



TABLE OF CONTENTS

ARTICLE 3100: GENERAL PROVISIONS - ALL PERSONNEL

AR 3110	AIDS Education Implementation	3
AR 3111	Drug and Alcohol Free Workplace	4
AR 3112	Injury and Illness Prevention Plan	5
AR 3113	Bloodborne Pathogens Standard Plan	5
AR 3114	Catastrophic Leave	6
AR 3115	Health Examinations	8
AR 3116	Drug and Alcohol Testing for Transportation Employees	9
AR 3117	Sick Leave for Student Workers and Other Temporary Employees	15
AR 3120	Equal Employment Opportunity Program and Discrimination Complaint Procedure	16
AR 3121	Sexual Harassment Prevention	25
AR 3122	Sexual Misconduct	31
AR 3123	Workplace/Campus Violence and Anti-Bullying	47
AR 3130	Citizen Complaints Against District Personnel	48
AR 3131	Personnel Records	48
AR 3133	Conferences, Workshops and Meetings Attendance	49
AR 3134	Initial Collective Bargaining Proposals	51

ARTICLE 3200: ACADEMIC PERSONNEL

AR 3210	Classification of Academic Personnel	52
AR 3211	Recruitment and Selection - Permanent Faculty	
AR 3211.1	Procedure for Hiring Full-Time Contract Faculty	53
AR 3211.2	Duties and Responsibilities of Faculty Members	58
AR 3211.3	Department Chairs and Faculty Chairs - Tenure and Selection	59
AR 3211.4	Duties and Responsibilities of Department Chairs	60
AR 3211.5	Faculty Responsibilities as Student Activity Advisers	60
AR 3211.6	Academic Rank	62
AR 3211.7	Equivalency Process for Full-Time Faculty Positions	63
AR 3211.8	Equivalency process in Reassignment	64
AR 3211.9	Guidelines for Determining the Minimum Qualifications for Faculty Positions	65
AR 3212	Permanent Personnel – Evaluation	
AR 3212.1	Procedure for Evaluating Probationary and Temporary Contract Faculty	66
AR 3212.2	Procedure for Evaluating Tenured Faculty	66
AR 3215	Sabbaticals	67
AR 3220	Limited Retirement Program	69
AR 3221	Retirement Incentive Program	70
AR 3225	Release of Contract Employees and Disciplinary Action	72
AR 3230	Recruitment and Selection – Hourly Temporary Faculty	
AR 3230.1	Procedure for Hiring Hourly Temporary Faculty	73
AR 3231	Equivalency Process for Part-Time Faculty Positions	75
AR 3232	Procedure for Evaluation of Hourly Faculty	75



ARTICLE 3300: CLASSIFIED PERSONNEL

AR 3320	Selection Process for District Appointments to the Personnel Commission	76
---------	---	----

ARTICLE 3400: ACADEMIC ADMINISTRATORS, CLASSIFIED ADMINISTRATORS AND MANAGERS AND CONFIDENTIAL EMPLOYEES

AR 3410	Procedure for Hiring Academic Managers	77
AR 3415	Compensation	78
AR 3420	Evaluation – Management Personnel	79
AR 3425	Leaves and Vacations	80
AR 3426	Vacation - Academic Administrators	81
AR 3427	Management Professional Development Leave	82
AR 3428	Retirement Policy - Limited Retirement Program	82
AR 3429	Administrator Retreat Rights Process	83



ARTICLE 3100 GENERAL PROVISIONS ALL PERSONNEL

AR 3110 AIDS Education Implementation

1. AIDS Prevention Advisory Steering Committee
 - A. The composition of the committee will be:
 - Vice President, Human Resources
 - District Physician
 - Coordinator, Health Services
 - College Psychologist
 - Director, Risk Management
 - Three classified employees
 - Three faculty members recommended by the Academic Senate President
 - Three students recommended by the Associated Students President
 - B. The committee will be chaired by the Vice President, Human Resources or designee.
 - C. The committee will meet once in the fall and once in the spring, and other times as called by the chair.
2. Responsibility
 - A. To review, evaluate, and generally keep abreast of new information or changes in the information regarding AIDS.
 - B. To explore and determine methods of dissemination of written information to college community.
 - C. To develop an informational distribution plan for written material to college community.
 - D. To develop and encourage campus presentations of educational programs or workshops on AIDS.
 - E. To prepare a brief annual report on the committee activities for the Superintendent/President.

Reviewed and/or Updated 9/2003



ARTICLE 3100 GENERAL PROVISIONS ALL PERSONNEL

AR 3111 Drug and Alcohol Free Workplace

1. The Superintendent/President or his/her designee shall post at each college site and provide each employee with a notice that unlawful manufacturing, distributing, dispensing, possessing, using or being under the influence of controlled substances is prohibited in the workplace. This notice shall also:
 - A. Include a statement of possible disciplinary actions, up to and including discharge, for violation of the policy. The discipline shall be in accordance with Board policies on discipline, the Education Code and applicable collective bargaining agreements;
 - B. Inform employees of the availability of drug counseling, rehabilitation, and employee assistance programs;
 - C. Inform employees that as a condition of employment, each employee must abide by the terms of the policy and notify the District within five (5) days of any criminal drug statute conviction for a violation occurring in the workplace;
 - D. Notify employees annually, with their paychecks, of the District's policy of maintaining a drug free workplace;
 - E. Inform employees of the dangers of drug abuse in the workplace, including but not limited to, threats to the health and safety of employees, students, and the public.
2. The Superintendent/President or his/her designee shall notify federal agencies with which contracts are held or from which grants are received, within 10 days of receiving notice that an employee has been convicted of a criminal drug statute for a violation occurring in the workplace.
3. The Superintendent/President or his/her designee shall, within 30 days of notification of the conviction of an employee for a criminal drug violation occurring in the workplace, take appropriate disciplinary action against the employee up to and including discharge.

As used in the policy "drug" and "drugs" refers to controlled substances as defined by State and Federal law.

Reviewed and/or Updated 9/2003



ARTICLE 3100 GENERAL PROVISIONS ALL PERSONNEL

AR 3112 Injury and Illness Prevention Plan

The Santa Monica Community College District is committed to providing a safe and healthful workplace for all of its employees and to providing a safe and healthful facility for students as well as visitors. To accomplish this an Injury and Illness Prevention Program will be implemented.

The Injury and Illness Prevention Plan includes the following guidelines:

1. Compliance with established work practices. A combination of systems will be utilized to ensure that all employees comply with safe work practices.
2. Communications. Communication between management and non-management employees regarding safety issues will be accomplished through various methods.
3. Identifying Workplace Hazards. A thorough facility inspection will be conducted annually.
4. Incident Investigation. A procedure for investigating all workplace incidents involving injury or illness will be developed.
5. Correction of Unsafe Conditions. A procedure for correcting unsafe conditions, emergency and less serious situations, will be developed.
6. Training. The District will provide general safety information to all new employees. Where necessary, employees will be given safety training specific to their job assignment.

Reviewed and/or Updated: 9/2003

AR 3113 Bloodborne Pathogens Standard Plan

The administration shall maintain an Exposure Control Plan to establish procedures to protect employees of the Santa Monica Community College District from occupational exposure to bloodborne pathogens.

The Exposure Control Plan will describe the college's methods for complying with both the Federal and State Occupational Safety and Health Administration Standards regarding Occupational Exposure to Bloodborne Pathogens. The Plan applies to district employees who can be reasonably expected to have occupational exposure to blood or other potential infectious materials (OPIM).

Reviewed and/or Updated 9/2003



ARTICLE 3100 GENERAL PROVISIONS ALL PERSONNEL

AR 3114 Catastrophic Leave

Catastrophic illness or injury is defined as one that is expected to incapacitate the employee for an extended period of time, and taking extended time off work creates a financial hardship for the employee because he or she has exhausted all of his or her sick leave and other paid time off. Examples include, but are not limited to, life threatening injury or illness; cancer; AIDS; heart surgery; stroke; etc.

Leave Bank

1. Any employee may donate accumulated leave but MUST retain no fewer than twenty (20) days or 160 hours of sick leave in his/her personal account. An employee who is retiring or terminating and wishes to donate unused sick leave may do so with no limitation; 50% of their donation will be credited to the Leave Bank.
2. Accumulated vacation days/hours may be donated with no restriction.
3. All donated days/hours are irrevocable.
4. Unused donated days will revert to the Leave Bank for use by other catastrophically ill or injured employees who request and are approved to use days/hours from the bank.
5. Donated sick leave or vacation days/hours are credited and charged on the basis of day-for-day regardless of the classification and/or salary of either the donee or the donor.
6. Leave may be donated either to an individual account or to the District-wide Leave Bank at the option of the donee.

Employee Eligibility

1. The employee must be/expected to be incapacitated or absent for an extended period of time of no fewer than 30 consecutive calendar days.
2. The employee or authorized designee must submit a letter to the Vice President, Human Resources requesting either a call for specific donations or donations from the District Leave Bank
3. The employee must submit medical verification which is subject to verification by the District. The District may require additional medical verification from a physician selected by the District and at the expense of the District.
4. Faculty must use all accumulated/advanced sick leave prior to using any donated leave. Administrators, managers and Classified employees must use all accumulated/advanced sick leave plus all accrued vacation prior to using any donated leave.
5. All donated leave must be used within a 12-month period after the donation and may be used only for the specified catastrophic illness or injury. Leave days will be placed in a special donated account for up to one year. If the employee returns to work and has a reoccurrence of the same or related catastrophic illness or injury, after using any accumulated/advanced sick days, previously donated days may be used.
6. In unusual circumstances, the Catastrophic Illness/Injury Committee may consider and approve a request to extend the period of use of donated days for a period of up to one additional year.



7. NOT COVERED: Stress related illness; elective surgery, normal pregnancy, workers compensation claims, disabilities resulting from alcoholism or drug addictions, intentionally self inflicted injuries, or normal illness such as recurring colds, flu, allergies, headaches, etc.
8. Any employee who has omitted relevant or provided falsified information on his/her medical history or other medical documentation may be denied access to the benefits of this plan.

Catastrophic Illness/Injury Committee

1. A joint District catastrophic illness/injury committee will oversee the implementation of this plan. This committee will be chaired by the Vice President of Human Resources.
2. The committee will be comprised of one (1) representative appointed by the Faculty Association, CSEA and Management respectively. In addition, either the Faculty Coordinator for Health Services or the Director of Health Sciences will serve as an advisor to the committee. In the event the committee is unable to reach a decision regarding eligibility for donated leave the District will obtain an advisory opinion from an appropriate physician and provide the committee with that information. In the event the committee is still unable to reach a decision the Vice President of Human Resources will make the final decision.

Miscellaneous

1. Participation in this plan is voluntary on behalf of the donor or the donee. Participation is not subject to the Grievance process in any bargaining agreement or district policy.
2. Amendments/modifications to the plan shall be mutually agreed to by the Faculty Association, CSEA, Management and the Board of Trustees.
3. The Catastrophic Illness/Injury committee will meet to determine forms and procedures for implementation and appropriate participation by part-time faculty or faculty with overload assignments who accumulate sick leave.

Reference: AB 2007 and Education Code Section 87045

Reviewed and/or Updated 9/2003



ARTICLE 3100 GENERAL PROVISIONS ALL PERSONNEL

AR 3115 Health Examinations

Medical Requirements

1. The District may, consistent with applicable federal and state law and consistent with any applicable collective bargaining agreements, request a physical/health examination of District personnel (1) after an offer of permanent appointment has been presented to an applicant, (2) when an employee returns to work following a medical leave of absence, or (3) at any time it appears to be in the District's interest to obtain verification of an employee's fitness for duty.
2. The District will perform a tuberculin skin test for all employees, volunteer aides and when applicable, student employees. Anyone whose skin test is positive, or who has a previously known positive skin test, will be required to submit a statement by a medical doctor or by the Los Angeles County Health Department that she/he is free of the disease, with a substantiating report of a chest X-ray done within the past sixty days. Any expenses will be the employee's responsibility.
3. A tuberculin skin test will be performed on all employees every four years. Those who show a positive reaction to this skin test will be required to submit a statement by a medical doctor or by the Los Angeles County Health Department that they are free of contagious disease, with a substantiating report of a chest X-ray done within the past sixty days. Any expenses will be the employee's responsibility. For those paid employees who are known positive reactors a skin test will not be done, but the district will furnish a chest X-ray at Santa Monica Hospital.
4. All probationary faculty and newly hired administrators must successfully demonstrate the functional physical and mental capacity to perform the essential functions of employment with or without reasonable accommodations. Failure to perform the essential functions of employment with or without reasonable accommodations shall be sufficient cause for dismissal.

Tuberculosis-Requirements

1. An approved intradermal tuberculin test within 60 days prior to initial employment in the District and every four years thereafter.
2. A skin test will be accepted in lieu of a chest X-ray if an employee is not a known positive reactor to a skin test. An employee may go to the District's Health Office for a tuberculin skin test.
3. An X-ray shall be required if an employee has a positive reaction to a skin test. New employees will be required to obtain an X-ray, at their own expense. Current employees, at the time of renewal, may make arrangements through the District's Health Office for District paid X-rays.
4. The report of the X-ray or skin test is to be sent to the Health Services Office, Santa Monica College, 1900 Pico Blvd., Santa Monica, California, 90405. Failure to comply with this requirement may result in disciplinary action.

Reference: Education Code Sections 87408, 87408.6
Reviewed and/or Updated 9/2003



ARTICLE 3100 GENERAL PROVISIONS ALL PERSONNEL

AR 3116 Drug and Alcohol Testing for Transportation Employees

This regulation is adopted to implement the drug and alcohol testing requirements of the Omnibus Transportation Employee Testing Act of 1991 as fully adopted by the Santa Monica Community College District pursuant to Board Policy Number 3112.

1. Definitions

A. Driver

Any employee employed in a classification in which they are required to possess a commercial driver's license or who, as part of their duties performed for the District, drive any vehicle which is designed to seat 16 or more passengers including the driver. This definition shall apply to all such employees regardless of whether such employee is employed on a part-time or substitute basis. Currently employees employed in the following classifications are subject to the provision of this regulation:

Van Driver
Van Driver Substitute
Transportation Assistant

In addition, any employee who operates a District van with a total seating capacity of 16 or more persons.

B. Safety Sensitive Function

A driver is considered to be performing a safety sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform all driving related job functions. Driving related functions shall include waiting to be dispatched, inspecting and servicing equipment, supervising, performing or assisting in loading and unloading, repairing or obtaining and waiting for help with a disabled vehicle, and performing any other work for the District.

2. Prohibited Conduct

A. Alcohol Use

No driver shall report to work or remain at work while having an alcohol concentration of 0.04 or greater. If the District has actual knowledge that a driver has an alcohol concentration of 0.04 or greater, such driver will not be permitted to perform or continue to perform his/her job duties.

No driver shall report for duty or remain on duty while under the influence of or impaired by alcohol as shown by behavioral, speech, and performance indicators of alcohol misuse. The District shall not knowingly permit a driver under the influence of or impaired by alcohol to perform his/her job duties until the driver has been tested for alcohol and such test shows an alcohol concentration of less than 0.02 or at least twenty-four (24) hours have elapsed from the time the District reached a determination that the driver was under the influence of or impaired by alcohol.

No driver shall possess alcohol while on duty. If the District has actual knowledge that a driver is in possession of alcohol while on duty, the District will not permit the driver to perform or continue to perform his/her job duties.



No driver shall use alcohol while performing safety sensitive functions. If the District has actual knowledge that a driver is using alcohol while on duty, the District will not permit the driver to perform or continue to perform his/her job duties.

No driver shall perform safety-sensitive functions within four (4) hours after using alcohol. If the District has actual knowledge that a driver has consumed alcohol within four hours prior to performing any safety-sensitive function, the District will not permit the driver to perform or continue to perform his/her job duties.

No driver who is tested for alcohol and found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall be permitted to perform any of his/her job duties for at least twenty-four (24) hours from the time of the test.

No driver who is tested for alcohol and found to have an alcohol concentration of 0.04 or greater shall be permitted to perform any of his/her job duties.

No driver who has been required to take a post-accident alcohol test, as set forth below, shall use alcohol for eight hours following the accident or until he/she has completed the required alcohol test, whichever occurs first.

No driver shall refuse to submit to a alcohol test as required under this policy and administrative regulation.

No driver who violates this section (B.1) shall be permitted to return to work until such time he/she submits to a return to duty alcohol test and such test result shows an alcohol concentration of 0.002 or less.

B. Controlled Substance (Drug) Use

No driver shall report for duty or remain on duty when the driver uses any controlled substance, except when the use of such controlled substance is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to operate a commercial vehicle.

If the District has actual knowledge that a driver has used a controlled substance, the District will not permit such driver to perform his/her job duties.

Drivers must immediately inform the District of any therapeutic drugs that they are currently taking.

No driver who tests positive for a controlled substance(s) shall perform his/her job duties. If the District has actual knowledge that a driver has tested positive for a controlled substance, the District will not permit such driver to perform his/her job duties.

Any driver who violates any portion of this regulation may be subject to discipline, up to and including dismissal. Disciplinary action for violation of this regulation shall be implemented in accordance with AR 3225, the applicable collective bargaining agreement and/or applicable law.

No driver who violates this section (B.2) shall be permitted to return to work until such time he/she submits to a return to duty controlled substance test and such test indicates a negative test result for controlled substances.



3. Required Alcohol and Controlled Substance Testing

All testing required by this policy and procedure shall be performed by appropriately certified laboratories and in compliance with 49 C.F.R. part 40 et seq.

Before performing an alcohol or controlled substance test, as set forth below, the District shall notify a driver that the alcohol and/or controlled substance test is required pursuant to 49 C.F.R. part 382 et seq.

A. Pre-Employment Testing

An applicant for any classification that constitutes a driver as defined above, shall be tested for alcohol and controlled substances. Such testing will not be conducted until after the individual has been offered employment. Such testing shall be carried out in compliance with applicable provisions of the California Fair Employment and Housing Act and the Americans With Disabilities Act.

Any driver who tests positive for alcohol and/or a controlled substance as a result of a pre-employment test, may be disciplined or discharged pursuant to District policy, any applicable collective bargaining agreement and/or applicable law.

B. Post-accident Testing

Any driver involved in an accident involving the loss of life or resulting in the driver receiving a citation under State or Local law for a moving traffic violation arising from the accident, shall be tested for alcohol and controlled substances.

1. **Alcohol Test:** Post-accident alcohol testing shall be conducted within two (2) hours of the accident. No test shall be given if the test may not be administered within eight hours from the time of the accident. If an alcohol test cannot be administered as a result of a delay in administering the test, the District shall prepare a file record indicating the reason(s) why the test could not be administered within the required time period for such testing.

2. **Controlled Substances:** Post-accident controlled substance testing shall be conducted within thirty-two (32) hours following the accident. If the test cannot be administered within thirty-two (32) hours from the time of the accident, no controlled substance test shall be administered to the driver. If a controlled substance test cannot be administered within the prescribed period of time, the District shall prepare a file record indicating the reason(s) why the test could not be administered within the required period of time for such testing.

Absent need for immediate medical attention for any driver who is subject to post-accident testing shall remain readily available for such testing or he/she shall be deemed to have refused to submit to such testing.

No driver who is subject to post-accident testing shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

Any alcohol or controlled substance test administered following an accident conducted by Federal, State, or Local officials (e.g., Highway Patrol or local police/sheriff department) will fulfill the testing requirements for post-accident testing if the District obtains the results of such testing.



C. Random Testing

All drivers shall be subject to random alcohol and controlled substance testing throughout the driver's work year.

Such random testing shall be conducted at least on a quarterly basis for drivers employed for twelve months per year and at least four times throughout the year for drivers employed for ten or fewer months per year. The month for such testing shall be randomly selected by the District. The dates for such testing shall not be pre-announced.

A minimum of twenty-five percent (25%) of all drivers shall be tested for alcohol annually.

A minimum of fifty percent (50%) of all drivers shall be tested for controlled substances annually.

The percentages listed above are based upon the entire eligibility pool in the event the District joins a consortium of agencies.

The drivers to be tested on each randomly determined test date shall be randomly selected utilizing a scientific valid method of random selection [eg. using a computer random number generator, employees could be selected by assigning each driver a number, such as an employee identification number or social security number]. Under the selection procedure used, each driver shall have an equal chance of being tested each time selections are made.

Any driver selected for alcohol and/or controlled substance testing shall immediately report to the test site.

All testing for alcohol shall be administered during the driver's work shift, just before the beginning of the driver's work shift, or just after the driver's work shift.

D. Reasonable Suspicion Testing

Whenever a supervisor or District official, who has been trained in accordance with law, has a reasonable suspicion that a driver is in violation of the prohibitions set forth in this regulation, the driver shall be required to submit to an alcohol and/or controlled substance test. Such reasonable suspicion must be based on the supervisor or District official's specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech or body odors made either just prior to the driver beginning his/her work shift, or during the driver's work shift, or just after the driver's completion of his/her work shift.

All alcohol tests should be conducted within two (2) hours from the time a reasonable suspicion finding is made. In no event shall such alcohol testing be conducted after eight (8) hours from the time a reasonable suspicion finding is made. In the event that such an alcohol test cannot be administered within two hours or after eight hours, the District shall prepare a file record indicating the reason(s) why the testing could not be timely administered.



After making a determination that there is a reasonable suspicion that a driver is in violation of this regulation, the supervisor or District official who made the determination shall prepare a written report setting forth the observations made which led to the reasonable suspicion. This report must be prepared within twenty-four (24) hours from the time of the observations.

E. Return-To-Duty Testing

An alcohol and/or controlled substance test shall be administered to a driver who has been found to be in violation of this policy and regulation prior to permitting the employee to return to work.

A driver whose conduct involves violations of the alcohol provisions of this policy and regulation shall not be permitted to return to duty until he/she submits to an alcohol test and such test result shows an alcohol concentration of 0.02 or less.

A driver whose conduct involves violations of the controlled substance provisions of this policy and regulation shall not be permitted to return to duty until he/she submits to a controlled substance test and that such test results in a negative result for controlled substances.

F. Follow-Up Testing

A driver who violates the provisions of this policy and regulation and is subsequently identified by a substance abuse professional as needing assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, shall be subject to unannounced alcohol and/or controlled substance testing. Such testing shall be conducted only when the driver is on duty, just before the beginning of the driver's work shift, or just after the completion of the driver's work shift.

G. Employee Notification

The District shall notify applicants of the result of their controlled substance test if within 60 days from the offer of employment, the applicant requests to be notified of the test results.

For all other testing, as described above, the District shall notify a driver if his/her test result for controlled substances is positive. In the event of a positive controlled substance test, the District shall notify the driver which controlled substance or substances were verified.

4. Records

The District shall maintain all records as required pursuant to 49 C.F.R. part 382, 401.

Except as required by law, the District shall not release information relating to alcohol and controlled substance testing performed in accordance with this policy and regulation or any records kept as required by law.



A driver is entitled, upon written request to the District, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substance tests.

The District shall make a driver's record available to a subsequent employer only upon the receipt of a written request from the driver and only to the extent expressly authorized by the terms of the driver's request.

5. Notifications

The District shall provide all drivers with educational materials that explain the requirements of 49 C.F.R. part 382 and this policy and regulation with respect to meeting the requirements of these regulations.

The District shall also provide this information to any and all affected employee organizations.

This information shall include the following:

- A. The person or persons designated by the District to answer driver questions about this policy and regulation.
- B. A listing of all classifications covered by this policy and administrative regulation.
- C. A statement as to what portion of the work day for each classification is covered under this policy and administrative regulation.
- D. Information as to what specific conduct is prohibited by law.
- E. Information as to the required testing.
- F. Information as to the process to be used for the required testing.
- G. The requirement that a driver submit to all tests required pursuant to this policy and administrative regulation.
- H. An explanation of what constitutes a refusal to submit to required testing.
- I. Information as to the consequences for drivers who violate the provisions of this policy and administrative regulation.
- J. Information relating to the effects of alcohol and controlled substance use on an individual's health, work, and personal life; signs and symptoms of an alcohol or controlled substance problem; and available methods of intervening when an alcohol or a controlled substance problem is suspected, including confrontation, referral to any employee assistance program and/or referral to the District.

Each driver shall sign a statement certifying that he/she has received a copy of these materials.

6. Training for supervisors

The District shall ensure that each supervisor or other appropriate District official responsible for determining whether reasonable suspicion exists to require a driver to undergo testing shall receive at least 60 minutes of training on the misuse of alcohol and 60 minutes of training on the use of controlled substances.



7. Driver referrals

The District shall advise drivers of the resources available to drivers in evaluating and resolving problems associated with the misuse of alcohol and the use of controlled substances.

Any driver who violates the prohibitions set forth in this policy and administrative regulation shall, as a condition to any return to duty, be evaluated by a substance abuse professional who shall determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse or controlled substance use. The driver shall be responsible for any cost associated with such professional assistance. This provision shall in no way interfere with the District's authority to discipline drivers found to be in violation of this policy and administrative regulation.

Reviewed and/or Updated 9/2003

AR 3117 Sick Leave for Student Workers and Other Temporary Employees

Student Workers and other temporary classified employees shall be provided sick leave in accordance with Merit Rule 11.10.5.

Reference: Compliance with Assembly Bill 1522 – Sick Leave



ARTICLE 3100 GENERAL PROVISIONS ALL PERSONNEL

AR 3120 Equal Employment Opportunity Program and Discrimination Complaint Procedure

1. General Provisions:

The Office of Human Resources shall be responsible for overseeing the District's equal employment opportunity program. The Dean, Human Resources shall oversee the day-to-day implementation of the District's equal employment opportunity program. The District's policy and administrative regulations concerning equal employment and the discrimination complaint procedure shall be disseminated to all employees.

2. Equal Employment Opportunity Responsibilities:

The Office of Human Resources through the Dean, Human Resources shall:

- A. Oversee the District's equal employment opportunity program and work with appropriate staff in ensuring that the District's program receives the broadest possible commitment from staff and students.
- B. Work closely with district personnel and appropriate committees to ensure achievement of equal employment opportunities.
 - 1. PREPARE AND PUBLISH a workforce analysis to ensure the District meets its equal employment opportunity requirements.
 - 2. REVIEW JOB ANNOUNCEMENTS, job descriptions, job specifications and other job related statements in cooperation with appropriate staff to ensure compliance with equal employment opportunity requirements.
 - 3. REVIEW SELECTION, retention, tenure, and promotion criteria to ensure that neither qualified nor qualifiable candidates are excluded from consideration.
 - 4. HELP INCREASE APPLICANT POOL by assisting with recruitment and devising ways and means of helping the District to increase the number of qualified members of historically underrepresented groups.
 - 5. ASSIST IN DEVELOPING IN-SERVICE AND EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS for administration, faculty, staff and students.
 - 6. RECEIVE AND SEEK RESOLUTION OF UNLAWFUL DISCRIMINATION COMPLAINTS. Publicize complaint procedures, receive, investigate and seek resolution of affirmative action and unlawful discrimination complaints, working with appropriate staff.
- C. RECOMMEND REVISION: The Affirmative Action Officer shall recommend revision of the District Equal employment opportunity program as needed.



- D. ASSIST IN MAINTAINING LIAISON WITH AGENCIES at the county, state, and federal levels, as well as organizations concerned with the promotion of fair employment practices, and work with appropriate agencies in ascertaining current population characteristics for the District.
- E. ATTEND MEETINGS AND CONFERENCES pertaining to equal employment opportunity.
- F. CHAIR MEETINGS of the Equal employment opportunity Advisory Committee and communicate committee concerns and recommendations to appropriate staff.
- G. ASSUME OTHER DUTIES related to equal employment opportunity responsibilities.
- H. Work with faculty, staff, and students in developing programs and activities that foster upward mobility for historically underrepresented group members. Such activities include, but are not limited to, mentorships and internships.

3. EQUAL EMPLOYMENT OPPORTUNITY ADVISORY COMMITTEE:

The District shall maintain an Equal Employment Opportunity advisory committee which shall be a Faculty Senate, Classified Senate and District joint committee. The committee shall assist and advise the District in implementing the District's equal employment opportunity program.

- A. The Advisory Committee shall recommend and participate in in-service training on Equal employment opportunity.
- B. The Advisory Committee shall assist in efforts to recruit applicants from historically underrepresented groups for administrative, faculty and classified positions.
- D. The Advisory Committee shall assist in dissemination of equal employment opportunity reports.

Education Code Section 87151

4. EMPLOYMENT PROCEDURES:

The following provisions shall apply to the hiring process for faculty, classified and all administrative/management positions.

- A. **Minimum Qualifications:** Minimum qualifications shall be described in terms of skills, knowledge, abilities, and personal characteristics required for successful performance of the positions' duties and classification. Training, education, and experience requirements shall reasonably relate to the skills, knowledge, abilities, and personal characteristics required to perform successfully the duties and classification of the position.



- B. **JOB DESCRIPTION:** The job description shall be developed on the basis of job analyses that describe bona fide minimum job requirements for all positions, both full-time and part-time. In addition to providing a general statement of job duties, responsibilities, and detailed job specifications, job descriptions shall also include a requirement that applicants demonstrate sensitivity to and understanding of the diverse academic, socio-economic, cultural, disability, and ethnic backgrounds of community college students, faculty, and staff.
- C. **JOB ANNOUNCEMENTS:** Job announcements shall provide prospective applicants with information that parallels the job description as well as information about the District, salary range, application deadline, contact person, and the District's commitment to equal employment opportunity.
- D. **JOB APPLICATION AND SELECTION/TESTING INSTRUMENTS:** Application forms and selection/testing instruments shall be designed to obtain general information about a candidate's qualifications for a position, as well as to obtain, fairly and objectively, specific knowledge about a candidate's expertise in the subject matter of the position.
- E. **PERMANENT POSITIONS:** All positions shall be advertised by the Office of Human Resources or when applicable, the Personnel Commission and numerous sources shall be contacted to assist in developing a diverse applicant pool. Vacancies shall be posted for a minimum of thirty (30) days for faculty and administrative positions, and a reasonable length of time for classified positions, such period to be determined by the Personnel Commission. The recruitment procedure may include the following:
1. Advertisements in publications with wide circulation among historically underrepresented groups, in addition to the usual publication outlets.
 2. A current mailing list of organizations and contact persons with ties to historically underrepresented groups.
 3. Monitoring of all recruiting sources and make necessary adjustments.
 4. Consultation with four-year and secondary institutions, especially to identify potential faculty from among historically underrepresented groups and seek to establish professional internships for such individuals.
 5. A partnership program with selected secondary schools to provide for student and staff enrichment and exchange.
 6. A commitment to the importance of diversity as an essential ingredient of the learning environment in all its publicity, publications, and services.



5. SELECTION PROCESS:

- A. APPLICANT POOL: Each applicant shall be given an opportunity to identify himself/herself as a member of an historically underrepresented group when his/her application is submitted. This information shall be kept confidential and may be used only in research, validation, monitoring and evaluating the effectiveness of the District's affirmative action program. This information shall be used to assure that the applicant pool is reflective of the availability of historically underrepresented groups in the workforce.

When the applicant pool does not include qualified members of historically underrepresented groups in numbers reflective of the available workforce, the employment process may be extended or suspended pending additional recruitment efforts.

B. SELECTION, TESTING, INTERVIEWING:

1. PROCESSES: Processes for applicant selection, testing, and interviewing shall conform to principles of equal employment opportunity. For classified positions refer to the Rules and Regulations of the Personnel Commission (Personnel Commission Rules) and for academic positions refer to Administrative Regulation 3211.

C. SELECTION COMMITTEES:

1. INCLUSION OF UNDERREPRESENTED MEMBERS: To the extent qualified individuals are available, every committee formed for selecting and interviewing candidates for employment shall include at least one member of an underrepresented group.
2. EMPLOYMENT AUDIT: An employment audit report shall be completed for each position filled through the faculty, administration, and classified hiring processes and reviewed by the Superintendent and President or designee. A file shall be maintained to provide a summary of affirmative actions in filling vacancies. All materials related to the employment process shall be maintained for at least three years or for three years after audit, whichever comes first. If a complaint is filed or pending, materials shall be maintained indefinitely.

6. DISTRICT EVALUATION REPORT: The District shall prepare an annual summary of district employment practices and an evaluation of progress in ensuring equal employment opportunity. The report shall be reviewed by the Equal Employment Opportunity Advisory Committee and forwarded to the Superintendent and President for review and distribution to the Board of Trustees, District employees, the public, including appropriate community organizations, and the Chancellor's Office. The report shall include a request from the District for assistance from the community in identifying qualified members of historically underrepresented groups.

7. AFFIRMATIVE ACTION AND ACCOMMODATION FOR PERSONS WITH DISABILITIES: The District shall, consistent with applicable provisions of Title 5, affirmatively recruit and hire individuals with disabilities. Toward this end the District shall do the following:



- A. REVIEW PERSONNEL PRACTICES and policies to determine whether any discriminatory practices exist and move to correct all such practices.
- B. REVIEW SELECTION DECISIONS and/or offers of employment to be certain that they are not governed by unverified assumptions about any individual's willingness or ability to perform the job. All interview committees shall be informed that it is the District's medical doctor, not the committee, who determines whether applicants are physically or mentally able to do the job, or whether they have physical limitations that would disqualify them from doing the job.
- C. DISTRIBUTE JOB VACANCY ANNOUNCEMENTS to appropriate service organizations and vocational rehabilitation agencies, and maintain contact with these agencies for purposes of advice and
- D. MAKE REASONABLE ACCOMMODATION to the physical and mental limitations of employees and applicants. This might include improving access to District facilities and adapting equipment. It might also include hiring a reader or an interpreter for an employee or student.
- E. REVIEW DISTRICT REQUIREMENTS for preemployment physical requirements to ensure their job relatedness.
- F. APPOINT A COORDINATOR to handle compliance and complaints. Complaints may be filed with the Coordinator or the Affirmative Action Officer, using procedures for affirmative action or unlawful discrimination complaints outlined in this document.

Title IX Implementation

Title IX is a part of the overall equal employment opportunity plan for the Santa Monica Community College District. The Higher Education Guidelines based on Executive Order 11246 embody two important concepts: nondiscrimination and affirmative action.

Title IX of the Education Amendment of 1972 prohibits discrimination on the basis of sex in all federally funded education programs. The regulation, which became effective on July 21, 1975, specifies a number of actions that educational institutions receiving federal funds, as well as other recipients of federal education funds, must take in order to be in compliance with the law. Basically, the regulations fall into five categories: general matters related to discrimination on the basis of sex, admissions, treatment of students once they are admitted, employment, and procedures.

TITLE IX FACILITATOR

The Dean, Human Resources shall be responsible for coordination of efforts to ensure that District policies and practices concerning faculty, staff and students are in compliance with Title IX regulations.



Discrimination Complaint Procedure for Job Applicants, Employees and Students

It shall be the District objective to provide all job applicants, employees and students with an expeditious and effective procedure for resolution of complaints alleging unlawful discrimination. Investigations shall be conducted in a manner which seeks to balance issues of confidentiality and privacy with the need to conduct thorough, objective investigations of all complaints. Rights of complainants to freedom from retribution shall be protected. All complaints shall be filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation of unlawful discrimination.

1. INFORMAL COMPLAINT PROCEDURE:

Filing an informal complaint shall be a prerequisite to filing formal complaints. The District encourages the resolution of complaints through the informal process.

- A. FILING COMPLAINT: An informal complaint alleging unlawful discrimination and/or failure to comply with approved equal employment opportunity selection procedures shall be filed in person with the Dean, Human Resources or the employee's immediate supervisor as soon as possible following the occurrence which gave rise to the complaint.
- B. INVESTIGATION OF COMPLAINT: The complaint shall be investigated by the Dean, Human Resources or designee(s) or the employee's immediate supervisor. If a prima facie case supporting the complaint is determined to exist, appropriate steps shall be taken to safeguard the right(s) of the complainant to fair consideration until final determination of the complaint has been made.
- C. TIMELINES FOR DETERMINATION: An informal investigation shall be conducted and the complainant notified of the disposition of the complaint including the recommended remedies, if any, within thirty (30) days.
- D. REPORTS OF INFORMAL COMPLAINTS: The Dean, Human Resources shall be notified of all informal complaints and their resolution in order to monitor the scope and success of the District's equal opportunity program.

2. FORMAL COMPLAINT PROCEDURE:

When a complaint cannot be resolved through the informal procedure, the complainant may submit a formal complaint.

- A. FILING COMPLAINT: A formal complaint alleging unlawful discrimination and/or failure to comply with approved District equal opportunity and/or affirmative action requirements shall be filed in writing with the Dean, Human Resources or the Chancellor of the California Community Colleges on the District approved complaint form within ten (10) days following the determination of an informal complaint.



- B. INVESTIGATION OF COMPLAINT: The complaint shall be investigated by the Dean, Human Resources or designee(s). Upon filing of the complaint, the Dean, Human Resources or designee(s) shall take the steps necessary to safeguard the right(s) of the complainant to fair consideration until final determination of the complaint has been reached. The results of the investigation shall be set forth in a written report which shall include at least all of the following:
1. a description of the circumstances giving rise to the complaint;
 2. a summary of the testimony provided by each witness, including the complainant and any witnesses identified by the complainant in the complaint;
 3. an analysis of any relevant data or other evidence collected during the course of the investigation;
 4. a specific finding as to whether discrimination did or did not occur with respect to each allegation in the complaint; and
 5. any other information deemed appropriate by the District.
- C. REVIEW WITH EQUAL EMPLOYMENT OPPORTUNITY COMMITTEE: The Dean, Human Resources shall review with the Equal Employment Opportunity Committee the results of any complaints that do not name a specific individual, but allege that the District, through its policies or practices discriminates unlawfully or violates approved District affirmative action requirements. The Committee may make an advisory recommendation to the Dean, Human Resources regarding such complaints.
- D. TIMELINE FOR DETERMINATION: Within ninety (90) days of receiving a formal complaint, the District shall complete its investigation and forward all of the following to the complainant:
1. a copy or summary of the investigative report required pursuant to Section 2.B of the complaint procedures.
 2. a written notice setting forth:
 - a. the determination of the Chief Executive Officer or his/her designee(s) as to whether discrimination did or did not occur with respect to each allegation in the complaint;
 - b. a description of 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 Board of Trustees and the Chancellor.



- E. COMPLAINT TO COMPLIANCE AGENCIES: The filing of a formal unlawful discrimination complaint with the District shall in no way prevent the complainant from filing a complaint with California DFEH (Department of Fair Employment and Housing), United States EEOC (Equal Employment Opportunities Commission), Federal OCR (Office of Civil Rights) or the Director, Civil Rights (CRC), U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-4123, Washington, D.D. 20210, or the Chancellor's Office of the California Community Colleges.
- F. PERSONNEL COMMISSION'S JURISDICTION: Matters that are appealable to the Personnel Commission will continue to operate pursuant to Chapter XIV of the merit rules "Disciplinary Action and Appeals". Other allegations of discrimination involving matters which are within the exclusive jurisdiction of the Commission, including, but not limited to, recruitment, examination, classification, etc., shall be investigated jointly by the Dean, Human Resources and the Personnel Commission Director. Their findings and recommendations shall be submitted to the Personnel Commission for review and final determination.

3. APPEAL OF DECISION

- A. If the complainant is not satisfied with the results of the administrative determination, the complainant may, within fifteen (15) days, submit a written appeal to the Board of Trustees. The Board of Trustees shall review the original complaint, the investigative report, the administrative determination and the appeal, and issue a final District decision in the matter within forty-five (45) days after receiving the appeal. A copy of the final District decision rendered by the Board of Trustees shall be forwarded to the complainant and to the Chancellor of the California Community Colleges. The complainant shall also be notified of his or her right to appeal this decision. If the Board of Trustees does not act within forty-five (45) days, the administrative determination shall be deemed approved and shall become the final District decision in the matter.
- B. In any case not involving employment discrimination, the complainant shall have the right to file a written appeal with the Chancellor of the California Community Colleges within thirty (30) days after the Board of Trustees issues the final District decision or permits the administrative determination to become final.
- C. In any case involving employment discrimination, the complainant may, at any time before or after the final District decision is rendered, file a complaint with the Department of Fair Employment and Housing. In addition, in such cases, the complainant may file a petition for review with the Chancellor of the California Community Colleges within thirty (30) days after the Board of Trustees issues the final District decision or permits the administrative determination to become final. 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 case, he/she may:
 - 1. attempt to informally resolve the matter;
 - 2. where applicable, treat the complaint as an allegation that the District has violated the approved regulations and guidelines for handling discrimination complaints;
 - 3. take any other action deemed appropriate by the Chancellor.



3. FORWARD TO CHANCELLOR

Within 150 days of receiving a complaint, the District will forward the following to the Chancellor:

- A. the original complaint;
- B. the report required describing the nature and extent of the investigation conducted by the District;
- C. a copy of the notice sent to the complainant;
- D. a copy of the final District decision rendered by the Board of Trustees or a statement indicating the date on which the administrative determination became final;
- E. a copy of the required notice to the complainant; and
- F. such other information as the Chancellor may require.

5. EXTENSIONS: FAILURE TO COMPLY

- A. If a District, for reasons beyond its control, is unable to comply with the 150 day deadline for submission of material to the Chancellor of the California Community Colleges, the District may file a written request that the Chancellor grant an extension of the deadline. The request shall be submitted not later than ten (10) days prior to the expiration of the deadline and shall set the reasons for the request and the date by which the District expects to be able to submit the required materials.
- B. A copy of the request for an extension shall be sent to the complainant who may file written objections with the Chancellor within five (5) days of receipt.
- C. The Chancellor may grant the request unless delay would be prejudicial to the complainant.
- D. If the District fails to comply by the required deadline, including any extension granted pursuant to this section, the Chancellor may proceed to review the case based on the original complaint and any other relevant information then available.

6. STUDENT COMPLAINTS:

The procedure for student affirmative action and unlawful discrimination complaints shall be the same as for job applicants and employees except that students may file informal complaints with the Assistant Dean, Equal Employment Opportunity/Diversity or the Dean, Student Life.

7. TITLE IX, SEX DISCRIMINATION AND SEXUAL HARASSMENT COMPLAINT PROCEDURES FOR JOB APPLICANTS, EMPLOYEES AND STUDENTS:

The procedures for Title IX, complaints shall be the same as for affirmative action or unlawful discrimination complaints except that job applicants, employees and students may file informal complaints with the Dean, Human Resources or the Title IX Facilitator.

8. LEGAL ACTION:

If a complainant does not agree with the District's decision or Chancellor's review, and if the complainant feels that a state or federal law has been violated, the complainant may pursue the complaint through legal action.

Reviewed and/or Updated 9/2003



AR 3121 Sexual Harassment Prevention

1. PURPOSE

The Santa Monica Community College District is committed to providing an academic and work environment free of sexual harassment and retaliation. This Administrative Regulation defines sexual harassment and sets forth a procedure for the investigation and resolution of complaints of sexual harassment by or against any employee¹ or student within the District.

Sexual harassment and retaliation violate state and federal laws, as well as this regulation, and will not be tolerated. It is also illegal to retaliate against any individual for filing a complaint of sexual harassment or for participating in a sexual harassment investigation. Retaliation constitutes a violation of this regulation.

This Administrative Regulation applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions and participation in any community college activity. In addition, this Regulation applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

Employees who violate this Administrative Regulation may, in accordance with all applicable laws and collective bargaining agreements, be subject to disciplinary action up to and including dismissal. Students who violate this Administrative Regulation may, in accordance with applicable laws and district administrative regulations, be subject to disciplinary measures up to and including expulsion.

2. DEFINITION

- A. Sexual harassment is a form of sex or gender² discrimination that violates Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972 and applicable provisions of the California Education Code and Code of Regulations. It consists of unwelcome sexual advances, requests for sexual favors and other conduct of a sexual nature when:
1. submission to the conduct is made a term or condition of an individual's employment, academic status or progress;
 2. rejection of the conduct by the individual is used as a basis of employment or academic decisions affecting the individuals;
 3. the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance or of creating an intimidating, hostile or offensive work or education environment; or
 4. submission to or rejection of the conduct by the individual is used as the basis for decisions affecting the individual regarding benefits and services, honors, programs or activities available at or through the college district.

¹ The term "employee(s)" as used in this section refers to all faculty, staff, administrators and managers.

² The phrase "sex or gender" as used in this section is inclusive of sexual orientation.



5. There are two (2) types of sexual harassment:
 - a. “*Quid pro quo*” (this for that) sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual’s willingness to engage in or tolerate unwanted sexual conduct.
 - b. “Hostile environment” sexual harassment occurs when unwelcome conduct based on sex/gender is sufficiently severe or pervasive so as to alter the conditions of an individual’s learning or work environment, unreasonably interfere with an individual’s academic or work performance or create an intimidating, hostile or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile.
6. Sexual harassment can consist of virtually any form or combination of verbal, physical, visual or environmental conduct. It need not be explicit or specifically directed at the individual who is offended. Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the complainant/victim would perceive the conduct as harassment based on sex/gender.

3. EXAMPLES

- A. Sexual harassment includes but is not limited to the following misconduct:
 1. Verbal: Inappropriate or offensive remarks, slurs, jokes or innuendoes based on sex/gender. This may include, but is not limited to, inappropriate comments regarding an individual’s body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.
 2. Physical: Inappropriate or offensive touching, assault or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against, blocking another person, whistling or sexual gestures.
 3. Visual/Written: The display or circulation of offensive sexually oriented visual or written material. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.
 4. Environmental: An academic or work environment that is permeated with sexually-oriented talk, innuendo, insults or abuse not relevant to the subject matter of the class. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. An environment may be hostile if unwelcome sexual behavior is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his or her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency or severity of the conduct, and whether the conduct is humiliating or physically threatening or unreasonably interferes with an individual’s academic or work performance.



4. COMPLAINT PROCEDURE

- A. The Superintendent/President shall assign the Dean, Human Resources to serve as the District's compliance officer. The Dean, Human Resources, or designee is responsible for receiving complaints of sexual harassment and coordinating investigations. Investigations may be assigned to other trained staff or to outside persons or organizations under contract with the District and this shall occur if the, Dean, Human Resources, or designee, is named in the complaint or implicated by the allegations in the complaint.
- B. A student who believes he or she has been sexually harassed may make a complaint orally or in writing within one (1) year of the date of the alleged harassment to any of the following:
1. the Dean, Human Resources;
 2. the Dean, Student Services or any other academic manager/ advisor;
 3. the Dean, Student Life; or
 4. the Superintendent/President;
- C. An employee who believes he or she has been sexually harassed may make a complaint orally or in writing within one (1) year of the date of the alleged harassment to any of the following:
1. the Dean, Human Resources;
 2. any District manager;
 3. the Vice President of Human Resources
 4. the Superintendent/President;
- D. Upon receiving notification of a harassment complaint, the Dean, Human Resources shall:
1. Undertake efforts, where appropriate, to resolve the complaint informally. Any efforts at an informal resolution shall not serve to extend the timelines for completion of an investigation.
 2. Advise the complainant that he/she need not participate in an informal resolution and he/she may file a complaint with the Equal Employment Opportunity Commission, the California Department of Fair Employment and Housing, or for students the Office of Civil Rights of the United States Department of Education. The Dean, Human Resources shall also notify the Chancellor of the California Community Colleges of the complaint.
 3. Within ten days of receipt of a complaint or the beginning of an investigation, provide Respondent a written notice setting forth:
 - a. the allegation(s) set forth in the complaint;
 - b. whether an investigation has been started;
 - c. the estimated time to complete the investigation, which normally will be completed within ninety (90) days;
 - d. who will be conducting the investigation;
 - e. statement advising the Respondent that he/she is not to conduct his/her own investigation and are in no way to discuss the matter with students and/or potential witnesses;
 - f. the Respondent may be represented by a person of his/her own choice during any investigatory process.
 - g. The potential consequences for employees of not complying with the investigation or of impeding the investigation in any manner, including but not limited to retaliation against students and/or employees.
 - h. The right of the Respondent to meet with the investigator and provide the investigator with any documents/information.



4. In the event that the investigation will not be completed within the initial estimate of time, the Respondent will receive a subsequent notice advising of the new anticipated date of completion of the investigation. Upon completion of the investigation, the Respondent shall receive a written summary of the investigation. Documents generated during the course of an investigation shall be maintained in a file separate from an employee's personnel file. Documents from an investigation may only be placed in an employee's personnel file after the investigation has been completed and in compliance with applicable provisions of the appropriate collective bargaining agreement.
5. Authorize the investigation of the complaint and supervise and/or conduct a thorough, prompt and impartial investigation of the complaint. The investigation will include interviews with the complainant, Respondent and any other persons who may have relevant knowledge concerning the complaint. This may include victims of similar conduct. The person or persons conducting the investigation shall keep the name of the Respondent as confidential as possible but may use the Respondent's name as necessary in conducting the investigation. If it is determined that the allegations warrant the placement of the Respondent on a paid administrative leave, the Respondent will be so notified in writing. Such notice will specify the anticipated duration of the leave and shall clearly inform the employee that such action does not constitute disciplinary action. An employee placed on an administrative leave under this section may request a meeting with the Vice President, Human Resources to discuss the reason(s) for the administrative leave. In the event that an employee is placed on an administrative leave pending the completion of an investigation, the District shall complete the investigation within sixty (60) days. In the event that the investigation may not be completed within sixty (60) days, the Vice President, Human Resources shall meet with the employee to discuss whether the administrative leave shall continue beyond sixty (60) days.
6. Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct and the context in which the alleged incidents occurred.
7. Set forth the results of the investigation in a written report. The written report shall include a description of the circumstances giving rise to the complaint, a summary of the testimony of each witness, an analysis of any relevant data or other evidence collected during the investigation, a specific finding as to whether discrimination did or did not occur with respect to each allegation in the complaint and any other appropriate information.



8. Provide the complainant with a copy or summary of the investigative report within ninety (90) days from the date the District received the complaint. The complainant shall also be provided with a written notice setting forth the determination of the Superintendent/President or his/her designee as to whether sexual harassment did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and notice of the complainant's right to appeal to the District's Board of Trustees and the Chancellor of the California Community Colleges. The results of the investigation and the determination as to whether harassment occurred shall also be reported to the Respondent and any appropriate academic or administrative official.
 9. Anyone who files a complaint in which he/she knowingly makes a false accusation may be subject to appropriate discipline.
- E. If sexual harassment occurred, the District may take remedial or disciplinary action against the Respondent. The action will be prompt, effective and commensurate with the severity of the offense. Disciplinary actions against employees and students will conform to all relevant statutes, regulations, personnel policies and procedure, including the provision of any applicable collective bargaining agreements.
1. The District shall also take reasonable steps to protect the complainant from further harassment and retaliation as a result of communicating the complaint.
 2. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties.
 3. If the complainant is not satisfied with the results of the administrative determination, he/she may, within fifteen (15) days, submit a written appeal to the District's Board of Trustees. The Board of Trustees shall review the original complaint, investigative report, administrative decision and the appeal. The Board of Trustees shall issue a final decision in the matter within 45 days after receiving the appeal. A copy of the final decision rendered by the Board of Trustees shall be forwarded to the complainant and to the Chancellor of the California Community Colleges. The complainant shall also be notified of his/her right to appeal this decision. If the Board of Trustees does not act within 45 days the administrative determination shall be deemed approved and shall become the final decision of the District in the matter.
 4. The complainant shall have the right to file a written appeal with the Chancellor of the California Community Colleges within thirty (30) days after the Board of Trustees issues the final District decision or permits the administrative decision to become final. Such appeals shall be processed pursuant to Section 59350 of Title 5 of the California Code of Regulations.
 5. Within 150 days of receiving a complaint, the District shall forward all required documents to the Chancellor of the California Community Colleges. If, due to circumstances beyond its control, the District is unable to comply with the 150 day deadline for submission of materials, it may file a written request for an extension of time no later than ten (10) days prior to the expiration date.



5. ENVIRONMENT

Academic Freedom and Sexual Harassment Issues in the Learning Environment:

- A. The District is committed to creating an environment where there is the full and free discussion of ideas and where students are free from a hostile learning environment.
- B. In general, works of art and literature, readings and other written, auditory, or visual course materials, including lectures and discussions, which are used in a learning context or which are a part of academic or cultural programs, would not violate the prohibition against creating a hostile learning environment for students.
- C. In all circumstances, sexual harassment of individuals is inconsistent with the maintenance of academic freedom.

Reviewed and/or Updated 3/2004



AR 3122 Sexual Misconduct

TABLE OF CONTENTS

SECTION I—DEFINITIONS33

SECTION II—JURISDICTION37

SECTION III—DISTRICT COMMUNICATIONS RELATING TO GENDER-BASED
 DISCRIMINATION /SEXUAL MISCONDUCT NOTICE AND INVESTIGATIONS37

SECTION IV—STANDARD OF PROOF37

SECTION V—REPORTING SEXUAL MISCONDUCT.....37

 5.1 Timeframe for Reporting a Complaint.....38

 5.2 Methods for Reporting Sexual Misconduct.....38

 5.3 Confidentiality in Connection with a Report of Sexual Misconduct38

SECTION VI—INVESTIGATIONS OF SEXUAL MISCONDUCT39

 6.1 Timeframe for Investigating Sexual Misconduct Complaints39

 6.2 Alcohol and Drug Use Are Not Barriers to Reporting Sexual Misconduct39

 6.3 Reports Involving Unknown/Non-College Offenders39

 6.4 Anti-Retaliation/ Anti-Intimidation.....40

 6.5 Parallel Proceedings.....40

 6.6 Steps in the Administrative Process40

 Step 1—Notice40

 Step 2—Interim Accommodations and Sanctions41

 Step 3—Investigation.....41

 Step 4—Determination of Findings42

 Step 5—Sanctions42

 Step 6—Appeals of the Investigation Process or Imposed Sanctions.....43

 Step 7—Ongoing Accommodations for Complainants43

SECTION VII—APPEAL PROCESS.....43

SECTION VIII—COMPLAINANT AND RESPONDENT RIGHTS.....43

 8.1 Student Right to Review Records.....44

 8.2 Special Requests/ Accommodations44

 8.3 Advisors44

 8.4 Victim Advocates.....44

 8.5 Legal Counsel (*Not an Advisor*)45

 8.6 Judicial Restraining and Protective Orders45

 8.7 First Amendment.....45



SECTION IX—EDUCATION AND TRAINING PROGRAMS45
 9.1 Prevention and Education45
 9.2 Title IX Coordinator Responsibilities45
SECTION X. False Reports46
 10.1. Consequences for False Reports.46



SUMMARY

This Administrative Regulation outlines the regulations and procedures of the District in connection with Board Policy 3122–Sexual Misconduct. This Board policy prohibits sexual misconduct in any of the District’s educational programs and activities, as well as its workplaces and employment programs.

This Regulation applies in all aspects of the District’s educational programs and activities, including but not limited to, classroom conditions, campus conditions, grades, academic standing, scholarships, recommendations, student employment, disciplinary action, extracurricular activities, campus activities, athletic activities, and field trips.

This Regulation also applies in the District’s workplaces and employment programs, including but not limited, the terms and conditions of employment, or related to recruitment, consideration, or selection for employment.

Employees who violate BP 3122 and/or this Regulation may be subject to disciplinary action up to and including dismissal in accordance with all applicable laws, District policies and regulations, and collective bargaining agreements. Students who violate BP 3122 and/or this Regulation may be subject to disciplinary measures up to and including expulsion in accordance with all applicable laws and District policies and regulations.

SECTION I—DEFINITIONS

College: Any program or facility of Santa Monica College or the District.

College Disciplinary Officer/College Disciplinarian: Means the District official(s) designated by the superintendent/president, or designee, to administer the sanctions under Administrative Regulation 4410 concerning sexual misconduct by a student.

Complainant: A person(s) alleging that they are the victim of sexual misconduct by another person subject to the District’s policy on sexual misconduct. The District shall also be considered a complainant if the District elects to investigate reports of potential violation(s) of the District’s policy on sexual misconduct. Any person(s), other than the alleged victim (complainant), who reports possible violation(s) of the District’s policy on sexual misconduct, shall be identified as a reporter, as defined herein.

Consent: The District uses an “affirmative consent” standard in the determination of whether consent was given by both parties to sexual activity. Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

If coercion, intimidation, threats and/or physical force are used, there is no consent. If a person is mentally or physically incapacitated so that the person cannot understand the fact, nature or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption or being asleep or unconscious. A person also cannot give consent if the person is under the legal age required to give consent to the sexual situation or the person has a disability so that the person cannot understand the fact, nature or extent of the sexual situation. Whether one has taken advantage of a position of influence over another may be a factor in determining consent.

In evaluating a charge of sexual misconduct, it shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the victim consented to the sexual activity under the following circumstances: (1) the accused’s belief in affirmative consent arose from the intoxication or recklessness of the accused; (2) the accused did not take reasonable steps, in the circumstances known to the accused



at the time, to ascertain whether the victim affirmatively consented; (3) the accused knew or reasonably should have known that the victim was unable to consent because the victim was asleep or unconscious; (4) the accused knew or reasonably should have known that the victim was unable to consent because the victim was incapacitated due to the influence of drugs, alcohol, or medication, so that the victim could not understand the fact, nature, or extent of the sexual activity; (5) the accused knew or reasonably should have known that the victim was unable to consent because the victim was unable to communicate due to a mental or physical condition.

Dating Violence: Is the use of physical violence, coercion, threats, intimidation, isolation, or stalking on another while in a dating relationship, or a social relationship of romantic or sexually intimate nature. Such violence includes other forms of emotional, sexual or economic abuse directed towards a person who is or has been in a dating relationship, or a social relationship of a romantic or sexually intimate nature with the victim. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Dating violence can be a single act or a pattern of behavior in relationships.

District: Refers to the Santa Monica Community College District.

District Community: Means any employee, contractor, student, member of the public, or invitee present on District property, or on property being used by the District. For purposes of this definition, a student is deemed a member of the District community while enrolled in, or in the process of applying for, enrollment as a student at the College.

District Human Resources Representative: The District's Vice President of Human Resources, or designee, assigned to work with the Title IX Coordinator in the investigation of sexual misconduct cases where an employee is accused of sexual misconduct.

Domestic Violence: Use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual, or economic abuse directed towards (a) a current or former spouse or intimate partner; (b) a person with whom one shares a child; or (c) anyone who is protected from the respondent's acts under the domestic or family violence laws of California, including Family Code Section 6250 et seq., and any applicable federal law, including the Violence Against Women Act of 1994 (VAWA), as amended. This can include behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Domestic violence can be a single act or a pattern of behavior in relationships.

Gender-based Harassment: Unwelcome conduct of a nonsexual nature based on a person's actual or perceived gender, including conduct based on gender identity, gender expression, or nonconformity with gender stereotypes.

Hostile Environment: Exists when unwelcome conduct of a sexual or gender-based type is sufficiently serious and/or pervasive to deny or limit a person's ability to fully participate in or benefit from the District's programs or activities. A hostile environment can be created by anyone involved in a District program or activity (e.g., administrators, faculty members, staff, students, or campus visitors). In determining whether conduct has created a hostile environment, the District considers the conduct in question from both objective and subjective perspectives. The District will base findings on a variety of factors, including the severity, persistence, or pervasiveness of the conduct. The more severe the conduct, the less need there is to show a repetitive series of incidents to find a hostile environment. Likewise, a series of incidents may be sufficient even if the conduct is not particularly severe.

Not Responsible: Means, based on the applicable evidence collected during the investigation, it is more likely than not that the persons did not commit a violation of BP/AR 3122.

Party/Parties: Means either the complainant or the respondent, involved in the alleged violation of Board Policy 3122 or Administrative Regulation 3122. The term parties means both the complainant and the respondent collectively.



Reporter: Any person(s), other than the complainant, who reports potential violation(s) of the District's policy on sexual misconduct.

Respondent: A person alleged to have violated the District's policy on sexual misconduct.

Responsible: Means, based on the applicable evidence collected during the investigation, that it is more likely than not that the person committed one or more violation(s) of Board Policy 3122 or Administrative Regulation 3122.

Retaliation: Any act of reprisal against a person who is involved in an allegation of sexual misconduct including but not limited to the complainant, the respondent, witnesses, investigators, and adjudicators. Examples of actions that might be retaliation against a complainant, witness, or other participant in the complaint process include: (a) singling the person out for harsher treatment; (b) lowering a grade or evaluation; (c) failing to hire, failing to promote, withholding pay increase, demotion, or discharge; (d) providing negative information about the person in order to interfere with his or her prospects for employment, admission, or academic program.

Sanctions: Those disciplinary measures available to the College upon the finding of the respondent's responsibility for violation(s) of the Student Code of Conduct or of this administrative regulation. Any sanctions on an employee will be imposed in accordance with established disciplinary procedures.

Sex: For purposes of this administrative regulation, sex may refer to gender designation as male or female gender or based on a perceived association with a particular gender/s; or to a physical act of a sexual nature, depending upon the context in which the term is used in this procedure.

Sexual Assault: Actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to: (1) intentional touching of another person's body in a sexual nature without that person's consent; (2) unwanted kissing; (3) other intentional sexual contact with another person without that person's consent; (4) coercing, forcing, or attempting to coerce or force a person to touch another person's body in a sexual nature without that person's consent; (5) rape, which is penetration, no matter how slight, of the vagina, or anus of a person by any body part of another person, or by an object, or the mouth of a person, or by a sex organ of another person, without the other person's consent; or (6) any other sex crime made a felony by the California Penal Code.

Sexual Exploitation: Occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without the other person's consent. Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;
- Recording, photographing, transmitting, viewing, or distributing intimate or sexual images without the knowledge and content of all parties involved;
- Distributing images (e.g. video, photograph) or audio of another person's sexual activity, images of another's body for sexual purposes, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and
- Viewing or distributing images of an individual's sexual activity, body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent to have the image shared, or advance consent to view such an image, and for the purposes of arousing or gratifying sexual desire.

Sexual Harassment: Unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances; requests for sexual favors; or other verbal or nonverbal conduct of a sexual nature,



including rape, sexual assault, and sexual exploitation. In addition, depending on the facts, dating violence, domestic violence, and stalking may also be forms of sexual harassment.

Sexual Misconduct: Comprises a broad range of unwelcome behaviors focused on sex and/or gender that may or may not be sexual in nature. Any intercourse or other intentional sexual touching or activity without the other person's consent is sexual assault, and is a form of sexual misconduct under this Regulation. Sexual misconduct encompasses sexual harassment, sexual assault, sexual exploitation, or gender-based harassment, which is a form of harassment based on gender identity, gender expression, or non-conformity with gender stereotypes. Sexual misconduct may also encompass acts of a sexual nature, including acts of sexual stalking, domestic violence, and dating violence, intimidation, or retaliation following an incident where alleged sexual misconduct has occurred.

Sexual misconduct can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship, can be committed by anyone regardless of gender identity, and can occur between people of the same or different sex or gender.

Stalking: Stalking behavior in which a person repeatedly engages in a course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her family; where the threat is reasonably determined to create substantial emotional distress, torment, create fear, or to terrorize the person.

Sexual Stalking: Course of conduct directed at a specific person that would cause a reasonable person to feel fear or suffer substantial emotional distress due to another's sexual interest or gender interest. Sexual stalking involves repeated and continued harassment of a sexual or gender-based nature, against the expressed consent of another individual, which causes the targeted individual to feel emotional distress, including fear or apprehension. Such sexual stalking behaviors may include: pursuing or following; unwanted communication or contact—including face-to-face encounters, telephone calls, voice messages, electronic messages, web-based messages, text messages, unwanted gifts, etc.; trespassing; and surveillance or other types of observation.

Student: Means any person who has applied for admission, who is or has been enrolled, or who has expressed their intent to enroll for any program within the District for the period in which the misconduct occurred.

Title IX Coordinator: The person designated by the Superintendent/President to be responsible for oversight and implementation of Title IX. The District will publicize the identity of the District's Title IX Coordinator to the entire District community. The Title IX Coordinator is responsible for overseeing the District's compliance with Title IX and all other related and applicable Federal and California laws regarding sex discrimination, stalking, and relationship violence about students or employees. Such other Federal and California laws include, without limitation, VAWA, the SaVE Act, the Clery Act, Education Code Section 67386, and applicable sections of Title 5 of the California Code of Regulations.

Title IX Deputy: The Title IX Coordinator's designated person(s) responsible for assisting in the oversight and implementation of Title IX compliance.

IX Investigator: The Title IX Coordinator's designated person(s) responsible for the investigation of complaints of sexual misconduct.

Unwelcome Sexual Conduct: Conduct of a sexual or gender-based nature, which is not solicited, invited, or consented to. Such conduct would be deemed unwelcome if the person receiving it did not request or invite it, and considered the conduct to be undesired, or offensive. Such conduct may take various forms, including name-calling, graphic or written statements (including the use of cell phones or the Internet), hazing, bullying, offensive, or other conduct that may be physically or psychologically threatening, harmful, or humiliating. Unwelcome sexual conduct does not have to include intent to harm, or directed at a specific target, or involve repeated incidents. Unwelcome sexual conduct can involve persons of the same or opposite sex. Participation in the conduct or the other party's failure to complain does not mean that the conduct was welcome.



SECTION II—JURISDICTION

In response to a complaint about sexual misconduct alleged to be related in some way to the District's educational programs or activities, the District will respond to the complaint consistent with the requirements of this regulation regardless of where the conduct occurred, to determine whether the conduct occurred in the context of an education program or activity of the District or had continuing effects on campus or in an off-campus education program or activity of the District.

If the alleged off-campus sexual misconduct occurred in the context of an education program or activity of the District, the District will treat the complaint in the same manner that it treats complaints regarding on-campus conduct. In other words, if the District determines that the alleged misconduct took place in the context of an education program or activity of the District, the fact that the alleged sexual misconduct took place off campus does not relieve the District of its obligation to investigate the complaint as it would investigate a complaint of unlawful sex discrimination that occurred on campus.

Whether the alleged sexual misconduct occurred in this context may not always be apparent from the complaint. The District may need to gather additional information in order to make such a determination. Off-campus education programs and activities are clearly covered and include, but are not limited to: District-sponsored field trips, including athletic team travel and events for school clubs that occur off campus.

Once the District is on notice of alleged sexual misconduct that occurred off-campus, it must assess whether there are any continuing effects on campus or in an off-campus education program or activity that are creating or contributing to a hostile environment and, if so, address that hostile environment in the same manner in which it would address a hostile environment created by on-campus misconduct. The mere presence on campus or in an off-campus education program or activity of the alleged perpetrator of alleged sexual misconduct can have continuing effects that create a hostile environment. The District will also take steps to protect a student who alleges off-campus sexual misconduct from further discrimination or harassment by the alleged perpetrator or his or her friends, and the District may have to take steps to protect other students from possible similar misconduct by the alleged perpetrator. In other words, the District should protect the school community in the same way it would have had the alleged sexual misconduct occurred on campus. Even if there are no continuing effects of the alleged off campus sexual misconduct experienced by the student on campus or in an off-campus education program or activity, the District still should handle these incidents as it would handle other off-campus incidents of misconduct or violence and consistent with any other applicable laws and District policies, regulations, and procedures.

SECTION III—DISTRICT COMMUNICATIONS RELATING TO GENDER-BASED DISCRIMINATION/SEXUAL MISCONDUCT NOTICE AND INVESTIGATIONS

The District's primary correspondence and notification mechanism with students and employees shall be through their District assigned email account. At the District's discretion or if an email address is unavailable, students and employees may be notified via U.S. mail, delivery in person, or by an alternate email on record as shown on record for the student.

SECTION IV—STANDARD OF PROOF

The evidentiary standard used for all determinations under this Administrative Regulation shall be the preponderance of the evidence standard, i.e., that it is more likely than not that the alleged conduct occurred. Any determination shall be based upon the thorough investigation of allegations, and the weighing of evidence in totality.

SECTION V—REPORTING SEXUAL MISCONDUCT

The following types of employees are considered to be "responsible employees" who have responsibility for reporting allegations of sexual misconduct to the District's Title IX Coordinator:

- A. Academic Administrators (including project managers)
- B. Classified Managers



Excluded employees: Employees of the Health Service Center, Ombuds Office, and Psychological Services shall not be designated as responsible employees to ensure that students have a mechanism to confidentially report incidents of sexual misconduct.

Responsible employees do not have any responsibility to verify or gather facts about alleged sexual misconduct, and should refrain from doing so. However, responsible employees must report any details that they observe or hear about to the District's Title IX Coordinator.

This section is not intended to negate the mandatory reporting responsibilities required under any other provision of law such as California's child abuse reporting law.

5.1 Timeframe for Reporting a Complaint

The District does not limit the time for filing a complaint of sexual misconduct. However, the failure to file complaints in a timely manner may limit the administrative remedies available to the District. Incidents that are not reported while evidence is still available may reduce the District's ability to effectively investigate and respond to such complaints.

5.2 Methods for Reporting Sexual Misconduct

Responsible employees are required, under this Section, to report known or reasonably suspected incidents of sexual misconduct to the Title IX Coordinator. Responsible employees should report all facts he or she knows about the alleged sexual misconduct, including, if known: the name of the alleged perpetrator; the person who experienced the alleged sexual misconduct; other persons involved; and any other relevant facts, including the date, time, and location of the alleged sexual misconduct.

Complainants may submit reports online via the incident reporting feature of the District online incident reporting system [<https://publicdocs.maxient.com/incidentreport.php?SantaMonicaCollege>], or in person to the District's designated Title IX Coordinator. Complainants may report incidents of sexual misconduct directly to the Title IX Coordinator, the Human Resources Office, Campus Police, or to the local law enforcement where the incident occurred. Students may also report incidents of sexual misconduct to the Health Service Center, Ombuds Office, or Psychological Services if they wish to remain confidential (see Confidentiality section below).

Complainants may file a complaint about sexual misconduct using complaint procedures outlined in Administrative Regulation 3120 ("AR 3120"). Complainants may also file an Unlawful Discrimination Form directly to the California Community College State Chancellor's Office.

A complainant with a complaint about sexual misconduct may also file a complaint with the College Disciplinarian. The filing of the complaint with the College Disciplinarian can be in addition to or in lieu of filing a complaint pursuant to the procedures of AR 3120, and whether the complainant wishes to file a complaint only under AR 3120, or only with the College Disciplinarian, or both under AR 3120 and with the College Disciplinarian is at the sole discretion of the complainant. If a complaint is filed under both AR 3120 and with the College Disciplinarian, the Title IX Coordinator shall determine which process will provide the most prompt and equitable determination regarding the allegations and have the complaint reviewed under that process.

Complaints filed pursuant to AR 3120 will be investigated and addressed consistent with the requirements and procedures of AR 3120. Complaints filed with the College Disciplinarian will be investigated and addressed consistent with the requirements and procedures of the Office of Student Judicial Affairs.

5.3 Confidentiality in Connection with a Report of Sexual Misconduct

Before a complainant reveals information that he or she may wish to keep confidential, a responsible employee should make every effort to ensure that the complainant understands: (1) the responsible employee's obligation to report the names of the alleged perpetrator and complainant involved in the alleged sexual misconduct, as well as all other relevant facts, to the Title IX Coordinator or other appropriate school officials; (2) the complainant's option to request that the school maintain his or her



confidentiality, which the Title IX Coordinator or designee on behalf of the District will consider but cannot guarantee, and (3) the complainant's ability to share the information confidentially with the Health Service Center, Ombuds Office, and Psychological Services or with non-College entities that provide advocacy, health, mental health or sexual assault related services.

When the College becomes aware of sexual misconduct, the College may have an obligation to proceed with an investigation, regardless of a complainant's wishes to the contrary, in order to ensure the safety of the District community. Complainants are not required to participate; however, this may limit the District's ability to effectively respond to the incident.

If a complainant requests or insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the District will inform the complainant that honoring the request may limit the District's ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator. The District will also explain that Title IX includes protections against retaliation, and that District officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs, including without limitation, against any retaliatory actions taken by the District and District officials.

If the complainant continues to ask or insists that his or her name or other identifiable information not be revealed, the District will evaluate that request in the context of its responsibility to provide a safe and nondiscriminatory environment throughout the District. Thus, the District will weigh the request for confidentiality against the following factors: (1) the seriousness of the alleged harassment; (2) whether other students or employees are at risk; (3) the complainant's age; (4) whether there have been other similar complaints about the same individual; (5) whether there are other means of obtaining relevant evidence; and (6) the alleged harasser's rights to receive information about the allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act ("FERPA").

SECTION VI—INVESTIGATIONS OF SEXUAL MISCONDUCT

All College investigations of sexual misconduct shall take place using the procedures set forth in Administrative Regulation 3120 or Administrative Regulation 4410. The Title IX Coordinator shall determine the appropriate regulation to utilize. Both of these Administrative Regulations are deemed to incorporate all of the procedures set forth in this Administrative Regulation. In the event that neither Administrative Regulation is applicable (e.g., conduct by a visitor to the campus), the Title IX Coordinator shall conduct the investigation, make findings, and take appropriate action.

6.1 Timeframe for Investigating Sexual Misconduct Complaints

The District will investigate and communicate its findings within 60 days from the date the complaint was filed unless there are extenuating circumstances that prohibit the timeliness of the completion of the investigation. If an extenuating circumstance exists that prohibits the completion of an investigation within 60 days, the District will inform the complainant and the respondent in writing of such delay. The Title IX Coordinator, or designee, shall use reasonable, diligent efforts to resolve sexual misconduct reports within 60 Days of an initial report, not including appeals.

6.2 Alcohol and Drug Use Are Not Barriers to Reporting Sexual Misconduct

The District understands that persons may be reluctant to file complaints of sexual misconduct when alcohol and/or drugs were used. Whenever possible, the College will respond educationally, rather than punitively, to the use of drugs and/or alcohol so as to promote the reporting of sexual misconduct. However, the College reserves the right to other remedies dependent upon the severity of the alcohol or drug use.

6.3 Reports Involving Unknown/Non-College Offenders

The District will investigate reports of sexual misconduct incidents allegedly related to the College or its educational programs and activities. This includes complaints by students against other students,



students against District employees, non-students against students, students against non-students, and District employee against students, non-students, or other employees.

The District will investigate reports of sexual misconduct where the identity of the victim is not known to the extent it is able, and take appropriate actions designed to protect affected students and members of the District community. When appropriate, the College will offer reasonable supportive remedies, such as class scheduling alternatives, escort services, and medical and counseling care to the complainant.

Sexual misconduct investigations are subject to the jurisdictional limitations of the District as set forth herein.

6.4 Anti-Retaliation/Anti-Intimidation

Any form of retaliation or intimidation against anyone who has complained of or formally reported discrimination, harassment, or sexual misconduct, or has participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining person or someone else, will not be tolerated, and violates Board Policy, this procedure, and applicable law. This means that if an individual raises concerns about possible sexual misconduct, including publicly opposing such alleged misconduct or filing a complaint with the District or any State or Federal agency, it is unlawful for the District or its employees, students, or third parties to retaliate against that individual for doing so. It is also unlawful to retaliate against an individual because he or she testified, or participated in any manner, in an investigation or related proceeding. Prohibited forms of retaliation include intimidation, threats, coercion, or any type of discrimination of any type because of that individual's complaint or participation.

The District will take steps as necessary to prevent retaliation against an individual who filed a complaint either on his or her own behalf or on behalf of another student, or against those who participated in investigatory or other proceedings such as by providing information as witnesses.

If the District knows of possible retaliation, it will take immediate and appropriate steps to investigate or otherwise determine what occurred. Title IX requires the District to protect the complainant and witnesses and ensure their safety as necessary. At a minimum, this includes making sure that the complainant and witnesses know how to report retaliation and by responding promptly and appropriately to address continuing or new problems.

6.5 Parallel Proceedings

Title IX investigations and/or Student Conduct Code proceedings are independent from court or other administrative proceedings. Discipline may be instituted against a respondent also charged in civil or criminal courts based on the same facts that constitutes the alleged violation of the Student Code of Conduct or other applicable Board Policy or collective bargaining agreement. The District may proceed before, concurrently with, or after any judicial, criminal, or administrative proceedings, except in cases involving sexual misconduct. In sexual misconduct cases, the District shall proceed with investigation without undue delay in accordance with federal and state law requirements, and District policies and procedures.

6.6 Steps in the Administrative Process

Step 1—Notice

When a complaint is received, the notice of receipt of complaint sent to the complainant should include the following information:

- Information about the complainant's Title IX rights and any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance.
- Information about interim measures (as set out in the section below titled "Interim Actions and Accommodations"), including complainant's right to request any interim measures from the District's Title IX Coordinator or designee.



- Information about the complainant's right to file or not file a criminal complaint if the alleged unlawful sex discrimination involved a potential crime, and where the complainant may get assistance with filing a criminal complaint.
- Information about the prohibition of unlawful retaliation under Title IX, and that school officials will not only take steps to prevent retaliation but will also take strong responsive action if it occurs.
- Information about AR 3120 and this Regulation.

Notice to the respondent will include:

- A description of the alleged violation(s).
- A description of the applicable policies.
- A statement of the potential sanctions and responsive actions that could result.
- Information about the prohibition of unlawful retaliation under Title IX, and that school officials will not only take steps to prevent retaliation but will also take strong responsive action if it occurs.
- Information about AR 3120 and this Regulation.
- A required date, time, and location for a review, an interview, or proceeding.

Time frames for reviews, investigations, and proceedings may vary depending on the details of a case and at certain times of the academic year for possible violations that occur near, during, or after District holidays, breaks, or the end of an academic terms, in which meetings will be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by this regulation.

Step 2—Interim Accommodations and Sanctions

Once the Title IX Coordinator or designee has received a complaint of sexual misconduct, the College will make an interim assessment to determine if any immediate remedies are warranted, pending investigation. The College will work with the person affected by the sexual misconduct to ensure equal access to its education program and activities and protect the complainant as necessary. Sometimes this assistance will take the form of immediate interim actions or accommodations to support and protect the involved person in the immediate aftermath of an incident and while an investigation or disciplinary action is pending.

The Title IX Coordinator may determine other remedies, such as, but not limited to, accommodations relating to changing academic schedules, escort services by Campus Police, restrictions on the alleged perpetrator pending investigation, and other remedies to promote the well-being, safety, and restoration of alleged victim.

Interim Actions and Requests to Stay Away

As set forth in the District' Rules for Student Conduct (AR 4410), a student may be subject to interim actions pending investigation of a complaint. The College Disciplinary Officer, Title IX Coordinator, or designee, may impose interim sanctions deemed reasonably necessary to protect the alleged victim of sexual misconduct, or the campus community, including direction that the respondent stay away from the complainant. The respondent shall be notified of any interim action in accordance with the Rules for Student Conduct.

Step 3—Investigation

The District will investigate all reports of alleged violations of sexual misconduct. The investigators will interview the complainant, respondent, and any witnesses (if appropriate). The investigator will also gather information, documents, and materials (if any) that are relevant to the case. The investigation of complaints will be adequate, reliable, and impartial. The investigation may include, but is not limited to, conducting interviews of the complainant, the alleged perpetrator, and any witnesses; reviewing law enforcement investigation documents or disciplinary documents, if applicable; reviewing student and personnel files; and gathering and examining other relevant documents or evidence.



Declining/Reluctance to Participate in an Investigation

A complainant and/or respondent may decline to participate in the investigation and any subsequent proceeding. In these cases, the investigation and adjudication process will continue and a determination of Responsible or Not Responsible will be made without the benefit of the complainant and/or respondent's input.

Complainants may inform the College that they are unwilling to participate further in any investigation and/or disciplinary action against the person who has been accused (respondent). The District has an obligation to investigate to the extent of the information that available and known. If during the investigation that the investigator finds corroborating information, it may be determined that is necessary to move forward without the involvement to the complainant or to implement other appropriate remedies. If a complainant does not wish to participate in the appropriate adjudication process, the District may be obligated to record the incident for federal reporting compliance. When a report is being recorded into a document, there will be no personally identifying information about the complainant within the document. The complainant will be notified of any actions by the District, coupled with a letter stating the choice to participate in the investigation and/or student disciplinary process.

Step 4—Determination of Findings

Once the investigation has been concluded, a determination will be made based on the preponderance of the evidence that the respondent is responsible or not responsible for the alleged violation of sexual misconduct.

Responsible—if after the conclusion of an investigation, the preponderance of the evidence indicates that it is more likely than not that the respondent violated District BP/AR 3122, the respondent will be found responsible for the violation. Both the complainant and the respondent will be informed of the outcome and any right to appeal.

Not Responsible— if after the conclusion of an investigation, the preponderance of the evidence indicates that it is not more likely than not that the respondent violated the District policy, the respondent will be found not responsible for the violation. Both the complainant and the respondent will be informed of the outcome, and advised of any right to appeal.

Guidelines Used During Interviews, Proceedings, and Determination of Findings

College investigators and adjudication panels will not consider the romantic or sexual history of either the complainant or the respondent in cases involving allegations of sexual misconduct, except for testimony about the complainant's and respondent's shared sexual history that the adjudication panel deems relevant. The existence of a sexual relationship between the complainant and respondent shall not support the inference of consent to alleged sexual misconduct.

Step 5—Sanctions

Sanctions issued shall be:

- Fair and appropriate given the facts of the particular case and in accordance with applicable collective bargaining agreements.
- Consistent with the College's handling of similar cases.
- Adequate to protect the safety of the District community.
- Reflective of the seriousness of the sexual misconduct.

The relevant factors that are considered, as applicable to the specifics of each type of sexual misconduct, when imposing sanctions are:

- The specific sexual misconduct at issue (such as penetration, touching, unauthorized recording, etc.).
- The circumstances accompanying the lack of consent (such as force, threat, coercion, incapacitation, etc.).
- The respondent's state of mind (intentional, knowing, bias-motivated, reckless, etc.).



- The impact of the offense on the complainant.
- The respondent's disciplinary history.
- The safety of the District community.
- The respondent's conduct during the disciplinary process.
-

Impact Statements

The purpose of impact statements is to allow the complainant and respondent, during the sanctioning process, to describe how the sexual misconduct has had an impact on them. Impact statements may provide information about damage to complainant/respondent that would otherwise have been unavailable to the decision-maker. A complainant is not required to appear at a proceeding, but, if the complainant so desires, to convey her/his experience(s) in the case in written form.

Step 6—Appeals of the Investigation Process or Imposed Sanctions

Both the respondent and the complainant have the right to submit an appeal for review of the investigation process and/or the imposed sanctions in accordance with the procedure set forth in the applicable Administrative Regulation. To the extent only the complainant or respondent has the right to appeal, the Administrative Regulation shall be deemed to allow an appeal by both parties if the matter involves sexual misconduct.

Step 7—Ongoing Accommodations for Complainants

Whatever the outcome of the informal resolution, investigation, or adjudication process, a complainant may request ongoing or additional accommodations. In consultation with other campus departments, a determination will be made on whether such measures are appropriate. Potential ongoing accommodations include:

- Providing an escort by Campus Police.
- Changing the complainant's academic schedule.
- Adjusting the complainant's on campus job work schedule.
- Allowing the complainant to withdraw from or retake a class without penalty.
- Providing access to tutoring or other academic support, such as extra time to complete or re-take a class.

The District may also determine that additional measures are appropriate to respond to the effects of the incident. Additional responses for the benefit of the District community may include:

- Revision of the District's policies and procedures regarding sexual misconduct.
- Additional training and education materials for administrators, faculty members, staff and students.
- Increased monitoring, supervision, or security at locations or events where the sexual misconduct occurred.
- Ensuring relevant climate surveys that focus on safety, security, inclusion are gathered to improve on developing a culture that is intolerant of sexual misconduct.

SECTION VII—APPEAL PROCESS

Within the time period set forth in the applicable Administrative Regulation, the complainant or the respondent or both may appeal the determination of findings and/or sanctions.

SECTION VIII—COMPLAINANT AND RESPONDENT RIGHTS

Throughout this process, both the complainant and respondent have the following rights:

- To be treated with respect by District officials.
- To take advantage of campus support resources, such as mental health services, health services, etc.



- To experience a safe education and work environment.
- To have an advisor during an adjudication process.
- To be free of retaliation.
- To have complaints heard in accordance with policy and procedures.
- To fully participate in any process whether the injured party is serving as the complainant, or where the institution is serving as complainant.
- To be informed in writing of the progress of the investigation.
- To be notified concurrently, and in writing, of the outcome/resolution of the complaint, of any sanctions imposed, and the basis for the determination, and the right of appeal (when applicable).

8.1 Student Right to Review Records

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. FERPA permits a school to disclose to a complainant information about the sanction imposed upon a student who was found to have engaged in unlawful sex discrimination, stalking, or relationship violence when the sanction directly relates to the complainant and the complained about conduct. This includes an order that the perpetrator stay away from the complainant, or that the perpetrator is prohibited from attending school for a period of time or transferred to other classes. Disclosure of other information in the student's "education record," including information about sanctions that do not relate to the complainant, may result in a violation of FERPA.

In addressing complaints of unlawful sex discrimination, stalking, or relationship violence, the District will take into consideration an alleged student perpetrator's right under FERPA to request to inspect and review information about the allegations if the information directly relates to the alleged student perpetrator and the information is maintained by the District as an education record. In such a case, the District must either redact the complainant's name and all identifying information before allowing the alleged perpetrator to inspect and review the sections of the complaint that relate to him or her, or must inform the alleged perpetrator of the specific information in the complaint that are about the alleged perpetrator. The District should also make complainants aware of this right and explain how it might affect the District's ability to maintain complete confidentiality.

8.2 Special Requests/ Accommodations

Any party may have an interpreter attend the investigation meeting or proceeding. An interpreter accompanying a student must provide evidence of his/her certification as a certified interpreter to the investigator and/or College Disciplinary Officer at least 5 days prior to the interview or proceeding. The interpreter may only interpret for the party who requested them, and shall not expand or enhance the party's testimony. Likewise, the use of assistive technology must be reviewed and approved by the investigator and/or College Disciplinary Officer at least 5 days prior to the commencement of the proceeding.

8.3 Advisors

Sexual misconduct proceedings are not formal court hearings, but instead are administrative proceedings established by the District. Although District-related sanctions may be imposed, the process is intended to provide an opportunity of learning. Both the complainant and the respondent may elect to be accompanied by an advisor, including a collective bargaining representative, as permitted by existing bargaining agreements, to any meeting or interview. The advisor's role is limited to observing and consulting with and providing support to the complainant or respondent. The advisor should also maintain confidentiality.

8.4 Victim Advocates

Information about victim advocate resources will be made available to assist victims of sexual misconduct.



8.5 Legal Counsel (Not an Advisor)

An attorney duly licensed to practice in the State of California may accompany a party to any interview. The attorney's role at any proceeding shall be in accordance with the applicable Administrative Regulation.

8.6 Judicial Restraining and Protective Orders

A restraining order (also called a "protective order") is a court order that can protect someone from being physically or sexually abused, threatened, stalked, or harassed. The person getting the restraining order is called the "protected person." The person the restraining order is against is the "restrained person." Sometimes, restraining orders include other "protected persons" like family or household members of the protected. More information on restraining orders can be obtained from the California Courts Self-Help Center (<http://www.courts.ca.gov/1260.htm#domestic>). In some circumstances Campus Police can assist in the obtaining of a restraining order. If a restraining order is obtained, it should be provided to Campus Police; Campus Police will enforce a restraining order on College property.

8.7 First Amendment

Federal and California laws, including without limitation Title IX, protect individuals from prohibited unlawful discrimination and do not restrict the exercise of any expressive activities or speech protected under the U.S. Constitution. The intent of Federal and California unlawful discrimination laws is not to regulate the content of speech. Therefore, when the District works to prevent and redress unlawful discrimination, it will respect the free-speech rights of students, employees and other speakers. According to the Office of Civil Rights for the U.S. Department of Education, the offensiveness of a particular expression as perceived by some persons, standing alone, is not a legally sufficient basis to establish an unlawful hostile environment under Title IX.

SECTION IX—EDUCATION AND TRAINING PROGRAMS

9.1 Prevention and Education

The District is committed to educating the District community of the impact that sexual misconduct has on an individual and the District community. Therefore, the District will:

- Provide campus-wide awareness programs and initiatives (fall and spring) on sexual misconduct, bystander intervention, and affirmative consent.
- Publish an online video on sexual misconduct, bystander intervention, and affirmative consent for all new students entering our College campus.
- Communicate effectively with administrators, faculty members, staff and students regarding sexual misconduct policies, protocols, and any federal/state legislation changes through an interactive campus website.
- Collect, assess, and devise campus-wide strategies to improve campus climate among administrators, faculty members, staff and students.
- Develop sustainable partnerships with outside agencies to promote awareness and increase services for administrators, faculty members, staff and students, and/or provide victim advocacy to students impacted by gender-based discrimination and any other forms of sexual misconduct.
- Develop a comprehensive, trauma-informed training program for campus officials and students involved in investigating and adjudicating sexual misconduct cases.
- In collaboration with District Human Resources, provide gender-based discrimination and other forms of sexual misconduct awareness and reporting training for all District employees.

9.2 Title IX Coordinator Responsibilities

The Title IX Coordinator will be responsible for the following:

- Providing information to students during orientations regarding the District's sexual misconduct policies and procedures.



- Updating information on the College website.
- Providing updates for the College catalog.
- Publishing brochures and other related publications regarding the District's sexual misconduct policy and procedures.
- Scheduling campus events to promote awareness and safety (including information about bystanders).
- Conducting a bi-annual climate survey.
- Ensuring that the Title IX Coordinator, Title IX Deputies and Title IX Investigators are properly trained in Title IX Regulations and understand how to conduct investigations of sexual misconduct.
- Ensuring that campus officials and students participating in sexual misconduct adjudication processes are properly trained on Title IX laws and regulations and District policies and procedures.
- Developing a victim interview protocol and a comprehensive follow-up interview protocol.

SECTION X. False Reports

10.1. Consequences for False Reports

(a) A student found to have wrongfully and intentionally accused another of any violation of this regulation shall be subject to discipline up to and including expulsion in accordance with the Code of Student Conduct.

(b) An employee found to have wrongfully and intentionally accused another of any violation of this regulation shall be subject to discipline up to and including termination in accordance with Board policies, procedures, and collective bargaining agreements.

(c) Any other person found to have wrongfully and intentionally accused another of any violation of this regulation shall face such consequence as determined by the District after consideration of the nature and circumstances of the act and may include contract termination or filing reports to appropriate law enforcement officials.

References:

California Education Code Section 67385, 67386, 67390, and 67391

California Penal Code Sections 242, 243, 245, and 261 et seq.

20 U.S. Code Section 1092(f) - The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)

34 Code of Federal Regulations Section 668.46

Title IX of the Education Amendments of 1972 Implementing Regulations, 20 U.S.C. Section 1681 and 34 C.F.R. Part 106



ARTICLE 3100 GENERAL PROVISIONS ALL PERSONNEL

AR 3123 Workplace/Campus Violence and Anti-Bullying

The Santa Monica Community College District requires that there be procedures that ensure appropriate consequences for acts of violence or bullying, and remedial responses to persons who commit such acts. Corrective and appropriate remedial actions may range from positive behavioral interventions to disciplinary action or expulsion.

1. Corrective and/or remedial measures shall be designed to:
 - a. protect the victim of the act;
 - b. correct the problem behavior; and
 - c. prevent recurrence of the behavior.
2. The Superintendent/President or designee is responsible for receiving complaints of workplace violence and bullying as defined by Board Policy 3123.
3. Reports of such acts shall be made to the Office of Human Resources or to Campus Police. A complaint may be submitted orally or in writing using the approved complaint form. If the complaint is taken orally, the official complaint form shall be used and the complainant will be asked to sign it.
4. Employee witnesses to acts of bullying must take responsible action to report such acts to the District and other witnesses should take action to report such violence.
5. A determination will be made with each complaint as to whether further investigation is warranted.
6. When warranted, investigations will be prompt and thorough. An investigation shall be completed within 15 business days after the report or complaint is received. This time period may be extended if necessary to complete the investigation.
7. If an emergency situation exists, Campus Police should immediately be contacted at 310-434-4300 or extension 4300.
8. The Santa Monica Community College District prohibits any person from engaging in acts of reprisal or retaliation against those who report acts of violence or bullying.
9. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by an appropriate administrator after consideration of the nature, severity, and circumstances of the act of reprisal or retaliation.
10. Consequences and appropriate remedial action for employees or students found to have falsely accused another shall be subject to disciplinary action in accordance with District Board Policies, Administrative Regulations, Personnel Commission Rules and Regulations, collective bargaining agreements, Educational Code 87732, and/or the SMCCD Code of Student Conduct, as appropriate.

References:

SMCCD Code of Student Conduct
Educational Code 87732
SMC Merit Rules, Article 14

Approved by Personnel Policies Committee 12/10/09
Approved: 12/18/10



ARTICLE 3100 GENERAL PROVISIONS ALL PERSONNEL

AR 3130 Citizen Complaints Against District Personnel

The normal procedure for complaints by citizens concerning District personnel shall be to encourage the complainant to begin with a discussion with the employee in an attempt to resolve the complaint.

If the problem is not resolved to the satisfaction of the complainant, informal discussion is encouraged with the employee's immediate supervisor in an attempt to resolve the complaint.

If the problem is not resolved to the satisfaction of the complainant through discussion with the employee or the employee's immediate supervisor, a written complaint may be submitted to the administrator above the employee's immediate supervisor. A copy of the written complaint shall be given to the District employee involved. Established District complaint procedures may be used to resolve the problem.

If the problem is not resolved to the satisfaction of the complainant through this procedure, an appeal may be made to the Board of Trustees. The decision of the Board of Trustees shall be final and binding.

Reviewed and/or Updated 9/2003

AR 3131 Personnel Records

This regulation pertains only to those employees not covered by an applicable collective bargaining agreement.

1. The official record of all college District personnel are kept in the Office of Human Resources.
2. Every employee shall have the right to inspect his/her personnel folder upon written request to the Dean of Human Resources, with the exception of material and references that were obtained prior to the employment of the person involved.
3. Information of a derogatory nature, except material mentioned in the second paragraph of this section, shall not be entered or filed unless and until the employee is given notice and an opportunity to review and comment thereon. An employee shall have the right to enter, and have attached to any such derogatory statement, his/her own comments. Such review shall take place during normal business hours, and the employee shall be released from duty for this purpose without salary reduction.
4. Appointments for employees to inspect their personnel folders must be made with the Office of Human Resources.
5. Only those persons who have responsibility in reaching a decision on the future status of an individual may see the complete contents of any personnel folders.

Reference: Education Code Section 87031

Reviewed and/or Updated 9/2003



ARTICLE 3100 GENERAL PROVISIONS ALL PERSONNEL

AR 3133 Conferences, Workshops and Meetings Attendance

Necessary expenses for attendance at conferences, workshops, meetings and college visitations include expenses incurred for substitutes, hotel, motel, portorage fees, meals, registration fees, taxi, bus, airport limousine, baggage transfer, bus or airport lockers, telephone, instructional materials and conference materials (such as tapes or publications), car rentals, and parking fees. Necessary expenses for the following types of meetings, conventions and conferences will be paid by the District when such plans have been approved by the Superintendent/President and/or Board of Trustees.

1. Within the State of California
 - A. Meetings called by the Chancellor's Office of the Board of Governors, California Community Colleges.
 - B. Regular or committee meetings of Legislature.
 - C. Meetings or conferences of any society, association or organization for which the District has approved membership.
 - D. Meetings of accreditations, councils or commissions of California public agencies or related Federal agencies.
 - E. Visitations to California colleges for the discussion of any college matter of interest to the District.
 - F. Any meeting within the State deemed by the Superintendent/President or the Board of Trustees to relate to public college matters.
 - G. Conferences or visitations may be approved by the Superintendent/President. Such approved absences from the college shall be for official District purposes only.
2. Out of State
 - A. Meetings with representatives of the United States Government to discuss college district business.
 - B. Meetings concerned with educational legislation or Federal appropriations to public colleges.
 - C. Visitations of colleges for the purpose of observing different kinds of college organization or instructional methods.
 - D. Any meetings out of the state deemed by the Superintendent/President or the Board of Trustees to relate to public college matters.



3. Limitations of advances and time period in which subsequent claim is to be filed:
 - A. The limitation on an advance is 90% of the total estimated cost.
 - B. Upon employee's return from a conference for which an advance of funds has been authorized, a claim for reimbursement reflecting actual expenses must be filed within 30 days.
4. Reimbursement for stopover and general visitations to other colleges or agencies enroute to and from conferences is authorized.
5. Mileage by private automobile inside and outside of Los Angeles County shall be at the current Internal Revenue Service mileage rate except for employees receiving a mileage allowance. They shall not include mileage for conferences or meeting within 100 miles of Santa Monica College.
6. Reimbursement
 - A. Expense reports will be reviewed for unusual cost items and for items not reimbursable under the law.
 - B. Reimbursement for travel and conference expenses may be made from either the Revolving Cash Fund or by "B" warrant.
7. Use of District automobile outside of the District is authorized where cost is not more than other means of transportation.
8. Reimbursement for expenses for conference attendance during a non-pay summer period is limited to necessary conference expenses as defined unless additional expenses are authorized by the Superintendent/President.
9. Budget control will be the responsibility of the Associated Vice-President, Business Services.

Reviewed and/or Updated 9/2003



ARTICLE 3100 GENERAL PROVISIONS ALL PERSONNEL

AR 3134 Initial Collective Bargaining Proposals

The initial proposal of an exclusive representative or of the District, which relates to matters within the scope of representation, shall be presented at a public meeting of the Board of Trustees.

After an initial proposal has been presented at a public meeting of the Board of Trustees, it shall be a public record.

After the public has been given a reasonable time within which to become informed of the contents of the proposal, the Board of Trustees shall schedule a public hearing for the purpose of receiving comments from the public on any initial proposal. The public hearing shall be scheduled to be held at a regular or special meeting.

After the public has had the opportunity to express itself, the District shall, during public session, adopt its initial proposal.

Reviewed and/or Updated 9/2003



ARTICLE 3200 ACADEMIC PERSONNEL

AR 3210 Classification of Academic Personnel

Academic Position

Includes every type of service, excluding paraprofessional service, for which minimum qualifications have been established by the Board of governors.

Academic Employee

Refers to a person employed by the District in an academic position.

Certificated Employee

Whenever this term may be used it shall reference an academic employee.

1. Regular - All academic personnel who have obtained tenure as prescribe by the relevant sections of the Education Code. Normally, a full-time academic employee becomes tenured after serving a four year probationary period.
2. Contract - A full-time academic employee who is in a probationary status. Contract employees normally are employed for three probationary contracts. The first contract is for a period of one year of service, the second contract is for a period of one year of service and the third and final contract is for a period of no more than two years of service.
3. Temporary Employees - All academic employees who are not contract, regular faculty or administrators are temporary employees, as follows:
 - A. Daily Substitute - academic personnel employed on a day-to-day basis for the purpose of replacing a regularly employed person who is absent from service are classified as daily substitute.
 - B. Long Term Substitute - Those academic personnel who are employed after September 1 of any college year who assume the full assignment of contract regular employees who are absent from service for more than 20 duty days, or to fill positions which are less than one year, or less than one semester, and for which no regular employee is available are classified as long term substitutes.
 - C. Hourly - Academic personnel who are employed on an hourly basis are classified as hourly personnel. Hourly temporary employees are normally referred to as part-time or adjunct faculty.

Reviewed and/or Updated 9/2003



ARTICLE 3200 ACADEMIC PERSONNEL

AR 3211 Recruitment and Selection-Permanent Faculty

AR 3211.1 Procedure for Hiring Full-Time Contract Faculty

1. Position Identification

- A. Each department shall conduct a new contract faculty needs assessment and shall submit a prioritized list of requested new faculty positions along with its assessment and justification for these requests to the Academic Senate Joint Committee on New Contract Faculty Position Ranking.
- B. The Academic Senate's Joint Committee on New Contract Faculty Position Ranking, chaired by the Academic Senate President, or designee, shall review department requests, assessments, and justifications in light of budgetary, enrollment, and program review information provided by the Vice Presidents of Academic Affairs and Student Affairs, who are both non-voting members of the committee.
- C. The Academic Senate's Joint Committee on New Contract Faculty Position Ranking shall consist of 12 voting faculty members named by the Academic Senate President and six voting administrators named by the Superintendent/President. The Committee's Vice Chair will be named by the Superintendent/President.
- D. The Academic Senate's Joint Committee on New Contract Faculty Position Ranking shall prepare a prioritized list of recommended new contract faculty positions to be submitted to the Superintendent/President. Department Chairs and Faculty Leaders shall also receive the Committee's list of recommended new contract faculty positions.
- E. The Superintendent/President shall review the Committee's recommendations and prepare a preliminary recommendation for the Board of Trustees. The preliminary recommendation shall be distributed to members of the Academic Senate's Joint Committee on New Contract Faculty Position Ranking and all Department Chairs and Faculty Leaders. The Superintendent/President shall review the recommendations with the Academic Senate President and submit a list of new faculty positions to the Board of Trustees for its final determination. The Superintendent/President shall also send the recommendations to the District Planning and Advisory Council (DPAC) and Department Chairs and Faculty Leaders as an information item.

2. Search Procedures

- A. The Department Chair and/or Faculty Leader or designee, appropriate area Vice President or designee, and representative(s) from the Office of Human Resources shall mutually develop clear and complete job descriptions, including all job-related skill requirements and any additional qualifications recommended by the faculty for each position.
- B. The Office of Human Resources shall ensure conformity with the District's equal employment opportunity and non-discrimination commitments before each position is advertised.



- C. It is the intent of the District that approval of open positions and initiation of the hiring process be early enough in the year to allow for all procedures to be undertaken in a thorough and thoughtful manner, ensuring that the hiring process is completed during the academic year, whenever possible, and well in advance of employment. The length of the advertising period shall allow for adequate distribution to obtain larger diversified pools of applicants consistent with the District's equal employment opportunity plan.
 - D. The dates and deadlines associated with the hiring process shall be developed by the Office of Human Resources after consultation with the appropriate Department Chair and / or Faculty Leader or designee.
 - E. Applications shall be accepted and maintained online by the Office of Human Resources.
 - F. Candidate applications must include at least the following: a completed SMC academic application form; a cover letter; a minimum of two recommendation letters; a curriculum vitae or resume; and unofficial copies of all post-secondary educational transcripts. Other supporting materials may be required.
3. Screening Committee
- A. The screening committee shall consist of no fewer than four (when possible) and no more than six full-time faculty members from the discipline of the position to be filled. One of the faculty members may be a retired faculty volunteer. In cases where there are fewer than four faculty members from the relevant discipline available or willing to serve, faculty members from a reasonably related discipline may serve to fill the screening committee. Faculty committee members shall be appointed by the Department Chair or Faculty Leader in consultation with the Office of Human Resources.
 - B. Two designated administrators shall also be members of the committee; one shall serve as Secretary (responsible for recording results of paper screening votes and preparing lists of questions and information for candidates, and the other as Human Resources representative to the committee (responsible for ensuring compliance with the District's personnel policies and procedures and preparing the list of candidates to forward to the Office of Human Resources).
 - C. In addition an equal employment opportunity representative shall be assigned by the Office of Human Resources to each screening committee. The equal employment opportunity representative shall be a full-time faculty member from outside the department and be recommended by the Academic Senate President to the Office of Human Resources. The equal employment opportunity representative shall be responsible, in cooperation with the Human Resources representative on the committee, for ensuring that the screening process is conducted in a manner consistent with the District's commitment and regulations relating to equal employment opportunity. The equal employment opportunity representative shall be a non-voting member of the screening committee. In order to serve as an equal employment opportunity representative, the faculty member must complete a training program presented by the Office of Human Resources.
 - D. The screening committee may supplement its membership with other persons whose expertise is needed to make an appropriate selection. These additional persons shall be non-voting.



- E. The Department Chair or Faculty Leader, or their designee, shall be one of the faculty members on the committee and shall chair the committee.
 - F. The committee shall be composed of diverse membership in compliance with the District's equal employment opportunity plan.
 - G. Individual committee members are expected to be present for each committee meeting and to be fully prepared by having read the appropriate materials. The chair of the committee shall have the authority to exclude members who fail to regularly attend.
 - H. Committee members may choose to submit letters of recommendation provided there is no potential conflict of interest or breach of confidentiality.
4. Review of Application Materials
- A. The Office of Human Resources shall release online-applications designated as complete to the screening committee via an electronic process. All screening committee members shall review the applications in a timely manner and shall select those applicants for an interview who best meet the qualifications listed on the job description, as measured by evidence of professional qualifications, including experience and educational background. All relevant academic information shall be submitted to the screening committee.
 - B. The screening committee shall review the academic application forms, transcripts, and other materials submitted by candidates for the position to determine whether each candidate selected for a committee interview has met the minimum qualifications for hire in that discipline; or, has qualifications at least equivalent to the minimum qualifications determined by the Board of Governors. Committee members, in making their determination as to which candidates will be selected for an interview, may not review or rely on any material that is not part of the candidate applications and available to all members of the screening committee.
 - C. In determining equivalency, the screening committee shall use the Guidelines for Determining Minimum Qualifications specified in Administrative Regulation AR 3211.9 in consultation with the Office of Human Resources.
5. Evaluation of Candidates
- A. The screening committee, in accordance with the District's equal opportunity plan, shall evaluate candidates in regard to subject area knowledge and competence, teaching and communication skills, commitment to professional growth and service, potential for overall college effectiveness, and sensitivity to and understanding of the diverse academic, socioeconomic, cultural, and ethnic backgrounds of the students.
 - B. The screening committee shall formulate interview questions and a range of appropriate responses (including a follow-up question procedure) to ensure a thorough assessment of the candidate's qualifications. The committee may also provide for appropriate teaching/student services demonstrations, writing samples, and/or other performance indicators related to the subject area. The committee shall develop a procedure for formulating their recommendations on the selection of the final applicants.



- C. The screening committee chair shall lead the committee discussion regarding strengths and weaknesses of the candidates and summarize the final committee findings. At the request of any committee member and with the approval of a majority of the committee, votes for candidates to be interviewed and to be recommended to the Superintendent/President may be secret. The decision as to whether a candidate is to be recommended for a final interview shall be based exclusively on information obtained by a committee member from the candidate application and the committee interview of the candidate.
 - D. As a condition to retaining the right to serve on the screening committee or future screening committees, each committee member agrees to maintain as confidential all information obtained about a candidate, such as information obtained from the application materials outlined in 2F, the interview and all discussion during a screening committee meeting to evaluate the candidates, and to follow all procedures regarding confidentiality and security developed by the Office of Human Resources.
6. Recommendation for Final Interview
- A. The screening committee shall recommend no more than three and not less than two candidates per position to the Superintendent/President for final consideration, unless specifically approved by the Superintendent/President.
 - B. Reference checks on the final candidates shall be conducted by the Human Resources administrator or designee. To the extent possible, the results of the reference checks shall be shared with the screening committee chair before names are forwarded to the Superintendent/President. Reference checks shall include academic background, professional experience, and personal qualities relevant to performance in the faculty position.
 - C. If a candidate selected for a final interview with the Superintendent/President has qualified for the position through the equivalency process, the screening committee shall include the Equivalency Certification form. This form shall be forwarded to the Superintendent/President before the final interview and filed with the Office of Human Resources.
7. Selection of the Final Candidate
- A. The Superintendent/President shall review the screening committee's recommendations and the qualifications and reference checks on the final candidates.
 - B. The Superintendent/President or designee(s), in the presence of a Human Resources administrator, shall interview the finalists and may conduct additional reference checks. The Superintendent/President may invite the chair of the screening committee and/or other members of the college community to participate in the final interview.
 - C. Final selection decisions by the Superintendent/President are made, whenever reasonably possible, during the regular academic year and the selection of the finalist to be recommended to the Board of Trustees shall be made by the Superintendent/President after informing the screening committee chair.



8. Special Circumstances in the Hiring Process
- A. In instances where the Vice President, Human Resources, in consultation, where appropriate, with the equal employment opportunity representative, determines that the position's applicant pool does not provide sufficient diversity or that violations of the District's equal employment regulations have occurred, or in the event the screening committee is unable to identify at least two candidates to be recommended to the Superintendent/President, or in the event that the Superintendent/President decides not to recommend a final candidate to the Board of Trustees for its election, the Superintendent/President shall consult with the screening committee chair and the Academic Senate President before determining whether:
1. to extend the hiring process; or
 2. to fill the position with a long-term substitute; or
 3. to take other appropriate action.
- B. When the Superintendent/President has determined to recommend to the Board of Trustees an increase in the number of authorized positions, the Superintendent/President shall consult with the screening committee chair and the Academic Senate President before placing the item on the Board's agenda for action.

Reference: Education Code Sections 71000, 72000, 87355, 87356, 87357, 87358, 87359.5, 87360, 87400, 87426, 87454, 87457, 87458, 87482.6, 87600-87615

Reviewed and Updated: 07/22/2008, 06/27/2012



ARTICLE 3200 ACADEMIC PERSONNEL

AR 3211.2 Duties and Responsibilities of Faculty Members

See Article 6, Faculty Assignment and Load, of the District/Faculty Collective Bargaining Agreement.

11/6/09



ARTICLE 3200 ACADEMIC PERSONNEL

AR 3211.3 Department Chairs and Faculty Chairs - Tenure and Selection

1. The Superintendent/President appoints department and faculty chairs. Faculty chairs, as identified in the faculty collective bargaining agreement, are subject to the same selection process as department chairs. Department and faculty chairs serve four-year terms and may be reappointed following a subsequent election.
2. All full-time tenured and full-time probationary faculty who are members of a department and are in paid status are eligible to vote for department chair.
3. Department chair elections are conducted by the Vice-President of Academic Affairs or Student Affairs, as appropriate, or designee, in conjunction with the Academic Senate. A term of office begins at the start of a summer session, except in circumstances described in sections 8, 9 and 10 below.
4. No later than the fourth week of the preceding fall semester, the appropriate Vice-President, or designee, and the Chair of the Academic Senate Elections and Rules Committee will notify the department's eligible voters of the upcoming department chair election, of the deadline for submitting names for the ballot, and of the date of the election. Tenured and fourth-year probationary faculty members of the department who wish to run for the office of department chair must submit their names to the appropriate Vice-President, or designee, and the Chair of the Elections and Rules Committee, and shall have at least two weeks to do so. Following this self-nomination period, there shall be: a ballot notification period, lasting no more than one week, in which the voting members are notified of the names that will be appearing on the ballot; a campaign period, lasting at least two weeks, in which candidates can campaign and voting members can decide their votes; and finally an election lasting one week. The following table lists the phases of an election together with their deadlines for completion.

<u>Phase of department chair election</u>	<u>Deadline for completion</u>
Election notification period	End of week 4
Self-nomination period	End of week 6
Ballot notification period	End of week 7
Campaign period	End of week 10
Election	End of week 11

5. Ballots shall be distributed electronically, unless a voting faculty member requests in advance that only paper ballots be used by all faculty members voting in that election. If a web-based system is used, no additional ballot validation rules shall be established. A cutoff time for casting ballots will be set and stated clearly by the Elections and Rules Committee. Any votes received after the posted cutoff time will not be counted. Ballots shall be designed with no provisions for write-in candidates, and so that voters can choose to abstain; moreover, once cast, ballots cannot be changed. Naming or identifying voters or non-voters is prohibited. The appropriate Vice-President or designee and the Chair of the Elections and Rules Committee shall receive the results of the vote count and forward the results to the Academic Senate President and the Superintendent/President. The vote count of a department's election shall be released to the faculty members of that department.
6. In the case of a tie among the top vote-getters (e.g. vote totals are 4, 4 and 2, or 4, 4 and 4), exactly one runoff election shall be held among the tied top vote-getters.

Guided by the results of the election(s), or in the case in which no faculty members submit their names for the ballot, the appropriate Vice-President or designee, in conjunction with the Academic Senate President, shall forward one or more names to the Superintendent/President.



If the appropriate Vice-President or designee, in conjunction with the Academic Senate President, recommends a person other than the one chosen by the departmental vote, the appropriate Vice-President or designee shall explain the decision to the department's voting members.

7. The Superintendent/President or designee will notify the department of the appointment.
8. If a department chair becomes temporarily unable to serve, they must consult with the appropriate Vice-President or designee, who may recommend an assignment for acting department chair or other appropriate actions to the Superintendent/President.

If a department chair becomes unable to serve the remainder of their term, a special election shall be held, with the exception that a special election shall not be required in the event that a regularly scheduled election is to be held in the same semester or was held in the previous semester. If necessary, the appropriate Vice-President or designee will recommend an assignment for acting department chair or other appropriate actions to the Superintendent/ President until the special or regularly scheduled election can be held.

9. Upon petition of fifty percent or more of the department members who are full-time tenured or full-time probationary faculty or upon request of the appropriate Vice-President or designee, a special election shall be called and the Chair of the Elections and Rules Committee shall be notified.
10. When the action or event precipitating a special election, as described in sections 8 and 9 above, occurs before the end of week 12 of a fall or spring semester, the special election shall be held within 4 weeks of the same semester. For a precipitating action or event occurring after week 12, or during a summer or winter session, the special election shall be held at the beginning of the following semester. The appropriate Vice-President or designee will notify the department's eligible voters of the upcoming special election, of the deadline for submitting names for the ballot, and of the date of the election. Tenured and fourth-year probationary faculty members of the department who wish to run for the office of department chair must submit their names to the appropriate Vice-President or designee and the Chair of the Elections and Rules Committee, and shall have at least two weeks to do so from the day notice is given to department members. The election shall be held the week after the deadline for submitting names for the ballot.

Special elections otherwise shall follow all procedures outlined for the selection of a new department chair. A newly appointed department chair shall serve out the remainder of the previous department chair's term.

Revised 5/2013, 7/2014, 2/2018

AR 3211.4 Duties and Responsibilities of Department Chairs:

See Article 22 of the faculty collective bargaining agreement.



AR 3211.5 Faculty Responsibilities as Student Activity Advisers

Regular and contract faculty, when assigned to supervise extracurricular student activities, have a responsibility to:

1. Attend all on- and off-campus meetings and events of clubs or organizations to ensure observation of college policies and regulations.
2. Advise students in planning, executing, and evaluating their programs and projects.
3. Ensure that all appropriate forms are filed in the office of the Dean of Student Life.
4. Approve budget and requisition forms when appropriate.
5. Evaluate and approve, when appropriate, speakers for club or organization meetings.
6. Approve all letters written on college stationery.
7. Notify the Dean of Student Life when radio, television, or other media are expected to cover a meeting or event.
8. Notify the Dean of Student Life of their anticipated absence and arrange for a substitute to attend the meeting or event.

Reviewed and/or Updated 9/2003



ARTICLE 3200 ACADEMIC PERSONNEL

AR 3211.6 Academic Rank

Years
 Teaching
 College Group 1 Group II Group III Group IV Group V Group VI Doctorate

1-3	I	I	I	I	I	I	A.P.
4-6	I	A.P.	A.P.	A.P.	A.P.	A.P.	Assoc.
7-10	I	A.P.	A.P.	Assoc.	Assoc.	Assoc.	Assoc.
11-15	A.P.	A.P.	Assoc.	Assoc.	Assoc.	Assoc.	Prof..
16-20	A.P.	A.P.	Assoc.	Assoc.	Prof.	Prof.	Prof.
21-30	A.P.	A.P.	Assoc.	Prof.	Prof.	Prof.	Prof.

- I - Instructor
- A.P. - Assistant Professor
- Assoc. - Associate Professor
- Prof. - Professor

Reviewed and/or Updated 9/2003



ARTICLE 3200 ACADEMIC PERSONNEL

AR 3211.7 Equivalency Process for Full-Time Faculty Positions

1. Announcements for full-time faculty positions shall include as required qualifications that the candidate must possess one of the following:
 - Qualifications that are at least equivalent to the minimum qualifications determined by the Board of Governors, or
 - An appropriate valid California Community College Credential.

Announcements shall also contain a statement encouraging potential applicants who believe they possess qualifications at least equivalent to the minimum qualifications determined by the Board of Governors to apply.

2. The screening committee shall review all applications, transcripts, and other materials submitted by candidates for the position to determine that each candidate selected for a committee interview has met the minimum qualifications for hire in that discipline or possesses an appropriate valid credential.
3. In determining equivalency, the screening committee shall use the Guidelines for Determining Equivalency to Minimum Qualifications for Faculty Positions (AR 3211.9) in reviewing evidence submitted by the applicant to decide whether or not the candidate possesses qualifications at least equivalent to the minimum qualifications for the discipline.
4. If a candidate selected for a final interview with the Superintendent/President has qualified for the position through the equivalency process, the screening committee shall certify the equivalency by preparing a detailed statement describing the basis for the equivalency and the evidence that was used in making this determination. The Office of Human Resources shall verify the equivalency information. This statement shall be forwarded to the Superintendent/President before the final interview.

Reference: Education Code Section 87355, 87356, 87359
Reviewed and/or Updated 9/2003, 6/2013



ARTICLE 3200 ACADEMIC PERSONNEL

AR 3211.8 Equivalency Process in Reassignment

1. Faculty members being considered for reassignment to a discipline other than that for which they were originally hired and academic (instructional or student services) administrators being considered for reassignment to faculty status must:
 - possess an appropriate valid credential or
 - meet the minimum qualifications for the discipline(s) of the proposed new assignment or
 - be certified by a majority vote of the full-time faculty members in the department(s) affected by the new assignment as possessing qualifications at least equivalent to the minimum qualifications for the discipline(s) of the new assignment according to the Guidelines for Determining Equivalency to Minimum Qualifications for Faculty Positions (AR-3211.9).
2. A detailed statement describing the basis for the equivalency and supporting documentation shall be provided by the department(s) affected by the new assignment. For faculty reassignment, the statement shall be forwarded to the area academic administrator for review and approval. A copy of the statement shall be forwarded to the Office of Human Resources.
3. The review and approval process for academic administrator reassignment is addressed in AR 3429.

Reference: Education Code Section 87355, 87356, 87359

AR 3429

Reviewed and/or Updated 9/2003, 6/2013



ARTICLE 3200 ACADEMIC PERSONNEL

AR 3211.9 Guidelines for Determining the Minimum Qualifications for Faculty Positions

1. For Disciplines Requiring the Master's Degree, equivalency is defined as one or more of the following:
 - A Master's degree in any discipline and 24 units of coursework in the discipline of the assignment. At least 12 of these units must be graduate or upper division (The 24 units may have been either included in or taken in addition to the Master's degree).
 - A Master's degree in any discipline, plus two years combined of teaching in the discipline of the assignment or professional experience in a field related to the discipline of the assignment.
 - A Bachelor's degree in the discipline of the assignment, plus 12 units of graduate coursework in the discipline of the assignment.
 - A Bachelor's degree in any discipline, plus six years combined of teaching in the discipline of the assignment or professional experience in a field related to the discipline of the assignment.
 - Recognized accomplishments which demonstrate expertise and skill in the field of study beyond that normally achieved through formal education.
2. For Disciplines Not Requiring the Master's Degree, equivalency is defined as one or more of the following:
 - A Bachelor's degree in a discipline reasonably related to the discipline of the assignment, plus two years of teaching experience in the discipline of the assignment, plus appropriate certification to practice or licensure or its equivalent if available.
 - A Bachelor's degree in any discipline and coursework equivalent to a major in the discipline of the assignment, plus two years combined of teaching experience in the discipline of the assignment or professional experience related to the discipline of the assignment, plus appropriate certification to practice or licensure or its equivalent, if available. (The coursework may have been either included in or taken in addition to the Bachelor's degree.)
 - An Associate degree in any discipline and coursework equivalent to a major in the discipline of the assignment, plus six years combined of teaching experience in the discipline of the assignment or professional experience in a field related to the discipline of the assignment, plus appropriate certification to practice or licensure or its equivalent, if available. (The coursework may have been either included in or taken in additional to the Associate degree.)
 - A High School Diploma, plus college coursework equivalent to an Associate degree major in the discipline of the assignment, plus eight years combined of teaching experience in the discipline of the assignment or professional experience related to the discipline of the assignment, plus appropriate certification to practice or licensure or its equivalent, if available.
 - A High School Diploma, plus ten years combined of teaching experience in the discipline of the assignment or professional experience related to the discipline of the assignment, plus appropriate certification to practice or licensure or its equivalent, if available.
 - Recognized accomplishments which demonstrate expertise and skill in the field of study beyond that normally achieved through formal education.

Reviewed and/or Updated 9/2003, 3/2013



ARTICLE 3200 ACADEMIC PERSONNEL

AR 3212 Permanent Personnel - Evaluation

AR 3212.1 Procedure for Evaluating Probationary and Temporary Contract Faculty

See Article 7-A, Evaluation of Probationary Faculty, of the District/Faculty Collective Bargaining Agreement.

5/1/2012

**AR 3212.2 Permanent Personnel - Evaluation
Procedure for Evaluating Tenured Faculty**

See Article 7-B, Evaluation of Tenured Faculty, of the District/Faculty Collective Bargaining Agreement.

5/1/2012



ARTICLE 3200 ACADEMIC PERSONNEL

AR 3215 Sabbaticals

1. Sabbaticals are intended to improve instruction; therefore, a wide variety of sabbatical projects will be considered, such as study, institutional research, travel, independent study, and industrial research. One type of project shall not have greater merit than another.
2. Tenured faculty members may apply during or after their sixth consecutive year of full-time service for a first sabbatical leave to take place in the following academic year. During or after their sixth consecutive year of full-time service following a sabbatical leave, faculty members may apply for a subsequent sabbatical to take place in the following academic year. A year of full-time service is defined as 75% of the days in an academic year and 100% of the regular assignment.
3. The Board of Trustees reserves the right to determine the financial level of support each year for sabbaticals, subject to the faculty collective bargaining agreement. The Academic Senate Sabbaticals and Fellowships Committee will recommend the names of faculty members to go on sabbatical leave. Following approval by the Academic Senate, the Committee's recommendations and copies of the approved sabbatical applications shall be forwarded to the Superintendent/President and to the Board of Trustees for confirmation action.

In the event that the Board of Trustees chooses to grant a number of sabbatical leaves that is greater than or equal to the minimum number specified in the faculty collective bargaining agreement and less than the number of applications approved by the Academic Senate, the Sabbaticals and Fellowships Committee shall determine the approved applications to be forwarded again to the Board of Trustees for confirmation action.

4. All faculty members approved for sabbatical leaves shall receive 100% of their regular contract salary.
5. Salary received in connection with sabbatical leave projects shall not exceed 100% of the faculty member's regular contract salary.
6. Sabbatical leaves shall count toward salary schedule step movement and retirement. Salary deductions shall continue in the usual manner, such as retirement, and additional health and welfare deductions.
7. No sick leave shall be earned while the faculty member is on sabbatical leave.
8. Personnel going on sabbatical leave shall, upon their return, render full-time service for a period twice as long as the period of sabbatical granted and shall guarantee this service by signing a contract to that effect before commencing the sabbatical.
9. Any changes in sabbatical projects must be approved by the Academic Senate Sabbaticals and Fellowships Committee prior to the commencement of the leave. The Sabbaticals and Fellowships Committee must be notified in writing immediately if substantive changes occur during the leave.
10. All academic personnel going on sabbatical leaves shall be required to sign a contract guaranteeing the completion of their projects as approved by the Academic Senate Sabbaticals and Fellowships Committee.
11. Sabbatical recipients shall submit an electronic version of the summary report of their activities to the Chair of the Sabbaticals and Fellowships Committee by the deadline given in Section 12 below. The summary report shall include, but need not be limited to, statements concerning the academic merit, relevance, and benefits of the leave.



- The Sabbaticals and Fellowships Committee shall evaluate the summary report to determine if the sabbatical project was substantially completed. The committee shall notify the sabbatical recipient of the preliminary decision by the deadline given below. In the event that the preliminary decision is that the report is satisfactory, this shall be considered to be the committee’s final decision. If the preliminary decision is not conveyed to the applicant by SMC email by the deadline, the committee’s final decision shall be that the report is satisfactory.

In the event of a preliminary determination that the sabbatical project was not substantially completed, the committee shall notify the sabbatical recipient, the appropriate Vice-President and the Academic Senate President of the nature of the concern and the opportunity to submit additional and revised materials by the deadline given below. Such notice shall inform sabbatical recipients of their right to have representation from the Santa Monica College Faculty Association. If the Sabbaticals and Fellowships Committee requires further clarification, the sabbatical recipient, the recipient’s Faculty Association representative (if enlisted), the Academic Senate President and the appropriate Vice-President shall be invited to attend the discussion meeting of the Sabbaticals and Fellowships Committee, which will be held in closed session. The purpose of the discussion meeting is to enable the sabbatical recipient to explain and clarify supporting materials, and to answer questions related to the sabbatical project. Following the discussion meeting, the committee shall issue a final decision and notify the sabbatical applicant by the deadline given below. If the final decision is not conveyed to the applicant via SMC email by the deadline, the committee’s final decision shall be that the report is satisfactory.

The timeline and deadlines for the evaluation process are as follows and refer to weeks in Fall and Spring semesters.

	<u>Deadlines</u>
Submission of summary report:	End of Week 12 of the semester subsequent to completion of the sabbatical
Preliminary decision and notification:	End of Week 16 of the semester subsequent to completion of the sabbatical
Submission of additional/ revised materials, if necessary:	End of Week 2 of the second semester following completion of the sabbatical
Discussion meeting, if necessary:	End of Week 6 of the second semester following completion of the sabbatical
Committee final decision and notification, if necessary:	End of Week 7 of the second semester following completion of the sabbatical

Upon conclusion of the evaluation process, the Sabbaticals and Fellowships Committee shall forward one copy of each recipient’s summary report and one copy of each result of the committee’s evaluation: to the Superintendent/President, to the Board of Trustees, and to the Office of Human Resources.

- If the Sabbaticals and Fellowships Committee decides that the sabbatical project was not satisfactorily completed, for causes other than illness, injury, acts of God, or other reasons beyond the control of the faculty member, as verified by Human Resources, the committee will refer the matter to the Vice-President of Academic Affairs and the Academic Senate President for possible further action. If the Board of Trustees ultimately deems it to be a breach of contract, remedies may include repayment of all District funds received while on sabbatical leave.

Reviewed and/or Updated 9/2003, 7/2008

Reference: AR 3210

Revised 5/2013, 7/2014, 3/2017



ARTICLE 3200 ACADEMIC PERSONNEL

AR 3220 Limited Retirement Program

See Article 19, Reduced Workload Program, of the District/Faculty Collective Bargaining Agreement.

11/6/09



ARTICLE 3200 ACADEMIC PERSONNEL

AR 3221 Retirement Incentive Program

Academic Personnel Retirement Incentive Program Eligibility

Academic employees must be officially retired under provision of the State Teachers' Retirement System law.

1. For purposes of defining 10 years or more of consecutive, contract and regular, satisfactory employment/ service, a year of service is defined as 75% of the full-time assignment.
 - A. Paid leaves of absence will not disqualify an employee from eligibility, providing the full-time service in the District totals 10 consecutive full-time years.
 - B. A sabbatical leave of absence will be allowed toward the compilation of the 10 years of consecutive full-time years of employment.
 - C. An opportunity leave will be allowed toward the compilation of the 10 years of consecutive full-time years of employment if the leave involves performing a faculty assignment on a full-time basis for at least 75% of the days that the institution is in regular session.

Retirement Incentive Program Benefits

1. Academic employees recommended by the Superintendent/President and approved by the Board of Trustees for inclusion in this program may be employed as consultants with the District under the following conditions:
 - A. Participants shall have an annual option to participate for from one to five years or until the age of 68, whichever comes first. (See chart) However, the District may terminate the consultant agreement for the causes as enumerated in Section 87732 of the California Education Code.
 - B. Academic employees shall receive an annual stipend of \$4,500 for a minimum of 25 days service. The dates of service of these 25 days shall be mutually decided by the participant and the District. (See Procedures-3)
 - C. The District will provide the same health and dental benefits provided other retired employees.
2. Consultant services provided by academic employees may include, but are not limited to:
 - A. demonstration teaching;
 - B. staff development and in-service programs;
 - C. assistance in testing and follow-up analysis including the preparation of reports;
 - D. compiling test data as it applies to instruction or student personnel services;
 - E. assistance in orienting, evaluating and supporting new faculty members;
 - F. updating curriculum and writing new supplementary instructional material;
 - G. preparation of brochures, schedules, catalogs and other college publications;
 - H. any activity or assignment acceptable to the Superintendent and President and the Board of Trustees.



Procedures

1. Academic employees desiring to participate in the Retirement Incentive Program must submit a request to participate, a resignation subject to the Superintendent/President's recommendation and Board of Trustees' approval, and a proposal in writing to the Office of Human Resources by February 1.
 - A. The proposal should describe, in detail, the proposed service to be performed in the program.
 - B. The faculty proposals will be reviewed by the department chair and appropriate dean, and will include a conference with the Vice-President of Academic Affairs prior to the February 1 submission date. The management proposals will be reviewed by their appropriate supervisors and include a conference with the Vice-President of Academic Affairs.
 - C. The employee will be notified of the Board's decision prior to April 1 of the year in which the application is made.
 - D. At the time the Board of Trustees approves participation in the Retirement Incentive Program, the employee's retirement/ resignation shall be recommended.
2. The employee approved for inclusion in this program shall sign a written contract to perform the services proposed and file a notice of resignation to STRS.
3. The initial or first year project shall not begin until after the first retirement warrant has been received by the faculty member/manager.
 1. The amount due the faculty member who is unable to complete the program due to death or incapacitation shall be paid pro rata for the days completed.

2. ANNUAL OPTIONS

<u>Retirement Age</u>	<u>Number of Option Years</u>
Through 60	5
61	4
62	3
63	2
64	2
65	2
66	1
67	1
68	1

Reviewed and/or Updated 9/2003



ARTICLE 3200 ACADEMIC PERSONNEL

AR 3225 Release of Employees and Disciplinary Action

Regular (permanent) and contract (probationary) academic personnel may be suspended or dismissed for the following causes:

1. Immoral or unprofessional conduct.
2. Commission, aiding, or advocating the commission of acts of criminal syndicalism, as prohibited by Chapter 188, Statutes of 1919, or in any amendment thereof.
3. Dishonesty.
4. Incompetency.
5. Evident unfitness for service.
6. Physical or mental condition rendering him/her unfit to instruct or associate with students.
7. Persistent violation or refusal to obey the school laws of the state or reasonable regulations prescribed for the government of the public schools by the Board of Governors of the California Community Colleges or by the governing board of the college district employing him/her.
8. Conviction of a felony or any crime involving moral turpitude.
9. It shall be sufficient cause for the dismissal of any public employee when such public employee advocates or is knowingly a member of the Communist Party or of any organization which during the time of his/her membership, he/she knows advocates overthrow of the Government of the United States or of any state by force or violence.
10. Violation of any provision of Education Code 7000-7007, inclusive, which pertains to knowing membership in the Communist Party and to the failure or refusal to appear before legislative committees or the Board, or answer questions under oath propounded by specified public officials, pertaining to knowing membership in the Communist Party or other organizations advocating the forceful or violent overthrow of the government of the United States and state and political subdivisions, and questions pertinent to present personal advocacy of the forceful or violent overthrow of same, or of the support of a foreign government against the United States in the event of hostilities.
11. Knowing membership by the employee in the Communist Party.

The employee shall receive written notice of unprofessional conduct or incompetency, with specific instances, and shall have the opportunity to correct his/her faults.

Reference: Education Code 7000-7007, 87732, 87734, Government Code 1028

Reviewed and/or Updated 9/2003



ARTICLE 3200 ACADEMIC PERSONNEL

AR 3230 Recruitment and Selection –Temporary Faculty

AR 3230.1 Procedure for Hiring Temporary Faculty

1. Position Identification

To the extent possible, each department shall draft a tentative annual schedule of course offerings projecting summer, fall, winter and spring terms. A staffing proposal for these sessions will be projected to identify areas that may need to be filled with temporary assignments.

2. Establishment of Candidate Pool

Position announcements will be prepared semiannually or as requested by the departments pursuant to the temporary faculty needs analysis and consistent with the District's Equal Employment Opportunity Plan.

A. Search Procedures

All applications for temporary employment are accepted on an ongoing basis. Applications shall be accepted and maintained online by the Office of Human Resources. Every effort will be made to recruit broadly so as to attract a diverse candidate pool. All applications will be received and entered into the application tracking system by the Office of Human Resources.

B. Selection Process

During each academic year, the department chair/faculty leader shall convene a selection committee to identify a pool of candidates qualified to be hired and to screen and interview potential temporary faculty.

The selection committee will consist of at least: the department chair/faculty leader or designee, who will chair the committee; a probationary/tenured faculty member, preferably from the subject area or program area; and an Equal Employment Opportunity representative. Any retired SMC faculty member employed, by the District as a temporary faculty may request to serve on the selection committee. The chair may choose to include on the committee other people with expertise in the subject area. Only the Equal Opportunity representative will be non-voting.

Prior to selecting an applicant, the committee determines if the applicant meets minimum qualifications (as determined by the CCC Board of Governors) or the equivalent. (Refer to AR 3231 for equivalency guidelines.) After a candidate is selected, the application and supporting documentation is forwarded to the appropriate Vice-President or designee or approval.

All applicants must have an online application on file with the district before they are formally offered a temporary position.

The selection committee chair may choose to eliminate the interview step in the case of a candidate who has previously taught in the department, received only "Satisfactory" evaluations, and left the District for his/her own reasons. If that person desires to be considered for a future appointment, he/she may be required to submit an updated application.



In an emergency situation, when the applicant pool has been exhausted and consequently the full process cannot be completed before the assignment is to begin, an interview will be conducted by the selection committee chair, the Equal Employment Opportunity representative and, when possible, one other member of the selection committee.

The assignment for hourly temporary faculty will not exceed sixty-seven percent of the assignment for a full-time faculty member. This policy does not apply to the hiring of long-term substitutes.

Persons chosen for hourly faculty positions will be recommended to the Board of Trustees at the salary rate determined by the appropriate adopted hourly salary schedule.

C. Equal Opportunity Employment Provisions

The Equal Employment Opportunity representative, in cooperation with the selection committee chair, shall ensure that the screening process is conducted in a manner consistent with the District's commitment and regulations relating to equal employment opportunity. In order to serve as an Equal Opportunity Employment representative, the faculty member must complete the training program presented by the Office of Human Resources. The committee shall be composed of diverse membership in compliance with the District's equal opportunity plan.

Reference: Education Code Sections 87481, 87482.5
Reviewed and/or Updated 9/2003
Revised: 8/4/08, 5/27/14



ARTICLE 3200 ACADEMIC PERSONNEL

AR 3231 Equivalency Process for Part-Time Faculty Positions

1. Announcements for part-time faculty positions shall include as required qualifications that the candidate must possess one of the following:
 - Minimum qualifications for hire in that discipline as determined by the Board of Governors, or
 - Qualifications that are at least equivalent to the minimum qualifications determined by the Board of Governors, or
 - An appropriate valid California Community College Credential.

Announcements shall also contain a statement encouraging potential candidates who feel they possess qualifications at least equivalent to the minimum qualifications determined by the Board of Governors to apply.

2. The department chair, in consultation with designated department members, shall review all applications, transcripts, and other materials submitted by candidates for the position to determine that each candidate selected to be interviewed for the position has met the minimum qualifications for hire in that discipline; or, has qualifications at least equivalent to the minimum qualifications determined by the Board of Governors; or, possesses an appropriate valid credential.
3. In determining equivalency, the department shall use the Equivalency Guidelines (AR 3211.9) in reviewing evidence submitted by the applicant to decide whether or not the candidate possesses qualifications at least equivalent to the minimum qualifications for the discipline.
4. If a candidate selected for an interview has qualified for the position through the equivalency process, the department chair or designee shall certify the equivalency by preparing a detailed statement describing the basis for the equivalency and supporting documentation. This statement shall be forwarded to the area academic administrator for review.
5. If the area academic administrator approves the department's recommendation to hire a candidate who has qualified for the position through the equivalency process, a copy of the department's statement of equivalency shall be forwarded to the Office of Human Resources.

Reference: Education Code Section 87355, 87356, 87359
AR 3211.9

Reviewed and/or Updated 9/2003, 3/2013

AR 3232 Procedure for Evaluation of Hourly Faculty

See Article 7-C, Evaluation of Part-Time Faculty, of the District/Faculty Collective Bargaining Agreement.

5/1/2012



ARTICLE 3300 CLASSIFIED EMPLOYEES

AR 3320 Selection Process for District Appointments to the Personnel Commission

The Santa Monica Community College District Personnel Commission consists of five members, two of which are District positions appointed by the Board of Trustees.

Recruitment of Applicants

All candidates will be requested to provide evidence that they meet the standard of (1) registered voters, (2) residents within the District, and (3) shall be known adherents of the principle of the merit system, meaning a person who by nature of his/her prior public or private service has given evidence that he/she supports the concept of employment, continuance in employment, in service promotional opportunities, and other related matters on the basis of merit and fitness. A background check will be conducted on all applicants prior to the actual interview date.

A marketing effort will be implemented during the recruitment period to increase the number of applicants. At least three weeks will be spent on active recruitment in order to assure a strong pool of applicants. Advertising will include notification of the recruitment to the Santa Monica community, local press, industry, community groups and business organizations.

No member of the governing board of any college district or county board of education will be eligible for appointment as a member of the Commission nor will a Commissioner be an employee of the District during his/her terms of service.

Applications will be sent to the Board of Trustees. The Board may choose to appoint a subcommittee to review and recommend candidates for the Board to consider or bring the candidates directly to the Board

*Reviewed and/or Updated 9/2003
Revised 5/2006*



AR 3410 **Procedure for Hiring Academic Managers**

1. The Superintendent/President will determine that there is a need for an academic manager.
2. The job announcement of the position shall include the name of the position, a job description, the method of applying, the eligibility requirements, the application deadline, and the salary.
3. Applications shall be distributed by and returned to the Office of Human Resources.
4. The Academic Management Screening Committee shall be composed of at least two administrators appointed by the Superintendent/President and at least two faculty representatives appointed by the Academic Senate President in consultation with the Superintendent/President. The chairperson of the committee shall be designated by the Superintendent/ President. The Affirmative Action Officer shall be a non-voting committee member unless appointed as a voting committee member.
5. The Academic Management Screening Committee will determine and execute a uniform and consistent examination process which shall include formal interviews, evaluating and screening the applications, and recommending no more than three persons to the Superintendent/President. When appropriate, the committee shall consider both management and non-management experience, including teaching, when making the recommendation to the Superintendent/President.
6. The Office of Personnel Services shall receive from the chair of the committee the names of the committee members, a description of the examination process, a copy of the interview questions, names of the persons interviewed by the Screening Committee, and the names of the persons interviewed by the Superintendent/President.
7. The Superintendent/President shall interview and select a person to fill the position from those presented by the Screening Committee. The selection shall be recommended by the Superintendent/President to act on this recommendation.

Reviewed and/or Updated 9/2003



ARTICLE 3400 ACADEMIC ADMINISTRATORS, CLASSIFIED ADMINISTRATORS AND MANAGERS AND CONFIDENTIAL EMPLOYEES

AR 3415 Compensation

Initial placement will be step 1 of the range to which the manager is assigned with the following exceptions:

1. The Superintendent/President may place promotional faculty members on the step of their range which is at least 3% higher than their prior faculty salary schedule placement times 1.2 (12 month equivalent) + responsibility increments referenced in the District/Faculty Association contract; but no higher than step 6.
2. The Superintendent/President will place promotional managers on the step of their range which is at least 3% higher than their prior placement but no higher than step 6.
3. The Superintendent/President will award a maximum of step 3 experience placement to managers hired from out of the District. One step credit will be granted for every one years of verified full-time employment as a manager to a maximum of step 3 placement.

Reviewed and/or Updated 9/2003



ARTICLE 3400 ACADEMIC ADMINISTRATORS, CLASSIFIED ADMINISTRATORS AND MANAGERS AND CONFIDENTIAL EMPLOYEES

AR 3420 Evaluation - Management Personnel

A self-evaluation shall be completed by each academic administrator, classified administrator and classified manager and submitted to his or her immediate supervisor for review and discussion. During the month of May, any faculty and/or staff members may provide to an administrator/manager's evaluator, written comments to be considered in the evaluation of the administrator/manager.

The evaluator responsible for the area in which the management employee is assigned shall conduct a full performance evaluation review of the administrator or managers at least once every three years. The person being evaluated has a right to respond in writing to his or her performance evaluation.

A special evaluation may be conducted by a supervisor at any time.

Procedure

The Office of Human Resources will provide each administrator and manager with a management self-evaluation for completion prior to the start of the fall semester. The self-evaluation of performance shall be completed by the administrator or manager each year and shall be submitted to the assigned supervisor.

The assigned supervisor will acknowledge receipt of the manager's completed self-evaluation by signature and may set up an evaluation conference and formal performance review process. A formal review must be conducted at least once every three years. Performance Evaluation Certification is required in years that a full evaluation is not conducted.

At least once each year it is recommended that evaluators meet with the person they are supervising to provide an opportunity for mutual review of progress towards goals and expectations.

Reviewed and/or Updated 9/2003

Revised 12/2014



**ARTICLE 3400 ACADEMIC ADMINISTRATORS, CLASSIFIED ADMINISTRATORS AND MANAGERS AND
CONFIDENTIAL EMPLOYEES**

AR 3425 Leaves and Vacations

1. Paid Leaves of Absence-Academic Administrators*
 - A. Illness Leave - Full-time academic administrators are entitled to twelve (12) days illness leave based on a twelve month assignment and a prorata share thereof for partial contracts. Unused illness leave may be accumulated and carried forward into subsequent years. The District reserves the right to require verification of any absence related to illness/injury or for any other paid leave of absence.
 - B. Personal Necessity Leave - Six days of illness leave may be used for the following an extension of the bereavement leave, an accident or compelling emergency involving a academic employee's person or property or the person or property of a member of the immediate family, precipitous illness of a member of the immediate family, appearance in any court or before any administrative tribunal as a litigant or party, or religious holidays. Other types of personal necessity which involve factors beyond the control of the employee and which require immediate absence must be authorized by the Vice President, Human Resources or designee.
 - C. Bereavement Leave - Bereavement leave of three duty days is authorized upon the death of a member of the employee's immediate family: mother, father, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, sister-in-law, brother-in-law, stepmother, stepfather, or any relative living in the immediate household of the employee. Five duty days of bereavement are allowed when out-of-state travel is required.
 - D. Jury Duty and Mandatory Court Appearance - is a third category of authorized paid leave for which academic employees receive pay. Academic administrators absent due to mandatory court appearances, except as a litigant, shall be paid their regular salaries during their absence, and all jury or witness fees shall be signed over to the District. If the jury or witness fees are greater than their regular daily wage, the employee may retain the fees if they request personal leave without pay for the period of absence from duty.
 - E. Paid Leaves of Absence - Classified Administrators/Managers and Confidential Employees: Paid leaves of absences are set forth in Rule XI of the Rules and Regulations of the Classified Service (Personnel Commission Rules).

* Academic Administrators employed by contract should refer to their employment contract

Reviewed and/or Updated 9/2003



**ARTICLE 3400 ACADEMIC ADMINISTRATORS, CLASSIFIED ADMINISTRATORS AND MANAGERS AND
CONFIDENTIAL EMPLOYEES**

AR 3426 Vacation – Academic Administrators

1. Number of Vacation Days: Full-time academic administrators shall earn up to 24 days of vacation per fiscal year at the rate of two (2) days for each full month of service during a fiscal year, subject to paragraph 3 below. Part-time academic administrators shall earn prorated days of vacation per each month of service during a fiscal year based on the ratio to fulltime service. The vacations days that an administrator may earn during any month shall be made available as of the beginning of the month.
2. Use of Vacation Days: Academic administrators are encouraged to use vacation days in the fiscal year earned. For example, if an administrator earns 24 days of vacation for the fiscal year, the administrator is expected to take 24 days of vacation.
3. Vacation Carry over: It is the intent of this Administrative Regulation to ensure that vacation balances for academic administrators shall not exceed thirty (30)days. Effective July 1, 2006, the following procedure will be implemented: Vacation days will no longer be advanced for the fiscal year. All vacation days will be available for use beginning with the month earned. Administrators will not accrue vacation days for any month in which, at the beginning of the month, his/her vacation balance is equal to or exceeds thirty (30) days. In the event that at the beginning of any month, an administrator's vacation balance is equal to or less than twenty-eight (28) days, he/she shall accrue up to two (2) days of vacation for the month, provided the total days of vacation does not exceed thirty (30)

Academic Administrators , with advanced approval from the Superintendent/President, may request to be advanced days of vacation provided such request does not exceed twenty four (24) days and the administrator submits a vacation usage plan that provides for a vacation balance at the end of the year not to exceed thirty (30) days.

4. Special Provision for Academic Administrators with a Vacation Balance Exceeding Thirty (30) Days as of July 1, 2006: In the event that an administrator's vacation balance exceeds thirty (30) days as July 1, 2006 , he/she shall be required to provide his/her immediate supervisor a vacation plan indicating the days of vacation he/she will take during the fiscal year. This plan must be submitted to the administrator's immediate supervisor by July 1, 2006 and shall schedule sufficient vacation days to make a good faith effort to reduce the administrator's vacation balance as of June 30, 2006 to thirty (30) or fewer days. In each subsequent year, academic administrators with a vacation balance exceeding thirty (30) days as of June 30th of each year, must continue to submit a vacation plan as described above. By June 30, 2009 the vacation balance of any administrator must not exceed thirty (30) days.

Approved: 5/23/06



**ARTICLE 3400 ACADEMIC ADMINISTRATORS, CLASSIFIED ADMINISTRATORS AND MANAGERS AND
CONFIDENTIAL EMPLOYEES**

AR 3427 Management Professional Development Leave

1. Selection of Replacement

Persons interested in being selected as the replacement for a manager on a professional development leave shall submit a letter to the Superintendent/President. The Superintendent/President will select the replacement from among those showing interest. The selection shall be recommended by the Superintendent/President to the Board of Trustees.

2. Compensation

A person replacing a manager on a professional development leave will be compensated, if the manager is on leave for more than ten working days, in the following way:

- A. A person who will not be performing his/her regular duties and who will replace a manager on leave will receive the beginning salary of the manager or their own base salary + 2%, whichever is higher. There may be a substitute for the person selected as the replacement.
- B. A manager who will be performing his/her regular duties in addition to the duties of the manager on leave will receive 10% more than his/her existing salary.

Reviewed and/or Updated 9/2003

AR 3428 Retirement Policy-Limited Retirement Program

The limited retirement program specified under AR 3220 shall be applicable to academic administrators.



**ARTICLE 3400 ACADEMIC ADMINISTRATORS, CLASSIFIED ADMINISTRATORS AND MANAGERS AND
CONFIDENTIAL EMPLOYEES**

AR 3429 Administrator Retreat Rights Process

Administrators who have achieved tenure as faculty in the District:

A tenured employee, when reassigned from a faculty position to an administrative position, retains his or her status as a tenured faculty member and, upon making a written request to the Superintendent/President, may retreat to a faculty status. In such cases, the Superintendent/President shall inform the department of retreat and the Academic Senate.

Academic Administrators who have not achieved tenure in the District:

Academic administrators hired after July 1, 1990 can acquire the right to become first-year probationary faculty members in accordance with this administrative regulation.

An academic administrator employed to perform services related to a contract with a public or private agency or a categorically funded position or project shall not be entitled to any of the retreat rights specified in this AR. No employment contract for an administrator employed as stated above shall provide for retreat rights.

1. An academic administrator hired after July 1, 1990 who did not have faculty tenure in the District at the time of hire may be reassigned to a first-year probationary faculty position upon making a written request to the Superintendent/President, and provided that he or she can demonstrate meeting all the following criteria:
 - A. The administrative assignment expires or the administrator is terminated for a reason other than dismissal for cause. A voluntary resignation does not constitute an expiration of an administrative assignment.
 - B. The administrator has completed at least two years of satisfactory service to the District as a faculty member or administrator, or a longer period as established by contract with the administrator.
 - C. The administrator wishes to become a first-year probationary faculty member in a discipline that can support an additional full-time faculty position (i.e. the reassignment would not result in the layoff of any full-time faculty member and the District has available ongoing funding to support the position).
 - D. The administrator seeks a position in a discipline in which he or she has a valid credential or meets the minimum qualifications specified by the Board of Governors List of Disciplines or possesses equivalent qualifications deemed sufficient by the department of retreat.
2. Upon determination by the Superintendent/President that reassignment to a first-year probationary faculty position is appropriate, the Superintendent/President shall forward the request to the department of retreat and the Academic Senate for review and recommendation.
3. After receiving the recommendations of the department of retreat and the Academic Senate, the Superintendent/President shall, if he or she determines to proceed with the reassignment, forward his or her recommendation to the Board of Trustees. The written record of the Board's decision on this matter shall include the views of the department of retreat and the Academic Senate, and shall be available for review.

Reference: Education Code Sections 87358, 87458

Reviewed and/or Updated 9/2003

Revised and Approved by Academic Senate: 2/7/2010

Approved by Senior Staff: 12/14/2010