the time the leave is granted. No greater or lesser leave benefits will be granted than those set forth in such state or federal laws unless so provided in a collective bargaining agreement with Cabrillo College employees. In certain situations, the federal law requires that provisions of state law apply. In any case, employees will be eligible for the most liberal benefits available under either law.

To the extent that this policy provides more generous benefits than are currently provided in the Cabrillo College Faculty Agreement and the SEIU Agreement, the provisions of this policy and the law shall apply.

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

Legal Reference: Federal Family and Medical Leave Act of 1993 (29 U.S.C. Section 2601 et seq) and implementing regulations (CFR, Title 29, Part 825); California Family Care and Medical Leave Act, as amended (Government Code section 12945.2) and implementing regulations (2 Cal. Code Regs. Section 7297.0 et seq).

Adopted: October 3, 1994
FAMILY AND MEDICAL LEAVE

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

Definitions
1. Child: A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either under 18 or an adult dependent child.
2. Parent: A biological, foster, or adoptive parent, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.
3. Spouse: A husband or wife as defined under California law. (Note: “common law marriage” is not recognized under California law.)
4. Serious Health Condition: An illness, injury, or impairment, or physical or mental condition that involves either (a) inpatient care in a hospital, hospice, or residential health care facility or (b) continuing treatment or continuing supervision by a health care provider.

Employee Eligibility
To be eligible for family and medical leave benefits, an employee must:
1. have worked for the District for a total of at least 12 months (need not be consecutive), and
2. have worked at least 1,250 hours during the 12 calendar months immediately preceding the date of the leave, except overtime exempt employees and full-time educators who are deemed to meet the 1250 hour requirement if they meet the 12 month requirement stated in (1) above, and
3. work at a location where at least 50 employees are employed by the District within 75 miles.

Allowable Reasons for Family and Medical Leave
Eligible employees may be granted family and medical leave for one or more of the following reasons:
1. for the birth of a child or placement of a child with the employee for adoption or foster care; or
2. to care for an immediate family member (spouse, child or parent) with a serious health condition; or
3. when the employee is unable to work because of his/her own serious health condition.

Leave Available
Eligible full-time employees may receive up to a total of 12 work weeks (60 work days) of unpaid leave during a rolling 12-month period. The maximum family and medical leave for an eligible part-time employee is prorated based on the percentage of full-time he/she works.

The rolling 12-month period will be counted backward from the date an employee uses any family and medical leave. The amount of family and medical leave available to an eligible employee will be 12 work weeks less any family and medical leave used during the rolling 12-month period.
If both spouses are employed by the District, the maximum family and medical leave available for the birth or placement of a child will be an aggregate of 12 work weeks for both spouses.

Under some circumstances, employees may take family and medical leave intermittently, which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule. Employees should contact the Human Resources department regarding their individual situation.

Pregnant employees may have the right to take a pregnancy disability leave in addition to a family and medical leave; such employees should contact the Human Resources department regarding their individual situation.

**Notice and Certification**

Employees seeking to use family and medical leave may be required to provide:

1. 30-day advance notice when the need for the leave is foreseeable;
2. when the need for family and medical leave is unforeseeable, normally five working days notice, and not less than one day’s notice, unless the employee is able to demonstrate extraordinary circumstances, in which case no advance notice shall be required;
3. medical certification (prior to leave) of need for leave requested for reasons of “serious health condition” of self or immediate family member, and re-certification if additional leave is required;
4. medical certification (prior to reinstatement) of fitness-for-duty of employee returning from leave that was for employee’s own serious health condition. The employee must be notified when leave is requested that a fitness-for-duty certification may be required prior to reinstatement.
5. periodic re-certification; and
6. periodic reports during the leave.

When leave is needed to care for an immediate family member or the employee’s own serious health condition, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the District’s operation.

When leave is requested for the birth or placement of a child, the leave must be initiated within one year of the birth or placement.

**Compensation During Leave and Concurrent Use of Accrued Paid Leave**

Family and medical leave is unpaid leave. The District will require an employee to use accrued paid leave concurrently with the family and medical leave, as follows:

1. Employee will be required to use all accrued vacation leave, compensatory time, “Critical Illness of a Family Member” leave, and differential pay leave during the period of family and medical leave;
2. When family and medical leave is requested for an employee’s own serious health condition, employee will be required to use all accrued sick leave and/or personal injury and illness leave during the period of family and medical leave;
3. When family and medical leave is requested to care for the serious health condition of an immediate family member or for birth or placement of a child, the employee may request to use his/her balance of accrued Personal Necessity Leave during the period of family and medical leave. The employee will not be allowed to use accrued sick leave and/or personal injury and illness leave (other than Personal Necessity Leave) for family and
medical leave requested to care for the serious health condition of an immediate family member or for birth or placement of a child.

4. When an employee’s industrial illness or injury meets the definition of a “serious health condition” in family and medical leave law, then an eligible employee must use paid disability leave under industrial accident and illness laws and regulations during the period of the family and medical leave.

The District will designate an employee’s leave, paid or unpaid, as family or medical leave under the federal or state law, based on the information provided by the employee when leave is requested. If the District designates paid leave as family or medical leave, it must make this designation before the leave starts, or before an extension of leave is granted, and must immediately notify the employee of the designation.

The District will keep records on employee family and medical leaves that will enable verification of the leave taken, leave remaining, and other provisions of this policy.

**Benefits During Leave**

1. Group Health Benefits:
   The District will maintain group health insurance coverage for an employee on family and medical leave for up to a maximum of 12 work weeks if such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work.
   In some instances, the District may recover premiums it paid to maintain health coverage for an employee who fails to return to work following family or medical leave. Employees are entitled to new health plans or benefits, or changes, which occur during their leave, and the District will give notice of such changes. If premiums are raised or lowered, an employee on family and medical leave must pay new rates if paying a portion of premiums.

2. Other Benefits Requiring Premium Payments:
   For benefits other than group health benefits, an employee may elect to continue them during a family and medical leave by self-paying premiums.

3. Retirement Plans:
   With respect to retirement plans, the period of family and medical care leave is treated as continued service for purposes of vesting and eligibility to participate.

4. Longevity:
   For purposes of determining longevity, a family and medical care leave shall not constitute a break in service.

5. Accrual of Benefits:
   An employee on family and medical leave will continue to accrue benefits only during leave which is concurrently taken as accrued paid leave (vacation leave, comp time, Critical Illness of a Family Member leave, differential pay leave, sick leave). During leave without pay, no benefits will accrue.

**Benefit Reinstatement**

Employee benefits will be resumed following a family and medical leave in the same manner and at the same level as were provided by the District when the leave began, other than benefit changes which affected the entire work force.

If an employee chooses not to retain group health coverage or other employer-offered insurance policies during a family and medical leave, he/she is entitled to reinstatement with the same terms upon return, with no qualifying period, exams or exclusions.
An employee returns from a family and medical leave with no less seniority than when the leave commenced.

**Job Reinstatement**
Except for defined “key employees,” an employee, upon return from family and medical leave, will be reinstated to his/her original job, or to an equivalent job with equivalent pay, benefits and other employment terms and conditions. However, an employee is not entitled to any position other than that which he/she would have had if he/she had not taken leave. The District is allowed to deny return to work in a position which ceased to exist during the leave for legitimate business reasons.

“Key employees” are defined as salaried employees who are among the highest paid 10% of the employees of the District employed within 75 miles of the facility at which the employee works. Under certain conditions, the employer may refuse to reinstate key employees upon return from a family and medical leave.

**Notice to Employees**
The District will post a notice of family and medical leave provisions in areas accessible to employees. In addition, the District will provide detailed notice of specific expectations, obligations, and consequences of failure, to the employee when a family and medical leave is requested.

**Unlawful Acts**
It is unlawful for the District to interfere with, restrain, or deny the exercise of any right provided by state or federal law. It is also unlawful for the District to refuse to hire or to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceedings related to family and medical leave.

Adopted: October 3, 1994
EMPLOYMENT PROCEDURES POLICY (CERTIFICATED)  BP 5100

The Cabrillo Community College District shall employ persons requiring certification qualifications in accordance with the provisions of the California Education Code found in Title 3, Division 7, Part 51, Chapters 1, 2 and 3, and all of the appropriate sections therein.

It is the intend to this policy that all employment procedures and transactions are to meet legal compliance requirements of the California Education Code and all other federal and state regulatory laws, rules and regulations.

It is the policy of the Cabrillo Community College District that all personnel procedures and practices be established in an appropriate set of administrative regulations, and that each supervisor, manager and administrator with employment responsibilities adhere to such regulations in all personnel processes and transactions.

*Legal Reference: Education Code Title 3, Division 7, Part 51, chapters 1, 2 and 3, all articles inclusive*

Adopted: April 4, 1988
The goal of the faculty selection process at Cabrillo College is to hire faculty who are experts in their subject area, who are skilled in teaching and serving the needs of a diverse student population, who can foster overall college effectiveness, and who are sensitive to ethnic and cultural diversity in the community. Moreover, it will be the objective of the District to have a faculty reflecting the ethnic and cultural diversity of the college district. The Cabrillo College District recognizes that faculty hiring procedures and guidelines are important to ensure the maintenance of a faculty of the highest quality.

Though principal legal responsibility and authority rest with the College Governing Board, the college administration and faculty share with the Governing Board the responsibility for ensuring an effective and legal hiring process. Development of the procedures and guidelines are likewise the shared responsibility of the Governing Board through the administration, and faculty through the Faculty Senate. These procedures and guidelines will be developed with the intention to maintain diversity of committee membership, and objectivity, fairness, and consistency in the treatment of applicants.

These procedures and guidelines recognize that responsibility for selecting well-qualified people is shared cooperatively by faculty members and administrators. These shared responsibilities include: following District policies, developing job descriptions, equivalencies, and local qualifications recruiting; screening, interviewing, and selecting the recommended candidates. Screening, selection, and recommendations shall be strictly confidential.

In order to achieve the objective of establishing a faculty reflecting the ethnic and cultural diversity of the community, the hiring process shall be carried out in accordance with equal employment opportunity and diversity values and college policies. Equal employment opportunity and the College’s diversity values shall be observed at all stages of the hiring process.

Legal Reference: AB 1725, Section 4

Adopted: May 7, 1990
Revised: June 3, 2002
Revised: November 14, 2005
Purpose
The purpose of this regulation is to ensure that the Cabrillo Community College District’s search and selection process for contract faculty is applied in a consistent and equitable fashion. This regulation was developed to promote the selection of an excellent and diverse faculty.

1. **Academic Personnel Requisitions**
   a. The hiring process shall be initiated early enough to ensure completion before the end of the academic year.
   b. After the position has been approved through the academic position priority process, the Division Dean*, in consultation with discipline faculty and appropriate division faculty, shall submit the proposed assignment description and qualifications on the appropriate academic personnel form.
   c. The academic personnel requisition shall be approved by the Division Dean, Vice President of Instruction or Student Services, Fiscal Services Manager, and Superintendent/President, and returned to the Human Resources Department for final review and processing.

2. **Recruitment of Applicants**
   A college-wide recruitment budget shall be established. The recruitment plan and activities shall be coordinated through the Human Resources Department, working with the program faculty, Division Dean, Assistant Director of Human Resources (Recruitment & Diversity), and Vice President of Instruction or Student Services. Considered in the recruitment plan will be past successful recruitment data, mailing lists and web pages. The length of the advertising period should be sufficient to allow for adequate distribution and response and to help obtain larger, more diverse applicant pools. Generally, a minimum of six weeks is required.

3. **Search and Selection Committee Chair**
   a. In consultation with the discipline faculty, the Division Dean shall select a Committee Chair. The chair shall be a contract faculty member; otherwise, the Division Dean will serve as chair. The Committee Chair shall read AR 5105 before proceeding.
   b. The Committee Chair is responsible for keeping the search and selection process proceeding in a timely manner.
   c. The Committee Chair and the Division Dean shall recruit participants as outlined below. Committee members are expected to be knowledgeable about and committed to the diversity values of the College. The Human Resources Department will distribute the list of members to the Assistant Director of Human Resources (Recruitment & Diversity) and Vice President of Instruction or Student Services for approval.
   d. The Committee Chair, where appropriate, shall identify other faculty or staff members who will assist by escorting applicants to the interview and giving them a tour of the campus.

4. **Search and Selection Committee Membership**
   a. Committee Requirements
1. An academic employee who has completed the training in nondiscrimination and diversity values provided by the Assistant Director of Human Resources (Recruitment & Diversity) shall be a voting member of the committee.

2. An effort will be made to achieve gender balance in the composition of the committee.

3. The Assistant Director of Human Resources (Recruitment & Diversity) or designee shall be present for deliberations of the committee to ensure compliance with AR 5105.

4. No faculty retiree or resignee from the position shall serve on the selection committee.

5. Committee members have an ethical obligation to remove themselves from the committee when bias or the appearance of bias is present. In order to prevent bias or the appearance of bias, no individual with any relationship to any applicant that would impede an unbiased opinion (including but not limited to spouse, ex-spouse, relative, domestic partner) shall serve on the selection committee. Guidelines for evaluating bias shall be reviewed at the first committee meeting.

6. The Assistant Director of Human Resources (Recruitment & Diversity) or designee shall serve as a consultant to the committee on the district and state guidelines and is responsible for monitoring the district’s search and selection procedures. This responsibility includes but is not limited to a review of the job descriptions and announcements, composition and procedures of selection committees, and the adequacy of the applicant pool.

b. Members of the committee

1. Faculty (majority of voting members, minimum of 3)
   The majority of faculty members on the committee shall be in the discipline of the position, or, if not feasible, in a related subject area. At least one of the committee members shall be qualified in the discipline. The majority of faculty members on the committee shall be contract faculty.

2. Division Dean

3. Student (interview only)
   The student member of the committee shall not have been the student of any of the interviewees, and shall join the committee for the interviews and deliberations after having read the application packets of those to be interviewed.

4. Community Representative, (non-college employee) as appropriate.

5. **Committee Orientation**
   The Committee Chair shall have participated in the training provided by the Assistant Director of Human Resources (Recruitment and Diversity) and shall schedule an orientation meeting of all committee members and the Assistant Director of Human Resources (Recruitment & Diversity) or designee. The purpose of the meeting is to review position qualifications, to establish times and locations for paper screening and interviews, and to discuss issues of confidentiality, unbiased participation, equal opportunity and diversity. The Assistant Director of Human Resources (Recruitment & Diversity) or designee shall instruct all participants in search and selection procedures and methods to ensure nondiscrimination and observance of Cabrillo College’s diversity values. Committee members shall sign a statement affirming confidentiality and unbiased participation.
6. **Evaluation of Applicant Pool**
The recruitment period may be extended by the Assistant Director of Human Resources (Recruitment & Diversity), the Director of Human Resources, or the Vice President of Instruction or Student Services if there are insufficient applicants or if additional recruitment could significantly improve the pool.

7. **Process for Complaints or Concerns**
In the event that there is a question or concern about confidentiality, bias, or procedure or in the event that the process is not proceeding in a timely manner, the Vice President of Instruction or Student Services shall consult with the Faculty Senate President to determine whether the process, committee membership, or committee chair shall be changed, or if the search should be reopened or extended.

8. **Review and Selection of Applicants for Interview**
   a. Committee members shall use the college application screening evaluation form to rate applications.
   b. After committee members have completed their individual rating of all applications, the committee will meet to determine which applicants to invite for an interview. At this meeting, each voting committee member will put forward her/his highest scored applicants (usually the top 5-7). The committee will review those applicants and recommend candidates for interviews.
   c. The committee will develop the interview schedules (which may include weekends), job-related interview questions, and instructions for the classroom presentation or appropriate job-related demonstration. Any other materials the applicant should bring to the interview will also be identified.
   d. The interview schedule, job-related interview questions, and instructions shall be forwarded to the Human Resources Department for approval by the Assistant Director of Human Resources (Recruitment & Diversity) and the Vice President of Instruction or Student Services. Any changes to the above process shall be reviewed by the Committee Chair prior to the day of the first interview.
   e. Upon completion of the screening process, all applications, screening and interviewing materials shall be secured in the Human Resources Department. The Human Resources Department will notify candidates by phone and mail of their interview appointments. If possible, candidates will be notified of selection two weeks prior to the interview, especially when travel is involved.

9. **Interview Process**
   a. Prior to the first interview, the committee members shall agree on the scoring procedure and how questions and demonstrations shall be weighted.
   b. Committee members shall use the college interview evaluation form to score each candidate’s performance in the interview. A committee member must be present at all interviews in order to participate in this process.

10. **Recommendation Process**
    a. Immediately upon completion of the interviews, unless there are extenuating circumstances, the committee will make its recommendation, which must include a minimum of three candidates. Candidates may be ranked or unranked. Recommendations must also be accompanied by a written summary of strengths and
weaknesses of each recommended candidate. In the event that there are not three qualified candidates recommended, the committee must include a written explanation.

b. All selection materials and the recommendation form shall be forwarded to the Human Resources Department which will notify the Assistant Director of Human Resources (Recruitment & Diversity) and the Vice President of Instruction or Student Services of the recommendation. The Human Resources Department will notify candidates not recommended as finalists.

c. Upon receipt of the committee recommendations, the Vice President of Instruction or Student Services will meet with the committee to discuss the summary of strengths and weaknesses of each candidate.

d. The Human Resources Department and the Division Dean will conduct confidential reference checks on the candidates recommended. The Vice President of Instruction or Student Services will review the reference checks, interview recommended finalists, and recommend a candidate to the Superintendent/President.

e. In the event that the Vice President of Instruction or Student Services cannot forward the committee’s top ranked recommendation because of exceptional circumstances or compelling reasons, s/he shall review the reasons with the Committee Chair and offer to meet with the committee to discuss the remaining candidates.

f. In the event that the committee and the Vice President do not agree on the recommendation to be made to the Superintendent/President, the committee and Vice President will reconsider other applicants, or the search will be reopened.

g. The Superintendent/President shall interview the recommended candidate. Upon approval by the Superintendent/President, the Vice President shall notify the appropriate unit administrator of the Superintendent/President’s recommendation. If the Superintendent/President does not approve the candidate, the recommendation will be returned to the Vice President, and the procedures in section 10e will be followed.

h. The Superintendent/President shall notify the successful candidate of the intent to recommend her/his appointment to the Governing Board. Upon the candidate’s acceptance, the Human Resources Department will notify remaining candidates.

11. **Emergency Situations in Which Classes Will Not Have Coverage**

In the event of a sudden need for a contract faculty member, the Division Dean may assign a qualified applicant from an applicant pool to the position for up to one academic year only. In the event that this is not feasible, the Division Dean may ask the Assistant Director of Human Resources (Recruitment & Diversity), the Director of Human Resources, and the Vice President of Instruction to recommend to the Superintendent/President that the assignment be made without recruitment but with an interview by the Division Dean and at least one faculty member. An assignment made without recruitment will be for a maximum of one academic year.

12. **Review and Revision of Search and Selection Procedures**

The Search and Selection policies and procedures are subject to review and revision at the request of either the Faculty Senate, the Administration, or the Governing Board. Any proposed revisions shall be reviewed by a joint task force of representatives of the
Faculty Senate and the Administration. The Faculty Senate and the Administration shall send forward recommendations to the Governing Board for approval.

*In the case of Counseling, Library or Computing Resources the term “Dean” indicates a chairperson or a director.

Legal Reference: AB 1725, Section 4

Adopted: May 7, 1990  
Modified June 1, 1992  
Modified February 8, 1993  
Modified December 5, 1994;  
Modified May 6, 1996;  
Modified October 7, 1996  
Modified February 2, 1998  
Modified March 2, 1998  
Modified May 6, 2002
1. Local Qualifications for All Faculty Positions
   Search and selection committees may recommend only those candidates who have demonstrated:
   a. knowledge of and commitment to the community college philosophy;
   b. effective oral and written communication skills;
   c. ability to teach the courses or perform the duties described in the employment opportunity announcement;
   d. ability to teach or perform duties effectively and to communicate well with students of diverse academic, ethnic, socioeconomic, and cultural backgrounds, including students with disabilities; and
   e. ability to work cooperatively with others.

2. Position-Specific Qualifications
   Any position-specific local qualifications for employment shall be determined through the regular hiring process as specified in the search and selection procedures.

Adopted: June 4, 1990
Revised: December 5, 1994
The following equivalency procedure is to be used to determine when an applicant for a faculty position or a faculty member, although lacking the exact degree or experience specified in the Disciplines List of the Board of Governors that establishes the state’s minimum qualifications for hire, nonetheless does possess qualifications that are at least equivalent to those required by the discipline. The procedure is intended to ensure a fair and objective process for determining when an applicant or a faculty member has the equivalent qualifications. It is not intended to grant waivers for lack of the required qualifications or to accept less than qualified individuals.

In the event that a search and selection committee recommends an applicant for an interview who does not possess the minimum qualifications specified in the state list of academic disciplines, assessment and determination of equivalent qualifications shall be carried out by the Equivalency Committee.

1. Job Announcements and Employment Applications
   All job announcements shall indicate that equivalent qualifications will be considered. Employment Applications shall include a form on which the applicant can specify that he or she wishes to demonstrate equivalent qualifications and provide supporting documentation.

2. Responsibilities of Candidates for Employment
   It is the applicant’s or faculty member’s responsibility to request consideration for equivalency and to submit the supporting documentation with his or her application.

3. Categories of Equivalency
   Equivalency to an academic degree shall include the same depth of knowledge in the discipline and breadth of general education that is required for the degree to meet the minimum qualification. Equivalent preparation for employment shall be considered under any one category or any combination of the categories listed below:
   a. Degree in related field with equivalent coursework in the required discipline as indicated by transcripts and/or thesis subject
   b. Equivalent degrees from foreign universities (as determined by an agency selected by Cabrillo College)
   c. Coursework at an accredited institution of higher education plus state-approved continuing education units applicable for maintaining licensure and/or an internship for licensure and/or equivalent professional or work experience and/or equivalent verifiable accomplishments of eminence in the discipline including but not limited to: publications, research, seminars, creative works, professional performances or exhibitions, honors or awards.

4. The Equivalency Committee
   The Equivalency Committee, a standing committee comprised of representatives from the Cabrillo College Faculty Senate and administration, decides any questions ensuing from a claim that an employee or a candidate for employment possesses some alternative kind of preparation than the minimum qualifications specified by the disciplines list adopted by the Board of Governors. The voting members on an applicant’s committee shall include: one faculty member annually selected by the Faculty Senate, one annually selected administrative appointee, and one ad hoc member selected by the Search and Selection Committee raising the issue (where possible this latter member should be from the relevant discipline). The voting members on a faculty member’s committee shall include:
one faculty member annually selected by the Faculty Senate, one annually selected administrative appointee, and one faculty member or the division chair mutually agreed upon by the appropriate division faculty and division chair (where possible this latter member should be from the relevant discipline). In the event that the division chair and division faculty cannot reach agreement on the selection of a faculty member or division chair, the selection will be referred to the AB1725 Task Force.

Should any appointed member be unavailable for service an alternative will be designated by the appropriate body.

5. Resolution of Difficult Cases
   In the event that the Equivalency Committee does not reach a unanimous decision in an expeditious and timely manner, the arguments on both sides shall be presented to the President, or to the President’s designee, who shall make the final determination.

6. Special Category of Temporary Employment
   Cabrillo College may employ graduate students currently enrolled in accredited institutions of higher education as unit pay temporary faculty provided that they (1) are employed only on a unit pay temporary basis, (2) have completed at least one semester or two quarters of a graduate program, (3) have successful teaching experience, and (4) are rendering a service that, as determined by the department faculty, is consistent with the subject area of the student’s graduate program.
   Such unit-pay temporary faculty members may be employed for one semester only and may be hired for a successive term only if their continuing progress as graduate students is reconfirmed.

Legal Reference: AB 1725, Sections 66, 87356, and 87359

Adopted: June 4, 1990
Revised: April 1, 1991
Adjunct Faculty Search and Selection Procedures

Adjunct recruitment may be continuous and ongoing. For continuous and ongoing recruitments, completed application packets will be sent to the Division Office when received by the Human Resources (HR) Department.

1. For anticipated openings in designated disciplines, the Adjunct Faculty Position Posting Request form is completed by the Program Chair or Division Dean and sent to Human Resources.

2. Information is posted on the HR website regarding specifics of the adjunct assignment(s). A link to the California state minimum qualifications is listed on the Human Resources webpage under “Related Links.” Applicants are invited to submit application materials to the HR Department as outlined in the Adjunct Faculty job announcement.

3. Human Resources will review application packets for completeness. A complete application packet will consist of:

   - Cabrillo College Application
   - Job-related resume
   - At least one letter of recommendation
   - Copies of transcripts or teaching credential (if applicable)
   - Criminal History Inquiry Supplemental form
   - Other materials as requested for specific disciplines

4. The Human Resources Department will send a standard “regret” letter to any applicant who submits an incomplete packet, inviting the applicant to send missing materials.

5. The Division Dean and Program Chair will review complete applications, verify that the applicant meets minimum qualifications and select the applicants to be screened by the committee. The Division Dean shall be involved in pre-screening completed applications.

6. **The Search and Selection Committee** shall consist of the Division Dean and the Program Chair. If either the Division Dean or Program Chair elects not to serve on the committee, the remaining person plus one faculty member may act as the committee (contract faculty should be used whenever possible). Additional faculty members may be added to the committee as requested by the Division Dean or Program Chair. At least one member of the committee should be from the targeted discipline, if possible. (If the committee chair has not served on a previous recruitment, the Division Dean will provide committee chair training.)

7. **Review and Selection of Applicants for Interview:** Once the candidates for interview have been selected, the Division Office will prepare a packet for the committee including application materials for each applicant to be screened, and a screening form per applicant.
8. All committee members must sign the Assurance of Confidentiality and Unbiased Participation form when the screening process begins. This form is kept on file in the Division Office for future recruitments. The committee will screen the applicants selected in the initial review by the Division Dean and Program Chair. The Adjunct Faculty Screening Evaluation form is used for this screening process. If the applicant has submitted equivalency documentation with the application packet, the equivalency process may be initiated at the request of the Division Dean and Program Chair. (It is not required that all applicants with equivalency documentation be evaluated through the equivalency process, only those of interest to the Division Dean and Program Chair). The equivalency process must be completed before the applicant is invited for an interview.

9. Interview questions, writing samples and teaching demonstrations will be kept in the Division Office and selected by the committee from a previously approved bank of questions, writing samples and teaching demonstrations. Once approved by HR, these materials may be used without further approval. If no previously approved questions, writing samples or teaching demonstrations exist or are appropriate, new ones shall be developed by the committee and approved by HR prior to initial use.

10. **Interview and Recommendation Process:** The interview date and location is scheduled by the Division Dean and Program Chair with the assistance of the Division Office. The Division Office will send a letter inviting each applicant to be interviewed. The written invitation will also include the teaching demonstration, if applicable, and a campus map and college parking pass.

11. The Division Office will send regret letters to all applicants not selected for an interview.

12. The interview packet is prepared by the Division Office. The packet will contain each applicant’s materials, one interview evaluation form for each candidate, the Adjunct Faculty Recommendation form and the Adjunct Employment Assignment form. The packet shall also include a copy of the questions for each committee member.

13. The committee will complete one form for each candidate interviewed. At the end of the interview, the Division Dean or Program Chair may ask the candidate’s availability and specific course expertise or interest. This information will be noted on the evaluation form.

   All committee members must sign the recommendation form. The Division Dean or Program Chair may make a job offer, indicating that the offer is contingent upon the candidate completing the hiring process with the HR Department and clearance of the criminal background check. If accepted, the Division Dean or Program Chair shall complete the Adjunct Employment Assignment form and Adjunct Faculty Recommendation form.
The original screening form(s), recommendation form, and assignment form(s) will be sent to HR. A copy of the Adjunct Faculty Recommendation form will also be sent to the Vice President of Instruction by the Division Office. Copies of these forms will be retained by the Division Office. All application materials will be returned to HR. The Division Office will keep a copy of the first page of the application with applicant name and contact information.

14. The Division Office will send interview regret letters to all candidates who will not be offered an assignment.

15. **Qualified Applicant Eligibility Pool:** The HR Department will send an offer letter to new hires and pool letters to all candidates listed on the Adjunct Faculty Recommendation form. The adjunct eligibility pool shall be valid for one year based on the last day of the month interviewed. At the end of the one year period, HR will send a pool extension letter to those candidates still active in the pool who have not been offered an assignment to confirm their interest in continuing in the eligibility pool for a second year.

16. The Human Resources Department will notify the Division Dean via email, the approved start date for the new employee.

17. The Division Dean will forward this email to the appropriate division staff.

18. The Division Office will send a form of acknowledgement to all applicants who are not invited for an interview.

19. **Process for Complaint or Concerns:** If a question and/or complaint is received from an applicant, the Division Dean shall be the individual to respond to the issue presented.

20. For disciplines without anticipated openings, a letter of interest and resume may be submitted by potential applicants. A letter of acknowledgement will be sent to the potential applicant by the Division and signed by the Division Dean. The applicant will be encouraged to submit an email address. The letter/resume will be kept in the Division Office for up to one year and should the discipline anticipate an opening during the year, the potential applicant will be contacted and invited to submit a completed application packet. Resumes and/or application materials will be kept on file for one year. Materials will then be shredded.

Revised 5/19/08
Board approval 10/06/98
Revised 5/06/02
Revised 12/16/03
Board approval 1/12/04
Board approval 12/08/08
Minimum qualifications and competency within a faculty service area (FSA) provide the basis to determine reassignment rights of more senior employees to be retained in areas in which they might not be employed at the time of layoff. A faculty member may qualify in any FSA in which he/she has met both minimum qualifications and District competency standards.

To be considered "competent" in a service area, one must meet minimum qualifications in the discipline and FSA and meet District criteria for competency in the FSA.

Cabrillo College competency criteria are:

1. Two semesters of satisfactory district employment in the service area, AND
2. In service areas demonstrating technological development that has produced significant change in the last 5 years, satisfactory District employment in the service area in the last 5 years OR 12 semester units of upper division or graduate level course work in the service area in the last 5 years OR equivalent work experience in the service area during the last 5 years. The equivalency of work experience will be determined by a committee composed of 2 administrators, one Division Dean selected by the Superintendent/President and two tenured faculty members selected by CCFT.

The FSAs requiring recency are:

- Computer Applications and Business Technology (CABT)
- Computer Science
- Computer Technology
- Computer Information Systems
- Computer controlled music synthesis, electronic music, or musical recording
- Engineering Technology
- Technical Theater
- Multi Media

Subsequent requests for changes to the above list will be made through the collective bargaining process.

Legal Reference: None

Adopted: February 4, 1991
Revised: February 7, 2005
Revised: May 3, 2010
In accordance with AB1725, the Cabrillo College Community College District adopts the following policy on administrative retreat rights.

This policy does not apply to certificated administrators hired before June 30, 1990. A tenured employee, when assigned from a faculty position to an administrative position retains his or her status as a tenured faculty member. Administrators hired after June 30, 1990 shall have the right to become a first year probationary faculty member at the conclusion of their administrative assignment under the following conditions:

1. The administrator holds a position as an educational administrator and is not part of the classified service. For every administrative job title, the records of the district shall show whether or not it is an educational or a classified administrator position. Educational administrator means an administrator who is employed in an academic position designated by the Governing Board as having direct responsibility for supervising the operation of or formulating policy for the instructional or student services program of the college. Educational administrators include, but are not limited to, chancellors, presidents, and other supervisory or management employees designated by the Governing Board as educational administrators.

OR

The administrator is part of the classified service, but at the time of the announcement of the position opening it was specified that the selected applicant could be certified by the Search and Selection Committee as possessing qualifications in a specified discipline or disciplines similar in experience and preparation to what would be expected of a newly hired faculty member. To qualify for reassignment under this provision means that the district may, at its discretion and if the reassignment would not cause the layoff of any contract or regular faculty member, offer such a reassignment to the classified administrator.

2. The administrator has served satisfactorily in the district at least two years including teaching.

3. The administrator is being dismissed for reasons other than for cause.

To determine the discipline or location to which an administrator shall be assigned, the following shall apply:

1. The administrator can be assigned only to a discipline in which he or she meets the minimum qualifications as specified by Title 5 or in which he or she holds a California community college credential. The Search and Selection Committee shall be responsible to inform the Governing Board of the discipline(s) in which the administrator meets the minimum qualifications or possesses the appropriate credential. The Governing Board shall provide the Faculty Senate with an opportunity to present its views to the Governing Board before the board makes a determination.

2. In the event that an administrator acquires additional educational or work experience after the time of initial employment in the district, he/she may request certification of fulfillment of minimum qualifications. The AB 1725 Task Force will review the application and make a recommendation to the Superintendent/President who will recommend to the Governing Board. The Governing Board shall provide the Faculty
Senate with an opportunity to present its views before the Governing Board makes a determination.

Adopted: February 4, 1991
OATH OF ALLEGIANCE POLICY

Each newly proposed certificated teaching or counseling employee of Cabrillo College, prior to confirmation of employment by the Governing Board, shall be required to file in writing, an oath that he/she is not a member of the Communist Party.

No teaching certification document shall be processed or granted to any person unless and until he/she has subscribed to the following oath or affirmation:

“I solemnly swear (or affirm) that I will support the Constitution of the United States of America, the Constitution of the State of California, and the laws of the United States and the State of California.” The oath or affirmation shall be subscribed and certified or declared, pursuant to Section 2015.5 of the Code of Civil Procedure, and shall be filed with the Board of Governors of the California Community Colleges.

Any certificated person who is a citizen or subject of any country other than the United States, and who is employed by Cabrillo College shall, before entering upon the discharge of his/her duties, subscribe to an oath to support the institutions and policies of the United States during the period of his/her sojourn within the state.


Adopted: April 4, 1988
Every employee of Cabrillo College whose assignment requires certification qualifications must hold a valid credential issued by the Board of Governors of the California Community Colleges, and registered with the Santa Cruz County Superintendent of Schools. Such credential must be in effect during all times of employment. The responsibility for application and renewal of credentials rests with the employee who shall receive assistance from the District Personnel Office. The Cabrillo College Governing Board is prohibited by law from paying the salary of any certificated employee who does not hold a valid credential while employed.

Legal Reference: Education Code Sections 87210, 87211, 87212, 87212.5 and 87213.

 Adopted: April 4, 1988
CERTIFICATED EMPLOYEE TENURE POLICY

Any contract employee whose assignment requires certification qualifications, and who has successfully completed two consecutive years as a contract employee, and is re-employed for a third consecutive year as a regular employee, shall be classified as a regular employee for all subsequent years and is deemed to have attained tenure.

Administrative regulations regarding the attainment of regular certificated employment status shall be followed in all employment transactions as prescribed in part one of the Cabrillo College District Personnel Procedures Manual.

Legal Reference: Education Code Section 87609.

Adopted: April 4, 1988
Regular full-time or contract certificated staff may make application to the appropriate Division Chairperson or administrator for special contract (overload) assignments during the evening, summer, or at any time not in conflict with employee’s regular schedule.

An employee will not be permitted to serve more than six hours of overload per week aside from his/her regular schedule, including part-time assignments accepted at districts other than Cabrillo College.

Each person who receives a certificated assignment other than that included in the annual notice of assignment, will be issued a special contract to cover the specific courses or activities as listed in the class schedule. The additional salary for such service will be computed as a multiple of hours per semester at the current unit-pay temporary rate.

All special contracts for extra assignments are subject to approval of the Governing Board.

Adopted: April 4, 1988
AP 5140B Service Animal Procedures and Guidelines

References:
Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act.

I. Background
Cabrillo College Board Policy addresses the college's compliance with the Americans with Disabilities Act (the "ADA") and Section 504 of the Rehabilitation Act ("Section 504"). The following procedures implement this policy with regard to the use of service animals by qualified students and staff with disabilities in District facilities and on District campuses.

The purpose of these guidelines and procedures is to ensure that qualified students with disabilities who have service animals can participate in and benefit from District services, programs, and activities, and to ensure that the District does not discriminate on the basis of disability as identified in Title II of the ADA and state antidiscrimination laws. Service animals are animals trained to perform some of the functions and tasks that people with disabilities cannot perform for themselves. A service animal is: Any guide dog, signal dog, or other animal individually trained to work or perform tasks for the benefit of an individual with a disability, including but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. 28 CFR § 36.104 (definition from Title III of the ADA applicable to private entities). While service animals have been traditionally identified as dogs, it should be noted that a variety of animals are used as service animals.

II. Primary College Contacts
Director of Disabled Student Programs and Services (DSP&S) or Director of Human Resources.

III. Definitions
a. **Access Animal**: An animal that does not meet the definition of “service animal.” The term access animal encompasses companion animals and therapy animals.
b. **Companion Animal**: An access animal used for its calming influence, affections, stability, or a feeling of security.
c. **Disability**: “A physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.” 28 CFR § 35.104.
d. **Handler**: A person who works with a service animal but is not the person the service animal serves (usually a trainer).
e. **Partner**: A person with a disability who uses a service animal or access animal.
f. **Service Animal**: An animal individually trained to perform specific tasks, like those described in Section III.g., for the benefit of a person with a disability. It is not a pet.

g. **Service Animal Tasks**: A service animal may be trained to perform a variety of services depending on the nature of the disability. Examples include, but not limited to:
   - For someone with a visual impairment: obstacle avoidance, signaling changes in elevation, and locating objects.
   - For someone with a hearing impairment: alerting to specific sounds and other tasks such as retrieve unheard dropped objects.
   - For someone with mobility or other health impairment: retrieving, carrying, tugging, pulling, bracing, and calling for emergency help.
   - For someone with a seizure disorder: tasks supporting an individual before, during, and after a seizure.
   - For someone with autism: tasks may include alerting the individual of distracting repetitive movements.

h. **Team**: A person with a disability, or a handler, and a service animal. The two work as a cohesive team in accomplishing the tasks of everyday living.

i. **Therapy Animal**: An access animal used as therapy for various mental health issues.

j. **Trainee**: An animal being trained to become a service animal. It has the same rights as a fully trained dog when accompanied by a trainer and identified as such.

**IV. General Rule Regarding Service Animals**
As a general rule, Cabrillo College will modify policies, practices, and procedures to permit the use of a service animal by an individual with a disability. When appropriate, students may be issued documentation verifying that the animal is a service animal to be used at Cabrillo College.

**V. Restrictions/Area of Safety**
Cabrillo College imposes some restrictions on service animals for safety reasons. Restrictions may include but are not limited to nursing and health sciences program practicum’s, food services programs, rooms with heavy machinery, custodial closets, areas where protective clothing is required, or areas that can pose a safety risk to the animal. Restrictions are considered individually to determine if the animal poses a possible danger or could be in possible danger and to determine if other reasonable accommodations can be provided to assure the student equal access to the activity. Questions about restrictions on service animals should be directed to the DSP&S.

**VI. Responsibilities of Individuals Using Service Animals**
An individual with a service animal is responsible for the following:
   a. Ensuring that the animal meets any licensing requirements of the state of
California. (The animal must be immunized against diseases common to that type of animal. Dogs are required to wear an owner identification tag, a current rabies tag, and a dog license tag at all times.)

b. Ensuring that the animal is on a leash at all times.

c. Controlling the animal at all times. The care and supervision of an animal is solely the responsibility of its partner/handler.

d. Ensuring that all city ordinances or other laws regarding cleaning up after the animal defecates are followed. Individuals with disabilities who physically cannot clean up after their own service animals are not be required to pick up and dispose of feces. However, these individuals should use marked service animal toileting areas where provided.

e. Ensuring that the animal behaves properly in public settings. The animal must:

- Not be allowed to sniff people, restaurant tables, or the personal belongings of others.
- Not initiate contact with someone without the handler’s direct permission.
- Not display any disruptive or aggressive behaviors or noises (such as barking, whining, growling or rubbing against people). Not blocking an aisle or passageway.
- Not be more than twelve inches from the handler or partner.
- Not be attracted to food that may be in the area.

f. Ensuring that the animal is in good health. If the animal becomes ill, the partner/handler must remove it from the area and College staff may require it to leave.

g. Complying with Cabrillo College’s Code of Student Conduct.

Cabrillo College may exclude a service animal from all or part of its property if a partner/handler fails to comply with these restrictions in a manner fundamentally alters the nature of Cabrillo College’s programs or services, or poses a threat to the health or safety of others.

VII. Requirements for Faculty, Staff and Students

Members of the Cabrillo College community are responsible for the following:

a. Allowing service animals to accompany the partner/handler at all times and everywhere on campus except where animals are specifically prohibited.

b. Not distracting a service animal in any way. Do not pet, feed, or deliberately startle the animal.

c. Not separating a partner/handler from a service animal.

Cabrillo College may take disciplinary action against a student who fails to abide by these guidelines.
VIII. Temporary Exclusion of Service Animals

A community member may request the exclusion of a service animal if he or she believes the partner/handler is not complying with the responsibilities in Section VI. Such a request should be made to the DSP&S or Campus Safety. In response to a request, an employee from the DSP&S or Campus Safety will:

a. Inform the partner/handler of the reason that the animal is being asked to leave campus, investigate the appropriateness of the request, and determine whether the animal should be excluded from campus.

b. If the DSP&S employee or Campus Safety Officer determines the animal should be excluded:
   1. He or she must inform the student that the Vice President of Student Services must be contacted before the animal may return to campus.
   2. He or she must report the incident in writing to the Vice President of Student Services with a copy to the College’s ADA Coordinator at the earliest opportunity.

c. In the event of an emergency involving a service animal, the Vice President of Student Services, the College’s ADA Coordinator, and DSP&S staff will consult and work together with the student to resolve the situation. An individual who does not agree with the resolution may file a complaint or grievance following the College’s Grievance Procedures.

IX. Conflicting Disabilities

Students and staff with medical issues that are impacted by animals (such as respiratory diseases) should contact the DSP&S or Human Resources if they have a concern about exposure to a service animal. The individual will be asked to provide medical documentation that identifies a disability and the need for an accommodation and must comply with all DSP&S procedures. DSP&S will then facilitate a process to resolve the conflict that considers the conflicting needs/accommodations of all persons involved.

X. Clarifying an Animal’s Status

In many cases it is easy to discern whether or not an animal is a service animal by observing the animal’s harness, cape, or backpack, or the partner’s disability. However, in other cases, an animal may only have a leash or the partner’s disability is not visible. Therefore, it may be appropriate to ask the partner whether or not the animal is a service animal and Cabrillo College does not consider a legitimate inquiry about whether an animal is or is not a service animal as a violation of policy. Other questions regarding the status of a service animal should be referred to the DSP&S.

XI. Emergency Situations

Emergency Response Teams ("ERTs") should be trained to recognize service animals and to be aware that animals may try to communicate the need for help. Also, an animal may become disoriented from the smell of smoke in a fire or
laboratory emergency, or from sirens, wind noise, or shaking and moving ground. A partner and/or animal may be confused by any stressful situation. ERTs should be aware that animals may be trying to be protective and, in its confusion, should not to be considered harmful. ERTs should make every effort to keep a service animal with its partner; however, the ERTs’ first effort should be toward the partner, which may result in the animal being left behind in some emergency evacuation situations.

XII. Access Animals
Access animals may be authorized as an effective accommodation on a case-by-case basis through consultation with DSP&S. Decisions by the DSP&S will be made in a manner consistent with Section 504, the ADA, and local laws regarding disabled persons. Qualified students will be provided with documentation verifying that the animal is an access animal to be used at Cabrillo College on a semester basis.

Approvals: Student Services Council October 14, 2009
DISMISSAL OF PROBATIONARY CERTIFICATED EMPLOYEE

Cause, notice, and right to a hearing for dismissal of probationary employees shall be specified in District administrative regulations in accordance with provisions of the California Education Code.

Legal Reference: Education Code Sections 87740 and 87741.

Adopted: April 4, 1988
Revised: November 15, 2005
As provided for in the California State Education Code, children’s center teachers shall be recognized as certificated employees, requiring a valid California credential authorizing services in children’s center.

Employment shall be in accordance with the employment procedures for all other teaching positions.

All rights, benefits, and burdens shall be afforded in the same manner and effect as for all other teacher positions in accordance with established policy and practice.

Assignments and duties shall be pursuant to policies and practices established for children’s center teachers by the District, and in accordance with appropriate provisions of the Faculty/District Collective Bargaining Agreement. Salaries shall be paid in accordance with a separate salary schedule specifically for children’s center teachers as adopted by the Governing Board.

Legal Reference: Education Code Section 87006.

Adopted: May 7, 1979
In order that faculty may have a formal and effective procedure for participating in district governance, the Governing Board recognizes the Faculty Senate of Cabrillo College as the organized group to make recommendations to the administration and Board with respect to academic and professional matters.

The faculty is hereby authorized to:

1. Fix and amend by vote of the faculty the composition, structure and procedures of the Faculty Senate.

2. Select, in accordance with accepted democratic election procedures, the members and officers of the Faculty Senate.

The Faculty Senate shall present its views and recommendations to the Governing Board through regularly established channels. However, the Senate, after consultation with the administration, may present its views and recommendations directly to the Governing Board.

Adopted May 3, 1965
It is the policy of the Cabrillo Community College District to maintain a workplace free of the unlawful manufacture, distribution, dispensing, possession or use of controlled substances as listed in Sections I through V of Section 202 of the Controlled Substances Act (21 United States Code Section 812) including but, not limited to, substances such as marijuana, heroin, cocaine and amphetamines.

For the purpose of this policy, workplace shall mean any place, whether on or off District property, where an employee does work for the Cabrillo Community College District. The workplace includes, but is not limited to: property owned, rented or leased by the District; any place an employee performs work for the District on a field trip, field study, athletic competition or study travel program; in District or private vehicles being used for official District business.

In furtherance of this policy, all employees shall be made aware of the dangers of drug abuse and the college and community resources available for counseling and rehabilitation of those with drug-related problems. All employees shall also be informed of the consequences of workplace drug abuse violations. These consequences shall include, but not be limited to: employee disciplinary action pursuant to applicable State law, District policy and collective bargaining agreements; and/or arrest and prosecution with the possibility of loss of credentials per California Education Code sections 87335 and 87346, and/or dismissal.

As a condition of continued employment, all District employees shall:
1. Abide by the terms of this policy; and
2. Notify, in writing, the Director of Personnel and Human Resources of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction; (The term conviction includes a finding of guilt, including a plea of no contest or nolo contendere, or imposition of sentence or both.)

Individuals who are not Cabrillo Community College employees, but who perform work at property owned, rented, leased or otherwise controlled by Cabrillo College for District benefit (e.g., independent contractors, job shoppers, temporary employees provided by agencies, visitors engaged in joint projects at Cabrillo, volunteers and so forth) are required to comply with this policy. Such individuals who unlawfully manufacture, distribute, dispense, possess or use controlled substances in a Cabrillo workplace may be barred from further work for and at Cabrillo College.


Adopted: May 7, 1990
Cabrillo Community College District shall employ persons in the classified service of the college in accordance with the provisions of the California Education Code found in Title 3, Division 7, Part 51, Chapter 4, and all of the appropriate sections thereof.

It is the intent of this policy that all employment procedures and transactions are to meet legal compliance requirements of the California Education Code and all other federal and state regulatory laws, rules and regulations.

It is the policy of the Cabrillo Community College District that all personnel procedures and practices be established in an appropriate set of administrative regulations, and that each supervisor, manager and administrator with employment responsibilities adhere to such regulations in all personnel processes and transactions.

Legal Reference: Education Code Title 3, Division 7, Part 51, Chapter 4, all articles inclusive.

Adopted: April 4, 1988
1. **Training Procedures**
   
   A. All search and selection committee members, including committee chairs, shall receive appropriate training in search and selection procedures before the committee begins its screening process or at the first committee meeting. The training will include information regarding the District’s diversity values.
   
   B. Individuals who are knowledgeable about and committed to the College’s diversity values shall be included on all search and selection committees (hereinafter “committee”).
   
   C. The Assistant Director of Human Resources shall serve as a consultant on District and state guidelines and be responsible for monitoring the District’s search and selection procedures, including but not limited to a review of search committee composition and procedures and adequacy of applicant pools.
   
   D. The length of the advertising period should be sufficient to allow for adequate distribution and response and to help obtain more diverse applicant pools, and shall be a minimum of three weeks. Due to extenuating circumstances, the period may be shortened to two weeks as approved by the Director of Human Resources and the component Vice President.
   
   E. Evaluation of Applicant Pool: The Assistant Director of Human Resources shall review the search and selection process at appropriate intervals to evaluate the applicant pool. If it is determined that additional recruitment could significantly improve the pool, the search may be reopened or extended, and applicants so notified.

2. **Position Approval**
   
   A. **New, Revised or Converted Positions**
   
      All new, revised or converted classified positions must be reviewed by the Classification Study committee prior to implementation of the search and selection procedures as outlined. Implementation of the search and selection process for new, revised or converted classified contract positions is contingent on approval of the contract position(s) by the Superintendent/President. [For replacement positions, skip to section 2.B.(1)]. The unit administrator should initiate a request for approval by completing the personnel requisition form and submitting it to the Human Resources Department.
   
   B. **Position Approval**
   
      1. **Classified Personnel Requisition Form Approval**
      
         a. Upon receiving written documentation of a classified employee separation, the HR Department will send the separated employee’s administrator a Classified Personnel Requisition Form and request the administrator to initiate the recruitment process. The administrator shall either complete the form and return it to the HR Department or provide a written reason for delaying the hire with a projected date at which the administrator will reassess the process. HR may review the request for delay with the component administrator.
The Director of HR will review the Requisition Form for completeness and compliance with HR requirements and then route the form to obtain approvals from the division dean if appropriate, Business Services, and the component administrator.

Should the unit administrator request that the position be designated as “bilingual required” or “bilingual desired,” the “Request for Bilingual Designated Position Form” must be completed and submitted along with the completed classified personnel requisition form.

2. 39-Month Reemployment

The 39-month reemployment process shall be implemented pursuant to the relevant provisions of the SEIU bargaining unit agreement and education code. Employees on a reemployment list will be considered prior to transfer opportunities and/or full recruitment. If there are no eligible persons on the 39-month reemployment list, the procedures described in the remainder of this Administrative Regulation will apply.

3. Transfer Process

The transfer process shall be implemented pursuant to the relevant provisions of the SEIU bargaining unit agreement. If the transfer process does not yield a transfer, the procedures described in the remainder of this Administrative Regulation will apply.

4. Eligibility Pool

a. An eligibility pool is a list of individual(s) identified by the selection committee who have applied, were interviewed and were identified for inclusion in a pool for potential hires for future openings.

b. The Human Resources Department will check whether there is a valid eligibility pool for the vacant position. If so, the Human Resources Department will notify the unit administrator. The unit administrator may elect to utilize the pool, or elect not to do so and proceed with full recruitment.

c. If the unit administrator elects to utilize the eligibility pool and the pool is ranked, s/he shall interview the top ranked available applicant in the pool. If the unit administrator has already participated in an interview with this applicant, s/he may recommend hiring the top ranked applicant in the pool without a second interview. Upon receiving a recommendation to hire from the unit administrator, the Human Resources Department will do reference checks on the recommended applicant and forward the reference checks and recommendation to the component administrator. The unit administrator may request to conduct reference checks, provided the Human Resources Department provides training regarding how to conduct proper reference checks. At this point, the process will follow these Administrative Regulations, starting at 9.E.

d. If the unit administrator elects to use the eligibility pool, and the pool is non-ranked, s/he shall interview all available applicants in the pool, with the following exception. If there are more than three applicants in the pool, and the unit administrator has already participated in interviews with the applicants, s/he may elect to conduct second interviews with less than the
entire pool, based upon committee scores, application materials and the strengths and weaknesses summary of recommended applicant. If the unit administrator elects not to interview all persons in the pool, s/he shall prepare a written memo explaining his/her reasons for this decision. This memo shall be included in the recruitment file. Upon receiving a recommendation to hire from the unit administrator, the Human Resources Department will do reference checks on the recommended applicant and forward the reference checks and recommendation to the component administrator. The unit administrator may request to conduct reference checks, provided the Human Resources Department provides training regarding how to conduct proper reference checks. At this point the process will follow these Administrative Regulations, starting at 9.E.

3. **Job Announcements**
   A. Upon receiving the approved classified personnel requisition form and completion of the transfer and eligibility pool processes, the Human Resources Department will draft a job announcement for the vacant position.
   B. The job announcement will identify the minimum qualifications for the position as stated in the approved classification description, briefly describe position duties, list the materials that must be submitted by the applicant, tell where to submit the application, and provide the application deadline date and time.
   C. The Human Resources Department will provide the announcement, subject to approval by unit administrator.
   D. Upon approval, the Human Resources Department will send the announcement for printing/duplication.
   E. Upon receipt of copies of the job announcement, the Human Resources Department will post them in the Human Resources Department, distribute to College department and division offices, mail to those who have submitted an interest card for like position(s), and mail to agencies and organizations on a list reviewed by the Assistant Director of Human Resources and maintained by the Human Resources Department. The Human Resources Department will mail copies to those who request such by mail or telephone, and hand them out to those who request such in person at the Human Resources Department. Additional distribution may be initiated by the Human Resources Department and/or department administrator/manager where appropriate.

4. **Search and Selection Committee Members and Chair**
   A. The Human Resources Department shall distribute a screening scheduling and committee approval form to the hiring unit administrator upon distribution of the job announcement.
   B. The unit manager or administrator shall develop a list of search and selection committee members and forward the form to the following for approval: the appropriate Vice President, Superintendent/President (as appropriate), with final approval by Director of Human Resources or designee.
   C. Members of the committee
1. The committee chair will be administrator or designee as approved by the component administrator.
2. The committee will be a minimum of three members.
3. The committee must include:
   - Classified department or position-related representative
   - Administrator or manager
   - Contract staff representative from another department (whenever appropriate)
   - Contract faculty representative from the department (whenever appropriate)
   - Contract faculty representative from the department (whenever appropriate)
   - Student representative (whenever possible)
   - Community representative (optional)
4. Upon recommendation by the Human Resources Department, a committee may be reconstituted in order to ensure a fair hiring process.

D. Human Resources Department representative may serve as a resource person for screening and interview deliberations of the committee.
E. Committee members have an ethical obligation to remove themselves from the committee when bias or the appearance of bias is present. In order to prevent bias, or the appearance of bias, no individual with a close personal relationship with any applicant shall serve on the selection committee. Guidelines for evaluating bias shall be reviewed at the first committee meeting.

5. **Recruitment of Applicants**
Recruitment shall be coordinated through the Human Resources Department in conjunction with individual departments and divisions.

6. **Committee Materials and Orientation**
   A. The Human Resources Department shall prepare screening packets for the committee, which shall include guidelines addressing member responsibilities, confidentiality statements and screening forms.
   B. Packets will be made available *FIVE WORKING DAYS from the closing date of the position, provided Human Resources has an approved committee sheet prior to the closing date of the position.*
   C. In the event that committee members have not received appropriate training in Search and Selection procedures, the committee chair will coordinate any additional training needed with the Human Resources Department before the first committee meeting.
3. The first meeting shall include a comprehensive orientation in which all members must participate.
4. At the first meeting, committee members shall develop timelines and a meeting schedule and shall review search and selection procedures, responsibilities, position qualifications, confidentiality, bias, fair employment practices and diversity values. Committee members shall sign a statement affirming confidentiality and unbiased participation.
5. The Committee will review, discuss and agree on any alternative education and/or experience which relates to minimum qualifications.

7. **Review and Selection of Applicants for Interview**
   A. 1. The Committee Chair may prescreen applications to determine which candidates clearly do not meet the minimum qualifications.
       2. All excluded applications may be reviewed by the committee upon their request and will be available at the first committee meeting.
   B. Each committee member shall review all forwarded applications. All application materials, screening and interviewing materials shall be housed in the Human Resources Department and are strictly confidential. In the event a committee member *must* screen application materials prior to the first scheduled committee meeting, the committee member may do so if authorization by the committee chair is given to the Human Resources Department.
   C. To rate the applications, committee members shall use the college classified application screening evaluation form. Each committee member must screen all forwarded applications.
   D. After committee members have completed their individual rating of applications, all committee members shall meet to determine the applicants to be invited for an interview. The committee chair may arrange for a Human Resources Department representative to be present at this meeting. Committee member’s scores shall be entered on the tally sheet. Total scores will be calculated for all applicants. The committee chair will lead a discussion to determine which candidates are to be invited for interview.
   E. Applicants who are selected for interviews will be assessed where necessary for required skills such as bilingual abilities, typing/keyboarding abilities, etc.; and those applicants who demonstrate skill(s) proficiency will be forwarded to the interview process.
   F. The committee shall recommend a schedule for interviews to the Human Resources Department. If possible, applicants shall be notified of the scheduled interview a minimum of five (5) working days in advance. If travel or performance exercises are involved, a minimum of two weeks notice is recommended.
   G. The committee shall develop the job-related interview questions and may develop an appropriate job-related demonstration with written instructions. The Human Resources Department may provide samples of interview questions and/or written exercises upon request. Any other materials the applicant should bring to the interview shall also be identified. In order to ensure fair and equal treatment of all applicants, no additional information shall be solicited from any applicant unless the same is done for all applicants selected for further review. The interview schedule, job-related interview questions, and instructions shall be forwarded to the Human Resources Department, at which time interviews with selected applicants will be scheduled.
      The questions and instructions shall be approved by Human Resources Department and the component Vice President, or respective designee. If
substantive changes are made to the questions, these changes shall be reviewed by the committee chair.

H. Upon receipt of the recommended list of applicants, the Human Resources Department shall notify applicants by mail of interview appointments. Consideration in scheduling will be given to applicants traveling from distant locations.

I. The Human Resources Department shall notify those applicants not recommended for interview of their application status in writing.

8. **Interview Process**
   A. A committee member must be present at all interviews in order to be eligible to participate in the interview scoring process.
   B. Each committee member shall use the college interview forms to score each applicant’s performance in the interview.

9. **Recommendation Process**
   A. Committee member’s scores shall be entered on the tally sheet. Total scores will be calculated for all applicants. The committee chair will lead a discussion to determine which candidates are to be recommended. The committee chair may arrange for a Human Resources Department representative to be present at this meeting.
   B. 1. The committee shall forward all selection materials and the recommendation form to the Human Resources Department.
      2. The committee chair shall develop, in conjunction with the committee, a written summary of the job-related strengths and weaknesses of recommended applicants, to be submitted with the committee’s recommendation. Where desirable qualifications are to be considered, such skills shall be noted in the job related strengths and weaknesses summary.
      3. At least three qualified applicants should be recommended. In the event that there are not three qualified applicants recommended, the committee shall send a written explanation on the Strengths & Weaknesses Summary form to Human Resources with the committee’s recommendation.
      4. The committee’s recommendation may include either a ranked or non-ranked list. If the committee elects to submit a ranked list, a written explanation of the reason for the rankings given shall be prepared and submitted on the Strengths & Weaknesses Summary form. If a ranked list is submitted and the highest ranked applicant is not suitable and/or not able to fill the position, the next ranked candidate will be considered.
      5. The search committee shall also indicate whether or not the recommended applicants who are not selected will be placed on an eligibility pool list, and, if so, designate the length of time the pool will be valid (not to exceed 12 months).
   C. The Human Resources Department shall notify applicants not recommended as finalists by the committee of their status in the process.
D. The Human Resources Department will do reference checks on the recommended applicant and forward the reference checks to the component administrator. The unit administrator may request to conduct reference checks, provided the Human Resources Department provides training regarding how to conduct proper reference checks. The component administrator, Vice President or Superintendent/President may interview recommended finalist(s).

E. The Human Resources Department shall forward the committee’s recommendation to the Assistant Director of Human Resources and the component administrator.

F. In the event that the component administrator decides not to forward the committee’s recommendation because of compelling reasons, s/he shall review the decision with the committee chair (or appropriate manager/administrator if a pool hire). The committee chair will inform the committee and the search & selection process may be reopened.

G. The component administrator shall notify the Human Resources Department of his/her recommendation.

H. The unit administrator shall notify the successful applicant of the District’s intent to recommend appointment to the Governing Board. Upon the applicant’s acceptance and Governing Board ratification, the Human Resources Department shall notify all candidates in writing of their appointment status. The committee chair will notify committee members of the recommended appointment.

I. If the committee has recommended the formation of an eligibility pool, the Human Resources Department will appropriately file that list, and will notify the applicants in writing of their inclusion in the eligibility pool. If no eligibility pool is established, all finalists will be notified.

10. **Process for Complaints or Concerns**
    In the event that there is a question or concern about confidentiality, bias, or the integrity of the hiring process, it shall be brought to the attention of the Director of Human Resources, or designee. S/he shall conduct a thorough review of the process, and in consultation with the component administrator, determine whether the process, committee membership, or committee chairpersonship, shall be changed, or determine that the position be reopened or the search extended.

11. **Review and Revision of Search and Selection Procedures**
    The search and selection procedures are subject to review and revision. Any proposed revisions shall be reviewed by the Human Resources Department in collaboration with appropriate campus representatives, which shall send forward recommendations to the Administrative Council and the Superintendent/President. The Superintendent/President shall forward such modifications to the Governing Board for information.

12. **Confidential Position Requisition**
    In the event that a confidential-designated position vacancy occurs, the same procedures for search and selection of classified staff will be followed.

Final Review Approved by Search & Selection Task Force 4/16/02
Reviewed with Administrative Council in May/June 2002
Reviewed by Business Services Component Managers 7/02/02
Reviewed with Student Services Component Managers 7/16/02
Reviewed with Instructional Division Deans 11/18/02
Reviewed with Student Senate President 4/22/03
Second reading by Governing Board 8/04/03
The following procedure is to be used to determine the bilingual status of a position.

1. Process Activation
   Review and determination of requests for a bilingual designation for a position will only be processed when:
   a. the position is vacant and is approved for recruitment;
   b. during a classification study of the position; or
   c. at the request of the appropriate administrator/manager.

2. Criteria
   Positions utilizing this process shall be designated “bilingual-required” or “bilingual-desired” according to the following criteria:
   a. For a “bilingual-required” position, 5 hours per week (on average) of duties requiring bilingual ability must exist.
   b. For a “bilingual-desired” position, an average of fewer than 5 hours per week of duties requiring bilingual ability (with documentable needs and benefits) must exist.

3. Procedure
   Submit an appropriate Classified Personnel Requisition with a Request for Bilingual-Designated Classified Position form with attached supporting documentation to the Personnel Services Department. Requisitions with missing or incomplete Request for Bilingual-Designated Position forms, or with missing or incomplete supporting documentation, will be returned to the originating department for completion.

Supporting Documentation
The following describes the kind of information required:

For positions where a “bilingual-desired” designation is requested:
   1. Provide information which establishes the on-going public service nature of the department/division’s function.
   2. Provide information which establishes that the position is a public contact position, and that the employee in the position provides services to non- or limited-English speakers on a regular basis, but fewer than five hours per week (average).
   3. Provide information to justify the need in terms of the impact on the public being served.
      For positions where a “bilingual-required” designation is requested, the following must be answered in addition to the above:
   4. Provide numerical evidence of the service need; if there are already bilingual positions in the same language and class at the same location, substantiate that those positions have reached maximum service capacity. Please be sure to attach supporting documentation, which may include client logs, worker logs, etc.
   5. Provide information about how the department documents employee use of the requested language; a response such as “supervisor observes use of language” is inadequate since it involves no objective documentation.
   6. Provide a list of all positions in the same work location that are assigned to provide bilingual services in the requested language by classification title and PCN number.
   7. Provide information showing whether or not and the manner in which the bilingual duties have previously been performed.

Approved: August 5, 1996
Industrial Illness or Injury
In accordance with Education Code Sections 88190, 88192 and 88199, permanent classified employees are entitled to industrial accident or illness leaves subject to the following provisions:

1. Allowable leave shall not be less than 60 working days in any one fiscal year for the same accident/illness, and will commence on the first day of absence. Allowable leave shall not be accumulative from year to year. When an industrial accident or illness occurs at a time when the full sixty days will overlap into the next fiscal year, the employee shall be entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred, for the same illness or injury.

2. Industrial accident/illness leave of absence is to be used in lieu of entitlement to non-industrial illness or injury leave. When entitlement to industrial accident/illness leave has been exhausted, entitlement to other sick leave will then be used. However, if an employee is receiving worker’s compensation, the employee shall be entitled to use only so much of their accumulated or available sick leave, accumulated compensating time, vacation or other available leave which, when added to the workers’ compensation award, provide for a full day’s wage or salary.

3. Payment for wages lost on any day shall not, when added to a workers’ compensation award, exceed the normal wage for the day.

4. Industrial accident leave will be reduced by one day for each day of authorized absence regardless of whether a workers’ compensation award was made.

5. When all available paid or unpaid leaves of absence have been exhausted and the employee is not medically able to assume the duties of his/her regular position, the employee, shall, if not placed in another position, be placed on a reemployment list for 39 months. The employee shall have priority over all other available candidates for a vacancy in the employee’s previous class, except for candidates on a reemployment list established because of lack of work or funds, in which case the employee shall be listed in accordance with the appropriate seniority regulations. An employee who has been placed on a reemployment list who has been medically released for return to duty who fails to accept and appropriate assignment shall be dismissed.

6. A classified employee must serve six months of continuous service before he or she is entitled to industrial illness and accident leave.

7. Any employee receiving paid or unpaid industrial illness or accident leave shall remain within the state of California unless the Governing Board authorizes travel outside the state.

Non-industrial Illness or Injury
In accordance with Education Code Sections 88190, 88191 and 88199, classified employees are entitled to non-industrial illness or injury leaves subject to the following provisions:

1. Every employee employed five days a week shall be entitled to twelve days leave of absence for illness or injury and such additional days as the Governing Board may allow for illness or injury.

2. An employee, employed five days a week, who is employed for less than a full fiscal year, is entitled to that proportion of twelve days leave of absence for illness or injury as the
number of months he/she is employed bears to twelve and the proportionate amount of such additional illness or injury leave as authorized by the Governing Board.

3. An employee employed less than five days per week shall be entitled, for a fiscal year of service, to that proportion of twelve days he or she is employed per week bears to five, and is entitled to the proportionate amount, consistent with this formula of additional illness or injury leave, as authorized by the Governing Board.
   a. When such persons as employed in paragraph 3 or employed for less than a full fiscal year, they shall be entitled to that portion of leave in paragraph 3 as the number of days the employee has been employed bears to a full fiscal year.

4. Pay for any day of such absence shall be the same as the pay which would have been received had the employee served the day. Credit for leave of absence need not be awarded prior to taking such leave by the employee and such leave may be taken at any time during the year. However, a new employee of the District shall not be eligible to take more than six days, or the proportionate amount to which he or she may be entitled under this policy, until the first calendar month after completions of six months of active service with the District.

5. Leave not taken in any year shall be accumulated from year to year with such additional days as the Governing Board may allow.

6. Employees covered by a collective bargaining agreement shall be required to provide proof of illness or injury in accordance with the collective bargaining agreement.

7. Employees not covered by a collective bargaining agreement shall be required to provide written verification of illness or accident, by a licensed medical practitioner when requested by the District.

8. When an employee has, for reasons of having suffered a non-industrial illness or injury, exhausted all entitled leaves provided by the District, the Governing Board shall review the circumstances and exercise one or more of the following options:
   a. Grant additional paid or unpaid leave not to exceed 18 months, in six month increments; or
   b. place the employee on a 39 month reemployment list.

An employee, upon ability to resume duties of a position within the class to which he or she was assigned, may do so at any time during the leaves of absence granted under Education Code 88195, and time lost shall not be considered a break in service. He or she shall be restored to a position within the class to which he or she was assigned and, if at all possible, to his or her position with all the rights, benefits and burdens of a permanent employee.

An employee who has been placed on a reemployment list for 39 months and is able to assume the duties of his or her positions shall be re-employed in the first vacancy in the classification of his or her previous assignment. Such reemployment will take preference over all other applicants except for those laid off for lack of work or funds, in which case the employee shall be listed in accordance with the appropriate seniority regulations. Upon resumption of her or his duties, the employee’s break in service will be disregarded and he or she shall be fully restored a permanent employee.

Legal Reference: Education Code Sections 88190, 88191, 88192, 88195, 88198 and 88199.

Adopted: December 7, 1987
EDUCATIONAL AND RETRAINING LEAVE POLICY

The Cabrillo College Governing Board may grant any classified employee a leave of absence not to exceed one year for the purpose of permitting study by the employee or for the purpose of retraining the employee to meet changing conditions within the District.

The Governing Board may provide that such a leave of absence shall be taken in separate six-month periods or in any other appropriate periods, rather than for a continuous one-year period. Any period of service by the individual intervening between the authorized separate periods shall comprise a part of the service required for subsequent leave of absence for study or retraining purposes.

Such leaves of absence, if granted, shall be done so in accordance with Administrative regulations established by the District.

Any leave of absence granted under this policy shall not be deemed a break in service for any purpose, except that such leave shall not be included as service in computing service for the granting of any subsequent leave under this policy.

Legal Reference: Education Code Sections 88221, 88222, 88223, 88224 and 88227.

Adopted: April 4, 1988
This policy is adopted by the Cabrillo College Governing Board in accordance with the requirements of the California Education Code Section 88013 and is referenced to the collective bargaining agreement between Cabrillo College Classified Service Employees International Union, Local 415 and the Cabrillo Community College District.

All disciplinary action taken against any classified employee of the District shall be done in accordance with the administrative regulations established by the District, and shall follow the prescribed procedures contained therein.

Legal Reference: Education Code Sections 88103 and 88106.

Adopted: April 4, 1988
The following policy is adopted by the Cabrillo College Governing Board in accordance with the requirements of the California Education Code Sections 88013 and 88016 and is referenced in Appendix E to the collective bargaining agreement between Cabrillo College Classified Employees International Union, Local 415 and Cabrillo Community College District.

Probationary Employees in the classified service shall be subject to disciplinary action, including termination, and shall not have a right to a hearing with respect thereto.

Permanent Employees in the classified service shall be subject to disciplinary action only for cause as prescribed in this policy and shall have all of the rights and protections as provided for herein, by law and, if a bargaining unit representee, the current union contract.

No employee in the classified service shall be disciplined because of political or religious creed, race, color, sex, sexual orientation, national origin or ancestry, age, mental or physical disability, medical condition, or marital status.

I. Disciplinary Procedure. A permanent classified employee may be disciplined by the district superintendent for cause as provided in Paragraph II of this policy; provided, however, that such action shall not be effective until written charges are filed and served upon the employee and the Board has taken action as herein provided.

"Disciplinary action" includes dismissal, suspension, or demotion. Nothing herein shall prevent a layoff for lack of work or lack of funds.

No disciplinary action shall be taken for any cause which arose prior to the employee's becoming permanent, nor for any cause which arose more than two years preceding the date of the filing of the notice of cause unless such cause was concealed or not disclosed by such employee when it could be reasonably assumed that the employee should have disclosed the fact to the district. (E.C. Section 88013).

II. Cause for Disciplinary Action. One or more of the following causes shall be grounds for disciplinary action, as defined in these rules and regulations.

a. Incompetence or inefficiency in the performance of the duties of an assigned position.

b. Inability to perform assigned duties due to failure to meet or retain job qualifications (including but not limited to failure to possess required licenses, failure to pass required tests or failure to maintain standard risk insurability).

c. Absence and/or repeated tardiness without authority or acceptable reason, or abandonment of position.
d. Insubordination (including, but not limited to, refusal to do assigned work).

e. Discourteous, offensive, or abusive conduct or language toward other employees, students, or the public.

f. Dishonesty.

g. Drinking alcoholic beverages while on duty or in such close time proximity thereto as to cause any detrimental effect upon the employee or upon employees associated with him or her, or furnishing alcoholic beverages to a student or District employee which is consumed while on District property or while performing duties on behalf of the District (e.g., while on duty on field trips).

h. Possession or use of narcotics or a controlled substance without appropriate prescription, while on the job, or reporting to work while under the influence of a narcotic or controlled substance, or furnishing a narcotic or controlled substance to a student or District employee. This cause shall not preclude discipline for use of a prescribed narcotic or controlled substance while on the job if such use harms the safety of the individual, employees, students or District property.

i. Violation of the requirements of Article 4 Section 4.1 of the collective bargaining agreement relating to the payment of union dues or service fees.

j. Conviction of any crime involving moral turpitude.

k. Arrest for a sex offense as defined in Education Code Section 87010.

l. Conviction of a controlled substance offense as defined in Education Code Section 87011.

m. Knowingly falsifying any information supplied to the District, including, but not limited to, information supplied on application forms, employment records, or any other District records.

n. Carelessness or negligence in the performance of duty or in the care or use of district property.

o. Violation of or refusal to obey the school laws of the state rules and regulations of the district.

p. A physical or mental disability which precludes the employee from the satisfactory performance of his or her duties and responsibilities as determined by competent medical authority with due regard for applicable state and federal disability laws.

q. Engaging in political activity during assigned hours of employment.
r. Offering anything of value or offering any service in exchange for special treatment or personal gain in connection with the employee's job or employment.

s. Willful damage to public property or waste of public supplies or equipment.

t. Neglect of duty.

u. Unlawful discrimination, including harassment, on the basis of race, political or religious creed, color, national origin, ancestry, mental or physical disability, medical condition, marital status, sex, sexual orientation or age against the public, students, or other employees when acting in the capacity of a District employee.

v. Retaliation against any District officer, employee, student or member of the public who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on the job or directly related thereto.

III. Hearings

a. Preliminary Written Notice

A permanent classified employee shall receive a preliminary written notice of any proposed suspension, demotion or dismissal. The written notice must contain a specific statement of charges or grounds upon which the proposed disciplinary action is based and the date the disciplinary action will be effective. Any known written materials, reports or documentation upon which the disciplinary action is based must be attached to the preliminary written notice.

The classified employee shall have the right to respond either orally or in writing within a specified reasonable time to the Superintendent or Superintendent's designee. This response may include a request for a meeting among agreed upon interested parties. The purpose of such a meeting shall be mediatory in an effort to reach a mutually agreed to resolution prior to and without the need for formal written charges and/or hearings. This request shall not extend the specified reasonable time for the employee's response as set forth in this section. The Superintendent or designee shall consider the employee's response and recommend within five (5) days after receipt of the response or the meeting (if one is held), whichever is later, that the proposed disciplinary action either be taken or not taken.

b. Notice of Suspension, Demotion or Dismissal

Any permanent classified employee against whom suspension, demotion or dismissal action is initiated by the district shall be given written notice by the Superintendent or authorized representative with concurrent notice to the Union.
Notice of disciplinary action must be served on the employee in person or, in the event that is not possible, sent by certified mail to the last known address of the employee prior to the disciplinary action becoming effective. The notice shall be included in the employee's personnel file, with a copy sent to the Union, and shall include:

(1) A statement of the nature of the disciplinary action;

(2) The effective date of the action;

(3) A statement of the cause thereof;

(4) A statement, in ordinary and concise language, of the acts or omissions upon which the causes are based, including the specific rule or requisition violated, if any;

(5) A statement advising the employee of the right to appeal the action and the right to Union representation;

(6) A paper, the signing and filing of which with the Superintendent or authorized representative shall constitute a demand for a hearing and a denial of all charges. Failure of the employee to file a request for hearing within the time specified shall constitute a waiver of the employee's right to a hearing.

Such employee shall be given either ten (10) days notice of dismissal, suspension or demotion, or in the alternative ten (10) days compensation. Administrative leave, paid or unpaid, may be imposed (implemented), immediately, upon receipt of notice if circumstances so warrant according to the best judgment of the administrator.

c. Conduct of the Hearing

(1) Hearing Board. The Governing Board shall determine whether any hearing will be conducted before the entire Governing Board or be submitted to advisory arbitration. If advisory arbitration is selected, an arbitrator shall be selected according to the procedure described in Article 17.2.4.1 of the Collective Bargaining Agreement between Cabrillo College Classified Employees S.E.I.U. Local 415 and Cabrillo Community College District.

(2) Notice of Hearing. The Governing Board or the Hearing Board shall set the matter for hearing and give the employee at least five (5) business days notice in writing of the date and place of such hearing.
(3) **Rights of Employee.** The employee shall attend any hearing, unless excused by the Governing Board or the Hearing Board, and shall be entitled to:

(i) be represented by counsel or any other person at such hearing;

(ii) testify under oath;

(iii) compel the attendance of any other employees of the district to testify in his/her behalf;

(iv) cross-examine all witnesses appearing against him/her and all employees of the district whose actions are in question or who have investigated any of the matters involved in the hearing and whose reports are offered in evidence before the Hearing Board;

(v) impeach any witness;

(vi) present such affidavits, exhibits and other evidence as the Hearing Board deems pertinent to the inquiry;

(vii) argue his/her case.

The party attempting to substantiate the charges against the employee shall be entitled to the same privileges.

**IV. Evidence.** The hearing shall be informal and need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. The rules of privilege and of official or judicial notice shall be effective to the same extent as in civil action. Irrelevant and repetitious evidence shall be excluded. Oral evidence shall be taken only under oath or affirmation.

**V. Exclusion of Witness.** The Hearing Board may in its discretion exclude witnesses not under examination, except the employee and the party attempting to substantiate the charges against the employee, and their respective counsel. When hearing testimony on scandalous or indecent conduct, all persons not having a direct interest in the hearing may be excluded.

**VI. Burden of Proof.** The burden of proof shall be upon the party attempting to substantiate the charges.

**VII. Findings and Decision.** Upon completion of the hearing, Findings of Fact and Conclusions of Law shall be signed and filed by the Governing Board, which shall constitute its decision. If the hearing is not before a quorum of the Governing Board, written findings and
conclusions shall be submitted by the Hearing Board to the Governing Board for its approval. If the Governing Board accepts such findings and conclusions, it need not read the record of the hearing; if it declines to accept such findings and conclusions, it must read the record or hold a new hearing, after which it may adopt the findings and conclusions made by the Hearing Board, or make its own findings and conclusions.

Unless the decision provides otherwise, it shall be effective immediately. Notice of the decision shall be mailed promptly to the employee and his/her counsel or representative. Except for the correction of clerical error, such decision shall be final and conclusive.

VIII. Report of Hearings. Hearings may be conducted without a stenographic reporter or phonographic recording machine unless the employee requests in writing, at least one full business day before the day set for the hearing, that such hearing be reported or recorded and pays the cost or fee for such reporting or recording as estimated by the Superintendent or authorized representative, or provide his/her own recorder or recording machine.

IX. Transcripts of Hearings. Transcripts of hearings shall be furnished to any person on payment of the cost of preparing such transcripts. When transcripts are provided by the employees of the district, the cost shall be determined by the employee in charge of business affairs of the district, such cost not to exceed the actual cost of preparing such transcript. When transcripts are provided by an independent contractor, the cost will be established by the independent contractor.

X. Continuances. The Hearing Board may grant a continuance of any hearing upon such terms and conditions as it may deem proper, including in its discretion the condition that the employee shall be deemed to have waived salary for the period of the continuance. Any request for continuance made less than 48 hours prior to the time set for the hearing will be denied unless good cause is shown for the continuance.

XI. Alternative Hearing. As an alternative to the type of hearing provided for in subdivision c. above, the employee may request that the hearing to be conducted be an informal one by so stating in his/her demand for hearing. In the event the employee requests an informal hearing, the Superintendent or authorized designee shall arrange with the employee for the type of informal hearing to be conducted and the parties may agree in writing upon what person or persons shall hear the matter and how the hearing shall be conducted. In the event the parties fail to agree in writing within five (5) days after filing of the notice of demand for hearing upon who shall hear the matter and how it shall be conducted, the hearing shall be conducted as provided for in subdivision c. above. In the event the matter is informally heard as agreed upon in writing, the decision of the persons hearing the matter shall be final and conclusive, and there shall be no right of appeal by the employee to the Governing Board or to the courts unless otherwise stipulated in the written agreement to handle as an informal hearing.

Adopted: February 4, 1984
Revised: August 1, 1994
Revised: March 14, 2005
SEARCH AND SELECTION FOR ADMINISTRATIVE PERSONNEL

Purpose
The purpose of this regulation is to ensure that the Cabrillo Community College District’s search and selection process for administrative personnel is applied in a consistent and equitable fashion. This regulation was developed to promote the selection of an excellent and diverse administrative staff, and this applies to all administrative positions with the exception of Division Chairs, the position of Superintendent/President, and interim administrative assignments.

In the case of interim or temporary administrative assignments, selection process methodology shall be reviewed and approved by the Superintendent/President or designee.

1. Administrative Personnel Requisitions
   a. Upon the approval of a new position through the budgetary process or official verification of an impending vacancy, the department or component head in consultation with the supervising administrator, shall initiate the proposed position description and qualifications and the Administrative Personnel Requisition form.
   b. The Administrative Personnel Requisition form shall be reviewed and approved by the supervising administrator, Vice President, Fiscal Services Manager, and the Superintendent/President and returned to the Personnel Department for final review and processing.

2. Recruitment of Applicants
   A college-wide recruitment budget shall be established. The recruitment plan and activities shall be coordinated through the Personnel Department, the supervisor, Director of Equity and Diversity and the appropriate Vice President and/or the Superintendent/President or designee.

   Considered in the recruitment plan will be past successful recruitment sources. The length of the advertising period should be sufficient to allow for adequate distribution and response and to sufficiently help obtain larger and diverse applicant pools. Generally, a minimum of eight (8) weeks is required for the recruitment period. Due to extenuating circumstances, the period may be shortened to six (6) weeks, as approved by the Director of Personnel and Human Resources, the appropriate Vice President and the Superintendent/President.

   The Personnel Department shall prepare and distribute the final position announcement and shall place advertisements in appropriate media.

3. Search and Selection Committee Chair
   a. The supervising administrator (or designee) shall serve as committee chair, as approved by the Vice President or Superintendent/President, as appropriate. Prior to proceeding, the chair shall read AR5600.
   b. The committee chair is responsible for keeping the search and selection process proceeding in a timely manner.
c. The committee chair shall receive appropriate training in search and selection procedures and staff diversity values and goals of the college, to help ensure success in achieving a diverse pool.

d. The committee chair shall recruit participants as outlined below. Committee members are expected to be knowledgeable about and committed to achieving staff diversity. The Personnel Department will distribute the list of members for approval to the Director of Equity and Diversity and the Vice President or the Superintendent/President, as appropriate.

4. Search and Selection Committee Membership
   a. Committee Requirements
      1. At least one employee who is from an historically underrepresented group as defined in Title 5, Section 53001(h), shall serve as a voting member of the committee.
      2. A good faith effort will be made to ensure that both genders are represented on the committee.
      3. The Director of Equity and Diversity or designee shall serve as a consultant to the committee on district and state guidelines and is responsible for monitoring the district’s search and selection procedures. This responsibility includes, but is not limited to, serving as a resource, a review of the job descriptions and announcements, composition and procedures of selection committees, and the adequacy of the applicant pool.
      4. No retiree or resignee from the college shall serve on the selection committee.
      5. Committee members have an ethical obligation to remove themselves from the committee when bias or the appearance of bias is present. In order to prevent bias or the appearance of bias, no individual with a close personal relationship with any applicant or committee members (including, but not limited to, spouse, ex-spouse, relative, domestic partner) shall serve on the selection committee. Guidelines for evaluating bias shall be reviewed at the first committee meeting.
   b. Members of the Committee
      1. The committee will be composed of members as recommended and approved by the supervising administrator and the Vice President or Superintendent/President, as appropriate. Considerations shall include committee member expertise and the relationship of the member and assignment with the vacant position and respective department/unit.

Committee Membership shall include:
- Administrators, which may include a Division Chair
- Faculty Representative(s)
- Classified/Confidential Staff
- Student (as appropriate). The student member shall not have been an employee or be a student of any of the interviewees.
- Community Representation (optional)
Vice President Committee Membership:
In addition to the above, the membership of the committee will be expanded in order to provide representation by appropriate campus components, as determined by the Superintendent/President. Committee membership will include student and community representatives.

5. Committee Orientation
The committee chair shall schedule an orientation meeting of all committee members and the Director of Equity and Diversity or designee. The purpose of the meeting is to review position qualifications, to establish screening criteria, times and locations for paper screening and interviews, and to discuss issues of confidentiality, unbiased participation, and staff diversity. The Director of Equity and Diversity or designee shall instruct all participants in search and selection responsibilities, procedures and methods to promote staff diversity. Committee members shall sign a statement affirming confidentiality and unbiased participation.

6. Evaluation of Applicant Pool
The search may be reopened or the recruitment period extended by the Director of Equity and Diversity, the Director of Personnel and Human Resources, and the Vice President or the Superintendent/President, if it is determined that there is an insufficient or inadequate applicant pool and that additional recruitment efforts could significantly improve the pool. In such event, all existing applicants will be notified.

7. Review and Selection of Applicants for Interview
a. Committee members shall use the college application screening evaluation form to rate applications.
b. After committee members have completed their individual rating of all applications, the committee will meet to determine the applicants to be invited for an interview. At this meeting, based on preliminary assessment, each voting committee member will put forward his/her highest scored applicants. The committee will review those applicants and recommend candidates for interviews.
c. In the event that a search and selection committee recommends an applicant for interview who does not possess the minimum qualifications specified in the position announcement, assessment and determination of equivalent qualifications shall be conducted by an equivalency committee, prior to forwarding the application/applicant to the interview process. If the equivalency committee deems the applicant’s qualifications to be equivalent to the position’s stated minimum qualifications, the search committee may recommend that the applicant advance to the interview stage. (see AR#5600-A, Equivalency)
d. The committee shall recommend a schedule for interviews to the Personnel Department. The committee will also develop job-related interview questions and any appropriate job-related demonstration and written assignment. Other materials that the applicant will be asked to bring to the interview will also be identified.
e. The interview schedule, instructions, and job-related interview questions, shall be forwarded to the Personnel Department for approval by the Director of Equity and
Diversity and the Vice President or the Superintendent/President, as appropriate. Sufficient time will be allowed for this review prior to the interview. Any changes to the above shall be reviewed by the committee chair prior to the day of the first interview.

f. Upon completion of the screening process, all applications, screening and interviewing materials shall be secured in the Personnel Department.

g. The Personnel Department will notify candidates of scheduled interview appointments and any other relevant instructions. If possible, candidates will be notified two weeks prior to the interview, especially when travel from out-of-the area is involved.

8. Interview Process
   a. Prior to the first interview, the committee members shall agree on the scoring procedures and how questions and demonstrations shall be weighted.
   b. Committee members shall use the college interview evaluation form to score each candidate’s performance in the interview. A committee member must be present at all interviews in order to participate in this process.

9. Recommendation Process
   a. Each committee member shall enter his/her scores and comments for each applicant on the tally sheet provided. The committee chair will facilitate the discussion to resolve any scoring discrepancies.
   b. Immediately upon completion of the interviews and scoring, unless there are extenuating circumstances, the committee will make its recommendation, which normally will include a minimum of three candidates. The committee shall submit the recommended candidates unranked, unless the committee determines that there are significant differences in the qualifications among the recommended candidates. Recommendations must also be accompanied by a written summary of the job-related strengths and weaknesses of each recommended candidate. In the event that there are not three qualified candidates recommended, the committee shall include a written explanation.
   c. All selection materials and the recommendation form shall be forwarded to the Personnel Department. The Personnel Department will notify candidates not recommended as finalists.
   d. Upon receipt of the committee recommendations, the Vice President or Superintendent/President, as appropriate, may meet with the committee to discuss the summary of strengths and weaknesses of each candidate.
   e. In the case of Vice President positions, the committee chair shall meet with the Superintendent/President to discuss the committee’s recommendations and to formulate a plan for conducting reference checks. The Superintendent/President will select and interview final candidate(s).
   f. For all other management positions, the Personnel Department, in coordination with the committee chair, and/or Vice President, will conduct confidential reference checks on the recommended candidates. The Vice President or Superintendent/President will review the reference checks.
   g. The Vice President will interview the recommended finalist(s) for positions within their respective component. In extenuating circumstances (e.g. candidate long-distance travel)
the Vice President may elect to interview a candidate prior to the conclusion of reference checking.

h. For management positions within his/her component, the Vice President will recommend a candidate to the Superintendent/President. In the event that the Vice President cannot forward one of the committee’s recommended candidates because of exceptional circumstances or compelling reasons, s/he shall review the reasons with the committee chair and may offer to meet with the committee to discuss the remaining candidates and/or the possibility of reopening the search.

i. The Superintendent/President may elect to conduct final interviews for certain administrative positions within a Vice President’s component. Upon approval of a finalist by the Superintendent/President, the Vice President shall be notified. If the Superintendent/President does not approve the candidate, the recommendation will be returned to the Vice President.

j. The appropriate administrator shall notify the successful candidate of the Superintendent/President’s intent to recommend his/her appointment to the Governing Board. Upon the candidate’s acceptance, the Personnel Department will notify the remaining candidates of their application status.

**10. Process for Complaints or Concerns**

In the event that there is a question or concern about confidentiality, bias, or procedure or in the event that the process is not proceeding in a timely manner, the Director of Personnel and Human Resources and the Vice President and/or Superintendent/President shall consult to determine whether the process, committee membership, or committee chair shall be changed, or determine if the search should be reopened or extended.

Adopted: October 4, 1999
The following equivalency procedure is to be used to determine when an applicant for an administrative position, although lacking the exact degree or experience specified in the job announcement, nonetheless does possess qualifications that are at least equivalent to those required for the position. The procedure is intended to ensure a fair and objective process for determining when an applicant has the equivalent qualifications. It is not intended to grant waivers for lack of the required qualifications or to accept less than qualified individuals.

Equivalency to an academic degree shall include the same depth of knowledge for the degree to meet the minimum qualifications. Equivalent preparation for employment shall be considered under any one category or combination of the categories listed in Section 4.

1. **Job Announcements and Employment Applications**
   All job announcements shall indicate that equivalent qualifications will be considered. Employment applications shall include a form on which the applicant can specify that s/he wishes to demonstrate equivalent qualifications and provide supporting documentation.

2. **Responsibilities of Candidates for Employment**
   It is the applicant’s responsibility to request consideration for equivalency and to submit the supporting documentation with his or her application on the supplemental equivalency determination form provided.

3. **Search and Selection Committee Responsibility**
   The Search and Selection Committee Chair, in consultation with the component Vice President or President, shall designate a subcommittee to review equivalency applications and to determine whether or not they meet equivalency standards based on the minimum qualifications listed in the job announcement. The subcommittee shall meet after the initial screening of applicants, and will make their recommendation to the full committee prior to interviews being scheduled. Those applicants not meeting equivalency standards will not be invited to participate further in the application process.

4. **Categories of Equivalency**
   Equivalency to an academic degree shall include the same depth of knowledge in the area of responsibility and breadth of general education that is required for the degree to meet the minimum qualification. Equivalent preparation for employment shall be considered under any one category or any combination of the categories listed below:
   a. Prior administrative or managerial work experience in the same area, or in a closely related area, as that described in the job announcement. Such work experience will be counted on the basis set forth in the job announcement to meet any educational requirement for the position as advertised.
   b. Equivalent degrees from foreign universities (as determined by an agency selected by Cabrillo College).
   c. Course work at a regionally accredited institution of higher education and/or equivalent verifiable accomplishments of eminence in a particular discipline,
including, but not limited to: research, seminars, publications, creative works, honors or awards.

5. **Resolution of Difficult Cases**
   In the event that the Search and Selection Equivalency Subcommittee does not reach a unanimous decision in an expeditious and timely manner, the arguments on both sides shall be presented to the President, or to the President’s designee, who shall make the final determination.

Adopted: June 4, 1990
Revised: April 1, 1991
Revised: June 6, 2003
REPORTING OF FRAUD AND OTHER IMPROPER GOVERNMENTAL ACTIVITIES

Community college employees, when performing their duties, have an obligation to be vigilant of wrongdoing by others and to report in good faith what they reasonably believe to be evidence of improper governmental activities. “Improper governmental activities” as used in this policy is defined in Education Code section 87162(c) which provides:

(c) “Improper governmental activity” means an activity by a community college or by an employee that is undertaken in the performance of the employee’s official duties, whether or not that activity is within the scope of his or her employment, and that meets either of the following descriptions:

1. The activity violates a state or federal law or regulation, including, but not limited to, corruption, malfeasance, bribery, theft or government property, fraudulent claims, fraud, coercion, conversion, malicious prosecution, misuse of government property, or willful omission to perform duty.

2. The activity is economically wasteful or involves gross misconduct, incompetency, or inefficiency.

Such report shall be submitted in writing to the Vice President, Business Services, or his or her designee, unless the reporting employee (“employee”) has reason to believe that the Vice President/designee may be involved in the improper governmental activity, in which case the employee shall submit his/her report in writing to the college President or his/her designee. If the employee has reason to believe that the President or his or her designee may be involved in the improper governmental activity, he or she shall submit the report in writing to the President of the Governing Board.

The administrator who received the employee’s report of improper governmental activities shall provide the employee with a copy of Education Code sections 87160-87164 (Reporting by Community College Employees of Improper Governmental Activities Act) and shall inform the employee of his/her right to be free of retaliation by District employees for having filed his report.

Upon receipt of an employee report hereunder, the administrator, Board member or their designees will take all steps necessary to investigate the report and prepare a written decision containing its findings and conclusions on the issues. The employee shall be advised in writing of the District’s decision.

Adopted: May 1, 2006