Mt. San Jacinto Community College District

Board Policies
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>CHAPTER</th>
<th>TITLE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>THE DISTRICT</td>
<td>3</td>
</tr>
<tr>
<td>2</td>
<td>BOARD OF TRUSTEES</td>
<td>7</td>
</tr>
<tr>
<td>3</td>
<td>GENERAL INSTITUTION</td>
<td>58</td>
</tr>
<tr>
<td>4</td>
<td>ACADEMIC AFFAIRS</td>
<td>100</td>
</tr>
<tr>
<td>5</td>
<td>STUDENT SERVICES</td>
<td>128</td>
</tr>
<tr>
<td>6</td>
<td>BUSINESS AND FISCAL AFFAIRS</td>
<td>164</td>
</tr>
<tr>
<td>7</td>
<td>HUMAN RESOURCES</td>
<td>186</td>
</tr>
</tbody>
</table>
CHAPTER 1 – THE DISTRICT

BP 1100 The Mt. San Jacinto Community College District.........................................................4
BP 1200 District Mission..................................................................................................................5
BP 1300 Growth ..............................................................................................................................6

Return to Table of Contents
BP 1100  The Mt. San Jacinto Community College District

Reference:  
*Education Code Section 72000(b)*

The District has been named the Mt. San Jacinto Community College District.

The name is the property of the District. No person shall, without the permission of the Board, use this name or the name(s) of any college(s) or other facilities of the District, or any abbreviation of them, to imply, indicate or otherwise suggest that an organization, product or service is connected or affiliated with, or is endorsed, favored, supported, or opposed by, the District.

The Mt. San Jacinto Community College District is a single college district operating one campus at San Jacinto, California, one center at Menifee, California, and three educational sites located in Temecula, California (two sites) and Banning, California.
BP 1200 District Mission

Reference:

ACCJC Standard 1.A

The mission of the Mt. San Jacinto Community College District is as follows:

Mt. San Jacinto College offers accessible, equitable and innovative educational programs and services to students aspiring to achieve their academic, career and personal development goals.

We provide students a safe environment in which to pursue basic skills, career and general education pathways. Our programs lead to transfer, associate degrees and certificates which meet workforce development needs in our diverse communities.

Our commitment to student success empowers students with the skills and knowledge needed to participate meaningfully in today’s complex world.

The mission is evaluated and revised on a three-year cycle, or as needed.
BP 1300  Growth

In any academic year, given the physical and fiscal constraints that exist, it will be the policy of the Board of Trustees to serve as many students as possible with an annual FTES target of serving at least 5% above the cap. Whenever District analysis and/or State certification indicates that MSJC is below the 105% FTES target, the corrective action shall be reported to the board in a timely manner.
CHAPTER 2 - BOARD OF TRUSTEES

BP 2010  Board Membership ................................................................................................. 9
BP 2015  Student Member(s) .................................................................................................. 10
BP 2100  Board Elections ........................................................................................................ 11
BP 2105  Election of Student Member(s) ................................................................................ 12
BP 2110  Vacancies on the Board ............................................................................................ 13
BP 2130  Term Limits ................................................................................................................ 14
BP 2200  Board Duties and Responsibilities ............................................................................. 15
BP 2210  Officers ....................................................................................................................... 17
BP 2220  Committees of the Board .......................................................................................... 19
BP 2305  Annual Organizational Meeting ............................................................................... 20
BP 2310  Regular Meetings of the Board .................................................................................. 21
BP 2315  Closed Sessions ........................................................................................................... 22
BP 2320  Special and Emergency Meetings ............................................................................. 24
BP 2330  Quorum and Votes .................................................................................................... 25
BP 2340  Agendas ...................................................................................................................... 26
BP 2345  Public Participation at Board Meetings ..................................................................... 28
BP 2350  Speakers ..................................................................................................................... 29
BP 2355  Decorum ....................................................................................................................... 31
BP 2360  Minutes ........................................................................................................................ 32
BP 2365  Recording .................................................................................................................... 33
BP 2410  Board Policies and Administrative Procedures ........................................................ 34
BP 2430  Delegation of Authority to Superintendent/President ............................................... 35
BP 2431  Superintendent/President Selection .......................................................................... 36
BP 2432  Superintendent/President Succession ....................................................................... 37
BP 2435  Evaluation of Superintendent/President .................................................................... 38
BP 2510  Participation in Local Decision-Making: Faculty, Staff and Students ...................... 39
BP 2610  Presentation of Initial Collective Bargaining Proposals ............................................ 41
BP 2710  Conflict of Interest ...................................................................................................... 42
BP 2715  Code of Ethics/Standards of Practice ...................................................................... 46
BP 2716  Political Activity .......................................................................................................... 49
BP 2717  Personal Use of Public Resources ............................................................................. 50
BP 2720  Communications Among Board Members .................................................................. 51
BP 2725  Board Member Compensation .................................................................................... 52
BP 2730  Board Member Health Benefits .................................................................................. 53
BP 2735  Board Member Travel ................................................................................................ 54
<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>BP 2740</td>
<td>Board Education</td>
<td>55</td>
</tr>
<tr>
<td>BP 2745</td>
<td>Board Self-Evaluation</td>
<td>56</td>
</tr>
<tr>
<td>BP 2750</td>
<td>Board Member Absence from the State</td>
<td>57</td>
</tr>
</tbody>
</table>

[Return to Table of Contents]
BP 2010 Board Membership

Reference:  
*Education Code Sections 72023, 72103; ACCJC Accreditation Standard IV.C.6*

The Board shall consist of five (5) members elected by the qualified voters of the District. The District is divided into five trustee areas. A trustee must reside in and be registered to vote in the area he/she represents and is elected by the registered voters within his/her trustee area as defined in Board Policy 2100.

Any person who meets the criteria contained in law is eligible to be elected or appointed a member of the Board.

An employee of the district may not be sworn into office as an elected or appointed member of the governing board unless he or she resigns as an employee.

No member of the governing board shall, during the term for which he or she is elected, hold an incompatible office.

No member of the Governing Board shall, during the term for which he or she was elected, be eligible to serve on the governing board of a high school district whose boundaries are coterminous with those of the community college district.

---

BP 2010  Approved by Board: August 9, 2001  Page 1 of 1  Revisions: 9/13/07; 1/21/16; 1/19/17
BP 2015  Student Member(s)

Reference:  
*Education Code Sections 72023.5*

The Board shall include one non-voting student member. The term of office shall be one year commencing June 1. In accordance with Board-approved procedures and criteria, the student member shall be chosen by the general student population from the District.

The student member shall be seated with the Board and shall be recognized as a full member of the Board at meetings. The student member shall have the right to attend each and all meetings of the Board with the exception of closed sessions.

The student member is entitled to participate in discussion of issues and receive all materials presented to members of the Board (except for closed session). The student member shall receive monthly compensation as determined by the Board of Trustees (See BP 2725) and shall be entitled to any mileage allowance necessary to attend Board meetings to the same extent as publicly elected trustees.

*See Administrative Procedure 2015*
BP 2100    Board Elections

Reference: 

*Education Code Sections 5000 et seq.*

The term of office of each trustee shall be four years, commencing within fifteen days of the date that elected governing Board members take office, generally at the regular meeting held the first two weeks of December. Elections shall be held every two years, in even numbered years. Terms of trustees are staggered so that, as nearly as practical, one half of the trustees shall be elected at each trustee election. The Board of Trustees has provided for the election of trustees by trustee areas.

The election of a Board member residing in and registered to vote in the trustee area he or she seeks to represent shall be only by the registered voters of the same trustee areas.

In case of a tie vote between two or more candidates for the Board of Trustees, the Board shall determine the winner, or winners, by lot in accordance with Education Code Section 5016.

The Superintendent/President shall submit recommendations to the Board regarding adjustments to be made to the boundaries of each trustee area, if any adjustment is necessary, after each decennial federal census. The Superintendent/President shall submit the recommendation in time for the Board to act as required by law.

*See Administrative Procedure 2100*
BP 2105 Election of Student Member(s)

Reference:  
*Education Code Sections 72023.5, 72103*

In accordance with Education Code Section 72023.6, one non-voting student member shall be included in the membership of the Board of Trustees (see Board Policy 2015). Such student member shall be chosen by the students enrolled in the College in accordance with Board-approved procedures and criteria. Normally an election will be held in the Spring semester so that the office is filled by June 1.

The student member may be recalled by a simple majority vote of the student body in an election held for that purpose in accordance with administrative procedures established by the Superintendent/President.

If the seat of a student member becomes vacant during his or her term, the governing board may authorize the officers of the Student Government Association established pursuant to Section 76060 at each community college in the district to appoint a student to serve the remainder of the term in accordance with procedures established by the governing board.

*See Administrative Procedure 2105*
Vacancies on the Board

References:

*Education Code Sections 5090, et seq., Government Code 1770*

Vacancies on the Board may be caused by any of the events specified in Government Code Section 1770 or any applicable provision in the Elections Code (EC), or by a failure to elect. Resignations from the Board shall be governed by EC 5090.

Within 60 days of the vacancy or filing of a deferred resignation, the Board shall determine whether to order an election or make a provisional appointment to fill the vacancy.

If an election is ordered, it shall be held on the next regular election date no less than 130 days after the occurrence of the vacancy.

If a provisional appointment is made, it shall be subject to the conditions in EC 5091. The person appointed to the position shall hold office only until the next regularly scheduled election for district governing board members, when the election shall be held to fill the vacancy for the remainder of the unexpired term.

The provisional appointment will be made by a majority public vote of the Board members at a public meeting.

The Superintendent/President shall establish administrative procedures to solicit applications that assure ample publicity to and information for prospective candidates. The Board will determine the schedule and appointment process, which may include interviews at a public meeting.

*See Administrative Procedure 2110*
BP 2130  Term Limits

Reference:

*Education Code Section 72103(c)*
BP 2200  Board Duties and Responsibilities

Reference:

**ACCJC Accreditation Standard IV**

The Board of Trustees governs on behalf of the citizens of the Mt. San Jacinto Community College District in accordance with the authority granted and duties defined in Education Code Section 70902.

Trustees have authority only when they are meeting as a board. The board as a whole is the legal governing unit. Trustees contribute their collective talents, skills and backgrounds to their boards, but have no individual power. Individual trustees have no authority to direct any college staff, make no statements representing the board (unless they are reports of adopted board positions and policy) and support board decisions once they are made.

The Board is committed to fulfilling its responsibilities to:

- **(A)** Represent the public interest
- **(B)** Ensure meaningful and effective participation of all stakeholders in decisions affecting the college
- **(C)** Provide effective collegial consultation or mutual consent in establishing policies that define the institutional mission
- **(D)** Set the policy direction
- **(E)** Hire and evaluate the Superintendent/President in a process that provides a balanced input of all college constituencies
- **(F)** Delegate power and authority to the chief executive to effectively lead the district
- **(G)** Assure financial stability of the institution
- **(H)** Monitor institutional performance and educational quality
- **(I)** Advocate and protect the district
- **(J)** Act as a community bridge
(K) Maintain standards for good personnel relations
(L) Assure the academic quality, integrity, and effectiveness of the student learning programs and services
(M) Assure the institution is accomplishing its goals for student success
(N) Ensure ongoing training for board development, including new member orientation
(O) Regularly evaluate board practices and performance
(P) Uphold a code of ethics and conflict of interest policy
BP 2210  Officers

Reference:  
*Education Code Section 72000*

At the annual organizational meeting, the Board shall elect from among its members a president, clerk, and secretary of the Board. The terms of officers shall be for one year.

The duties of the president of the Board are:

- (A) Preside over all meetings of the Board;
- (B) Call emergency and special meetings of the Board as required by law;
- (C) Consult with the Superintendent/President on Board meeting agendas;
- (D) Communicate with individual Board members about their responsibilities;
- (E) Participate in the orientation process for new Board members;
- (F) Assure Board compliance with policies on board education, self-evaluation and Superintendent/President evaluation;
- (G) Represent the Board at official events or ensure board representation;
- (H) Appoint ad-hoc committees.

The clerk has been elected by other members of the Board and serves in the absence of the Board president as chairperson at Board meetings. It is the clerk's responsibility to certify or attest to actions taken by the Board of Trustees whenever such certification or attestation is required for any purpose. The clerk shall perform all duties prescribed in Section 72600 of the Education Code not delegated by the Board of Trustees to the Authorized Agents or to the Superintendent/President. In addition, he/she shall perform such other duties as may be prescribed by the Board of Trustees of the District.

The Superintendent/President shall serve as secretary to the Board. The duties of the secretary are:

- (A) Notify members of the Board of regular, special, emergency and adjourned meetings;
(B) Prepare and post Board meeting agendas;

(C) Have prepared for adoption minutes of Board meetings;

(D) Attend all Board meetings and closed sessions, unless excused, and in such cases to assign a designee;

(E) Conduct the official correspondence of the Board;

(F) Certify as legally required all Board actions;

(G) Sign, when authorized by law or by Board action, any documents that would otherwise require the signature of the secretary or the Clerk of the Board.

The Board does not have an official system of rotation of officers; it elects the officers each year from among all its members.
BP 2220  Committees of the Board

Reference:

Government Code Section 54952

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

Board committees that are composed solely of less than a quorum of members of the Board and do not have authority that may lawfully be exercised by the Board itself, are not required to comply with the Brown Act, or with these policies regarding open meetings.

Board committees have no authority or power to act on behalf of the Board. Findings or recommendations shall be reported to the Board for consideration.
BP 2305  Annual Organizational Meeting

Reference:  

_Education Code Section 72000(c)(2)(A)_

The annual organizational meeting of the Board will be held within fifteen days of the date that elected governing Board members take office, generally at the regular meeting held the first two weeks of December. The purpose of the annual organizational meeting is to elect a president, clerk, and a secretary, and conduct any other business as required by law or determined by the Board.
BP 2310 Regular Meetings of the Board

References:

   Education Code Section 72000(d); Government Code 54952.2, 54953 et seq., 54961

Regular meeting location, date, and time for Board meetings shall be determined at the annual organizational meeting.

A notice identifying the location, date, and time of each regular meeting of the Board shall be posted at least ten (10) days prior to the meeting and shall remain posted until the day and time of the meeting.

All regular meetings of the Board shall be held within the boundaries of the District except in cases where the Board is meeting with another local agency or is meeting with its attorney to discuss pending litigation if the attorney’s office is outside the District.

All regular and special meetings of the Board shall be open to the public, be accessible to persons with disabilities and otherwise comply with Brown Act provisions, except as required or permitted by law.
BP 2315  Closed Sessions

Reference:

*Government Code Sections 54956.8, 54956.9, 54957, 54957.6; Education Code Section 72122*

Closed sessions of the Board shall only be held as permitted by applicable legal provisions including but not limited to the Brown Act, California Government Code and California Education Code. Matters discussed in closed session may include:

(A) the appointment, employment, evaluation of performance, discipline or dismissal of a public employee;

(B) charges or complaints brought against a public employee by another person or employee, unless the accused public employee requests that the complaints or charges be heard in an open session. The employee shall be given at least twenty-four (24) hours written notice of the closed session;

(C) advice of counsel on pending litigation, as defined by law;

(D) consideration of tort liability claims as part of the District’s membership in any joint powers agency formed for purposes of insurance pooling;

(E) real property transactions;

(F) threats to public security;

(G) review of the District’s position regarding labor negotiations and giving instructions to the District’s designated negotiator;

(H) discussion of student disciplinary action, with final action taken in public;

(I) conferring of honorary degrees;

(J) consideration of gifts from a donor who wishes to remain anonymous;

(K) to consider its response to a confidential final draft audit report from the Bureau of State Audits.
The agenda for each regular or special meeting shall contain information regarding whether a closed session will be held and shall identify the topics to be discussed in any closed session in the manner required by law.

After any closed session, the Board shall reconvene in open session before adjourning and shall announce any actions taken in closed session and the vote or abstention of every member present.

All matters discussed or disclosed during a lawfully held closed session and all notes, minutes, records or recordings made of such a closed session are confidential and shall remain confidential unless and until required to be disclosed by action of the Board or by law.

If any person requests an opportunity to present complaints to the Board about a specific employee, such complaints shall first be presented to the Superintendent/President. Notice shall be given to the employee against whom the charges or complaints are directed. If the complaint is not resolved at the administrative level, the matter shall be scheduled for a closed session of the Board. The employee shall be given at least twenty-four (24) hours written notice of the closed session, and shall be given the opportunity to request that the complaints be heard in an open meeting of the Board.
BP 2320 Special and Emergency Meetings

References:

*Government Code Section 54956, 54956.5, 54957; Education Code Section 72129*

Special meetings may from time to time be called by the president of the Board or by a majority of the members of the Board. Notice of such meetings shall be posted at least 24 hours before the time of the meeting, and shall be noticed in accordance with Brown Act requirements. No business other than that included in the notice may be transacted or discussed.

Emergency meetings may be called by the president of the Board when prompt action is needed because of actual or threatened disruption of public facilities under such circumstances as are permitted by the Brown Act, including work stoppage, crippling disasters, and other activity that severely impairs public health or safety.

No closed session shall be conducted during an emergency meeting, except as provided for in the Brown Act to discuss a dire emergency.

The Superintendent/President shall be responsible to ensure that notice of such meetings is provided to the local news media as required by law.

*See Administrative Procedure 2320*
BP 2330  Quorum and Votes

Reference:
Education Code Section 72000(d)(3), 81310 et seq., 81365, 81511, 81432;
Government Code Section 53094; Code of Civil Procedure Section 1245.240

A quorum of the Board shall consist of a simple majority of the members.

The Board shall act by majority vote of all of the membership of the Board, except as noted below.

No action shall be taken by secret ballot. The Board will publicly report any action taken in open session and the vote or abstention of each individual member present.

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

(A) Resolution of intention to sell or lease real property (except where a unanimous vote is required);
(B) Resolution of intention to dedicate or convey an easement;
(C) Resolution authorizing and directing the execution and delivery of a deed;
(D) Action to declare the District exempt from the approval requirements of a planning commission or other local land use body;
(E) Appropriation of funds from an undistributed reserve;
(F) Resolution to condemn real property.

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

(A) Resolution authorizing a sale or lease of District real property to the state, any county, city, or to any other school or community college district;
(B) Resolution authorizing lease of District property under a lease for the production of gas.
BP 2340  Agendas

References:
  Government Code Sections 54950, et seq., 6250 et seq.; Education Code Sections 72121, 72121.5

An agenda shall be posted adjacent to the place of meeting at least 72 hours prior to the meeting time for regular meetings. The agenda shall include a brief description of each item of business to be transacted or discussed at the meeting.

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

(A) a majority decides there is an “emergency situation” as defined for emergency meetings;

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

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

The order of business may be changed by consent of the Board.

The Superintendent/President shall establish administrative procedures that provide for public access to agenda information and reasonable annual fees for the service.

Members of the public may place matters directly related to the business of the District on an agenda for a Board meeting by submitting a written summary of the item to the Superintendent/President at least fourteen (14) days prior to the Board meeting. The written summary must be signed by the initiator, contain his or her residence or business address, and organizational affiliation, if any. The Board reserves the right to consider and take action in closed session on items submitted by members of the public as permitted or required by law.
Agendas shall be developed by the Superintendent/President in consultation with the Board President.

Agenda items submitted by members of the public must be received by the President’s Office two weeks prior to the regularly scheduled board meeting.

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

See Administrative Procedure 2340
BP 2345 Public Participation at Board Meetings

References:

*Government Code Section 54954.3, 54957.5; Education Code 72121.5*

The Board shall provide opportunities for members of the general public to participate in the business of the Board.

Members of the public may bring matters directly related to the business of the District to the attention of the Board in one of three ways:

(A) There will be a time at each regularly scheduled Board meeting for the general public to discuss items not on the agenda.

Members wishing to present such items shall submit a written request at the beginning of the meeting to the Superintendent/President or president of the Board that summarizes the item and provides his or her name and organizational affiliation, if any. No action may be taken by the Board on such items.

(B) Members of the public may submit written communications to the Board on items on the prepared agenda and/or speak to agenda items at the Board meeting.

(C) Members of the public may place items on the prepared agenda in accordance with Board Policy 2340. A written summary of the item must be submitted to the Superintendent/President at least two weeks prior to the board meeting. The summary must be signed by the initiator, contain his or her residence of business address, and organizational affiliation, if any.

If requested, writings that are public records shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

Claims for damages are not considered communications to the Board under this rule, but shall be submitted to the District.
BP 2350  Speakers

References:

*Government Code Sections 54950, et seq; Education Code Section 72121.5*

The Persons may speak to the Board either on an agenda item or on other matters of interest to the public that are within the subject matter jurisdiction of the Board.

Oral presentations relating to a matter on the agenda, including those on the consent agenda, shall be heard before a vote is called on the item.

Persons wishing to speak to matters not on the agenda shall do so at the time designated at the meeting for public comment.

Those wishing to speak to the Board are subject to the following:

(A) No member of the public may speak without being recognized by the president of the Board.

(B) Each speaker shall complete a written request to address the Board prior to the beginning of the meeting at which they wish to speak. Late arrivals will not be permitted to speak.

(C) The request shall include the person’s name and name of the organization or group represented, if any, and a statement noting the agenda item or topic to be addressed.

(D) Each speaker will be allowed a maximum of five (5) minutes per topic. Twenty (20) minutes shall be the maximum time allotment for public speakers on any one subject regardless of the number of speakers at any one Board meeting. At the discretion of a majority of the Board, these time limits may be extended.

(E) Each speaker coming before the Board is limited to one presentation per specific agenda item before the Board, and to one presentation per meeting on non-agenda matters.

(F) The President of the Board may rule members of the public out of order if their remarks do not pertain to matters that are within the subject matter jurisdiction
of the Board or if their remarks are unduly repetitive.

(G) Non-scheduled substitutes may not speak in place of scheduled speakers unless alternates have been submitted on the original request.

(H) Employees who are members of a bargaining unit represented by an exclusive bargaining agent may address the Board under this policy, but may not attempt to negotiate terms and conditions of their employment. This policy does not prohibit any employee from addressing a collective bargaining proposal pursuant to the public notice requirements of Government Code Section 3547 and the policies of this Board implementing that section.
BP 2355  Decorum

References:

*Education Code Section 72121.5; Government Code Section 54954.3 (b)*

The presiding officer will rule the following out of order.

(A) Remarks or discussion in public meetings on charges or complaints which the Board has scheduled to consider in closed session.

(B) Profanity, obscenity and other offensive language.

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

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

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

Before removal, the President of the Board will make a warning and a request that the person(s) curtail the disruptive activity. If the behavior continues, the person(s) may be removed by the President of the Board with the consent of the Board members present, based on a finding that the person is violating this policy, and that such activity is intentional and has substantially impaired the conduct of the meeting.

If order cannot be restored by the removal, in accordance with these rules, of individuals who are willfully interrupting the meeting, the Board may order the meeting room cleared and may continue in session. The Board shall only consider matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this rule.
BP 2360   Minutes

Reference:  

_Education Code Section 72121(a)_

The Superintendent/President shall cause minutes to be taken of all meetings of the Board. The minutes shall record all actions taken by the Board. The minutes shall be public records and shall be available to the public.

The minutes may also record other information including names of those present, all motions, names of those making and seconding motions, votes and major discussion points.

_See Administrative Procedure 2360_
BP 2365   Recording

Reference:
   Government Code Sections 54953.5, 54953.6; Education Code Section 72121(a)

Any audio or video recording of an open and public Board meeting made by or at the Direction of the Board, shall be subject to inspection by members of the public in accordance with the California Public Records Act, Government Code Sections 6250, et seq.

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

See Administrative Procedure 2365
BP 2410  Board Policies and Administrative Procedures

Reference:


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

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

Policies of the Board may be adopted, revised, added to or amended at any regular Board meeting by a majority vote. Proposed changes or additions shall be introduced not less than one regular meeting prior to the meeting at which action is recommended. The Board policy manual shall be reviewed in its entirety every three years for effectiveness in fulfilling the District’s mission.

Administrative procedures are to be issued by the Superintendent/President as statements of method to be used in implementing Board Policy. Such administrative procedures shall be consistent with the intent of Board Policy. Administrative procedures may be revised as deemed necessary by the Superintendent/President.

Annual revisions to the Administrative Procedures will be made available. The Board reserves the right to direct revisions of the administrative procedures should they, in the Board’s judgment, be inconsistent with the Board’s own policies.

Copies of all policies and administrative procedures shall be readily available to District employees through the District website.

See Administrative Procedure 2410
BP 2430  Delegation of Authority to Superintendent/President

Reference:
Education Code Sections 70902(d), 72400; ACCJC Accreditation Standards IV.B.5, IV.C.12, and IV.D.1

The Board delegates to the Superintendent/President the executive responsibility for administering the policies adopted by the Board and executing all decisions of the Board requiring administrative action.

The Superintendent/President may delegate any powers and duties entrusted to him or her by the Board, including the administration of colleges and centers, but will be specifically responsible to the Board for the execution of such delegated powers and duties.

The Superintendent/President is empowered to reasonably interpret board policy. In situations where there is no board policy direction, the Superintendent/President shall have the power to act, but such decisions shall be subject to review by the Board. It is the duty of the Superintendent/President to inform the Board of such action and to recommend written Board policy if one is required.

The Superintendent/President is expected to perform the duties contained in the Superintendent/President job description and fulfill other responsibilities as may be determined in goal-setting or evaluation sessions. The Board in consultation with the Superintendent/President shall develop the job description and goals and objectives for performance.

The Superintendent/President shall ensure that all relevant laws and regulations are complied with, and that required reports are submitted in timely fashion.

The Superintendent/President shall make available any information or give any report requested by the Board as a whole. Individual trustee requests for information shall be met if, in the opinion of the Superintendent/President, they are not unduly burdensome or disruptive to District operations. Information provided to any trustee shall be available to all trustees.

The Superintendent/President shall act as the professional advisor to the Board in policy formation.
BP 2431  Superintendent/President Selection

Reference:

ACCJC Accreditation Standards IV.B and IV.C.3; Title 5, Sections 53000 et seq.

In the case of a Superintendent/President vacancy, the board shall establish a search process to fill the vacancy. The process shall be fair and open and comply with relevant regulations.
BP 2432 Superintendent/President Succession

References:

*Education Code Sections 70902(d); 72400; Title 5 Section 53021(b)*

The Board delegates authority to the Superintendent/President to appoint an acting Superintendent/President to serve in his or her absence for short periods of time, not to exceed 15 calendar days at a time.

In the absence of the Superintendent/President and when an acting president has not been named, administrative responsibility shall reside with (in order):

1. Vice President of Business Services
2. Vice President of Instruction
3. Vice President of Student Services
4. Vice President of Human Resources

The Board shall appoint an acting Superintendent/President for periods exceeding 15 calendar days.
BP 2435    Evaluation of Superintendent/President

Reference:  
*ACCJC Accreditation Standard IV.C.3*

The Board shall conduct a biannual evaluation of the Superintendent/President.

The Board shall evaluate the Superintendent/President using an evaluation process developed and jointly agreed to by the Board and the Superintendent/President. The criteria for evaluation shall be based on Board policy, the Superintendent/President job description, and performance goals and objectives developed in accordance with BP 2430 titled Delegation of Authority to the Superintendent/President. Such evaluation shall comply with any requirements set forth in the contract of employment with the Superintendent/President as well as this policy.
BP 2510 Participation in Local Decision-Making: Faculty, Staff and Students

Reference:

Education Code Section 70902(b)(7); Title 5, Sections 53200 et seq., (Academic Senate), 51023.5 (Staff), 51023.7 (Students); ACCJC Accreditation Standards IV.A and IV.D.7

The Board is the ultimate decision-maker in those areas assigned to it by state and federal laws and regulations. In executing that responsibility, the Board is committed to its obligation to ensure that appropriate members of the District participate in developing recommended policies for Board action and administrative procedures for Superintendent/President action under which the District is governed and administered.

Each of the following shall participate as required by law in the decision-making processes of the District:

Academic Senate (Title 5, Sections 53200-53206)
The Board or its designees will consult collegially with the Academic Senate, as duly constituted with respect to academic and professional matters, as defined by law. Procedures to implement this section are developed collegially with the Academic Senate.

Staff (Title 5, Section 51023.5)
Classified staff shall be provided with opportunities to participate in the formulation and development of District policies and procedures that have a significant effect on staff. The opinions and recommendations of the Classified Senate will be given every reasonable consideration.

Students (Title 5, Section 51023.7)
The Associated Students shall be given an opportunity to participate effectively in the formulation and development of district policies and procedures that have a significant effect on students, as defined by law. The recommendations and positions of the Associated Students will be given every reasonable consideration. The selection of student representatives to serve on District committees or task forces shall be made after consultation with the Associated Students.
Except for unforeseeable emergency situations, the Board shall not take any action on matters subject to this policy until the appropriate constituent group or groups have been provided the opportunity to participate.

Nothing in this policy will be construed to interfere with the formation or administration of employee organizations or with the exercise of rights guaranteed under the Educational Employment Relations Act, Government Code Sections 3540, et seq.

*See Administrative Procedure 2510*
BP 2610 Presentation of Initial Collective Bargaining Proposals

Reference:

*Government Code Section 3547*

The Superintendent/President is directed to enact administrative procedures that assure compliance with the requirements of Government Code Section 3547 regarding the presentation to the Board of initial proposals for collective bargaining.

Collective bargaining begins when either an exclusive representative or the District itself presents an initial proposal for consideration in accordance with the California Public Employment Relations Board (PERB) guidelines.

See *Administrative Procedure 2610*
BP 2710  Conflict of Interest

Reference:  

*Government Code Sections 1090, et seq.; 1126; 87200, et seq.; Title 2, Sections 18730 et seq.*

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

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

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

A Board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to his or her duties as an officer of the District. A board member shall not simultaneously hold two public offices that are incompatible.

Upon leaving the board, former members shall not, for a period of one year act as an attorney, agent or otherwise represent for compensation others appearing before the board.

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

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

Board members are encouraged to seek counsel from the District’s legal advisor in every case where any question arises.
Persons occupying the following positions are designated employees and must disclose financial interests defined in categories 1 through 6 of Exhibit A (disclosure categories).

I. Associate Dean of Human Resources
   Director of Campus Safety
   Consultant
   Dean of Administrative Services/Controller
   Director of Budget and Accounting
   Director of Institutional Advancement, External Relations & Foundation
   Director of Superintendent/President's Office
   Members of the Board of Trustees
   Members of the Foundation Executive Committee
   District Facilities Director
   Supervisor of Procurement & General Services
   Superintendent/President
   Executive Dean of Institutional Effectiveness, Assessment and Student Success
   Vice President of Business Services
   Vice President of Human Resources
   Vice President of Instruction
   Vice President of Student Services

Persons occupying the following positions are designated employees and must disclose financial interests defined in categories 1, 5, and 6 of Exhibit A (disclosure categories).

II. Director of Continuing Education and Workplace Training
    Director of Adult Education Non-Credit

Persons occupying the following positions are designated employees and must disclose financial interests defined in categories 4, 5, and 6 of Exhibit A (disclosure categories).

III. Associate Dean of Financial Aid
    Financial Aid Supervisor
    Foundation Scholarship Coordinator

Persons occupying the following positions are designated employees and must disclose financial interests defined in categories 5 and 6 of Exhibit A (disclosure categories).

IV. Associate Dean, Enrollment Services
    Director of Research
    Associate Dean, Instructional Services
    Associate Dean, Nursing and Allied Health
    Dean of Planning/Institutional Effectiveness/Grants
    Book Store Supervisor
    Dean of Counseling, Student Services
    Dean of Instruction, Academic Programs (2)
Persons occupying the following positions are designated employees and must disclose financial interests defined in categories 1 and 2 of Exhibit A (disclosure categories).

V. General Counsel

Copies of disclosure categories are available in Human Resources.

See Administrative Procedure 2710
**Exhibit A**

**Schedules to be Used When Completing Form 700**

When employees select schedules to be used in completing their Form 700, they should use the following categories:

<table>
<thead>
<tr>
<th>Category</th>
<th>Property Holding &amp; Sources of Income to be Reported</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Sources of income &amp; business holding in Riverside County</td>
</tr>
<tr>
<td>2</td>
<td>Real estate holdings in Riverside County</td>
</tr>
<tr>
<td>3</td>
<td>Sources of income &amp; holdings in land development companies &amp; construction companies in Riverside County</td>
</tr>
<tr>
<td>4</td>
<td>Banks and savings &amp; loan companies doing business in Riverside County</td>
</tr>
<tr>
<td>5</td>
<td>Vendors of supplies and services doing business in Riverside County</td>
</tr>
<tr>
<td>6</td>
<td>Vendors of supplies and services to employee's department</td>
</tr>
<tr>
<td>7</td>
<td>Companies that are regulated by employee's department</td>
</tr>
</tbody>
</table>
BP 2715  

BP 2715  Code of Ethics/Standards of Practice

Reference:

ACCJC Accreditation Standard IV.C.11

This code of ethics expresses the personal ideals which the Mt. San Jacinto Governing Board believes should guide each Board member's activities.

In all actions as a Board member, the member's first commitment is to the success of the students of the District following the direction of the college Mission Statement; bearing in mind under all circumstances that the primary function of the board is to establish the policies by which the college is to be administered.

Board members also have other major commitments to:

1. The Community. Each Board member is responsible to all residents of the district and not solely to those who elected him/her; nor solely to any organization to which he/she may belong, or which may have supported his/her election.

2. Individuals. Each Board member has a direct concern for every individual in the community. As an integral part of his/her duties, he/she represents the authority and responsibility of government. This authority must be exercised with as much care and concern for the least influential as for the most influential member of the community.

3. Employees. The Board member's actions may affect the capability of district employees to practice their trade or profession and should encourage their increasing competence and professional growth.

4. Laws, Policies. Each Board member must be aware of, and comply with, the constitutions of the State and Nation, the Education Code of the State of California, other laws pertaining to public education, and the established policies of the District.

5. Decision Making. Each Board member is obliged by law to participate in decisions pertaining to education in the District. As an elected representative of the people, the Board member can neither relinquish nor delegate this responsibility to any other individual or group.

6. Individual Feelings and Philosophy. Every individual Board member has something
valuable to contribute understanding that their decisions should be based on what is best for the District and their constituents not their personal feelings or philosophy.

Understanding and acting upon the foregoing premises, each Board member shall:

1. Consider his/her position on the Board as a public trust with fiduciary responsibilities. Board members shall not use their positions on the Board for private advantage or personal gain, whether that advantage or gain is direct or indirect and abide by MSJC Board Policy 2710 Conflict of Interest.

2. Be constantly aware that he/she has no legal authority except when acting as a member of the Board. Board members shall comply with the provisions of these Bylaws with respect to refraining from individually directing District employees or making or giving the appearance of having the authority to commit the District to any particular policy, act or obligation.

3. Board members shall present their concerns and concepts through the process of Board debate. If in the minority of any decision, they shall abide by and support the majority decision and refrain from publicly advocating against Board decisions after they are made sabotaging the work of the Board. When in the majority, they shall respect divergent opinions.

4. Encourage ideas and opinions from the residents of the district and endeavor to incorporate community views into the deliberations and decisions of the Board.

5. Devote sufficient time, thought, and study to proposed actions so as to be able to base decisions upon all available facts and vote in accordance with honest convictions, unswayed by partisan bias of any kind.

6. Remember that the basic functions of the Board are to establish the policies by which the District is to be administered and to select the Chief Executive Officer.

7. Promote and participate actively in a concerted program of timely exchange of information with all District residents, parents/guardians, employees and students. In accomplishing the purposes of this and other elements of the Board’s Code of Ethics, individual Board members are responsible for assuring the District’s compliance with the State’s open meeting laws.

8. The Brown Act, Government Code Section 54950 et.seq., and other provisions of law require that the Board only act in public session, except as otherwise provided by law. Board members understand that the deliberations of the Board in closed session may be released or discussed in public only with Board approval. Further Board members shall recognize that information that is received in confidence or subject to a recognized privilege may only be released or discussed in public with formal Board approval.

9. Make use of opportunities to enlarge his/her potential as a Board member through participation in educational conferences, workshops and training sessions made available by local, state and national organizations. Board members shall not abuse the
privilege and obligation to attend such meetings. In addition to any other penalties imposed by law, the Board may withdraw the privilege of attending the meetings described above in the event of abuse, said abuse having been established by way of the censure resolution described below.

10. Board members shall act in accordance with these Bylaws and the Policies of the Board.

**Breaches of the Code of Ethics**

This Code of Ethics is enforceable by means of a motion calling for the adoption of a censure resolution which shall, if adopted by a majority of the Board's membership, express the Board’s disapproval of the conduct of one or more of its members. Censure resolutions may also call for such other action as is within the authority of the Board to direct. (For example, and not by way of limitation, the Board may direct by censure resolution, where a board member has made inappropriate expenditures in connection with Board authorized travel, that said member be denied the privilege of District paid travel, and/or that inappropriate expenditures be repaid or not reimbursed.)

Motions calling for the adoption of a censure resolution may only be brought at the Board's regularly scheduled meetings, or at a special meeting that has been publicly noticed at least seven days in advance. Censure resolutions shall only be heard in public. A censure resolution shall describe in sufficient detail the conduct of said Board member or members, as to allow the member or members to prepare his or her response to the allegations. The Board member making the motion shall provide the proposed resolution to the other members of the board, including the effected Board member, and to the District’s Chief Executive Officer at least ten working days in advance of any public hearing on the motion. The written resolution as presented by the initiating Board member shall be presented under penalty of perjury. To the extent that a censure resolution relates to or involves information received in confidence or that is subject to a privilege recognized at law, such information need not be disclosed on the face of the resolution if to do so would further violate the original need for confidentiality or the conditions associated with the retention of the privilege.
BP 2716   Political Activity

Reference:  
*Education Code Sections 7054, 7054.1; 7056; Government Code 8314*

Members of the Board shall not use District funds, services, supplies or equipment to urge the passage or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the governing board.

Initiative or referendum measures may be drafted on an area of legitimate interest to the district. The Board may by resolution express the board’s position on ballot measures. Public resources may be used only for informational efforts regarding the possible effects of District bond issues or other ballot measures.
BP 2717  Personal Use of Public Resources

References:

Government Code Section 8314; Penal Code Section 424

No trustee shall use or permit others to use public resources, except that which is incidental and minimal, for personal purposes or any other purpose not authorized by law.
BP 2720  Communications Among Board Members

Reference:
  Government Code Section 54952.2

Members of the Board shall not communicate among themselves by the use of any form of communication (e.g., personal intermediaries, e-mail, or other technological device) in order to reach a collective concurrence regarding any item that is within the subject matter jurisdiction of the Board. In addition, no other person shall make serial communications to Board Members.
BP 2725  Board Member Compensation

Reference:  
   Education Code Section 72024

Members of the Board who attend all Board meetings shall receive monthly compensation as allowed by Education Code. The Student Trustee shall receive monthly compensation as determined by the Board.

A member of the Board may be paid for a meeting when absent if the Board, by resolution, finds that at the time of the meeting, the member is performing services outside the meeting for the community college District, is ill, on jury duty, if the absence is due to a hardship deemed acceptable by the Board, or if the member has an excused absence.
BP 2730    Board Member Health Benefits

Reference:
    Government Code Section 53201

Members of the Board shall be permitted to participate in the District's health benefit programs. The cost of such health benefits will be paid for by the District. The benefits of members of the Board through the District's health benefit programs shall not be greater than the most generous schedule of benefits being received by any category of non-safety employee of the District.

Former members of the Board may continue to participate in the District's health benefits programs upon leaving the Board if the following criteria are met: the member must have begun service on the Board after January 1, 1981; the member must have been first elected to the Board before January 1, 1995; and the member must have served at least 12 years. All other former Board members may continue to participate in the District's health benefits programs on a self-pay basis.
BP 2735  Board Member Travel

Reference:
   
   \textit{Education Code Section 72423}

Members of the Board shall have travel expenses paid whenever they travel as representatives of and perform services directed by the Board.

\textit{See Administrative Procedure 2735}
BP 2740  

**Board Education**

Reference:

*ACCJC Accreditation Standard IV.C.9*

The Board is committed to its ongoing development as a Board and to a trustee education program that includes new trustee orientation.

To that end, the Board will engage in study sessions, provide access to reading materials, and support conference attendance and other activities that foster trustee education.
BP 2745  Board Self-Evaluation

Reference:

*ACCJC Accreditation Standard IV.C.10*

The Board is committed to assessing its performance as a Board, based upon its established goals, in order to identify its strengths and areas in which it may improve its functioning. The Board will complete its self-evaluation and identify goals every two (2) years in odd numbered years opposite that of the established even year election cycle for Trustees.

A summary of the evaluations will be presented and discussed at a Board meeting scheduled for that purpose. The results will be used to identify accomplishments in the past two years and goals for the following two year cycle.
BP 2750  Board Member Absence from the State

Reference:  
Government Code Section 1064

No member of the Board shall be absent from the state for more than 60 days, except in any of the following situations:

(A) Upon business of community college district with the approval of the Board.

(B) With the consent of the Board for an additional period not to exceed a total absence of 90 days. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board.

(C) For federal military deployment, not to exceed an absence of a total of six months, as a member of the Armed Forces of the United States or the California National Guard. If the absence of a member of the Board pursuant to this subdivision exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of the circumstances described in this subdivision, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities.

(D) The term of an interim member of the Board appointed as set forth above may not extend beyond the return of the absent member, nor may it extend beyond the next regularly scheduled election for that office.
CHAPTER 3 – GENERAL INSTITUTION

BP 3050 Institutional Code of Ethics ................................................................. 60
BP 3100 Organizational Structure ................................................................. 61
BP 3200 Accreditation .................................................................................... 62
BP 3225 Institutional Effectiveness .................................................................. 63
BP 3250 Institutional Planning .......................................................................... 64
BP 3280 Grants .................................................................................................. 65
BP 3300 Public Records .................................................................................... 66
BP 3310 Records Retention and Destruction .................................................. 67
BP 3320 Branding ............................................................................................. 68
BP 3410 Unlawful Discrimination .................................................................... 69
BP 3420 Equal Employment Opportunity ...................................................... 71
BP 3430 Prohibition of Harassment .................................................................. 72
BP 3440 Service Animals ................................................................................. 74
BP 3441 Animals on Campus ........................................................................... 75
BP 3500 Campus Safety .................................................................................... 76
BP 3501 Campus Security and Access ............................................................. 77
BP 3505 Emergency Response Plan .................................................................. 78
BP 3506 Automated External Defibrillator (AED) ........................................... 80
BP 3510 Workplace Violence Plan .................................................................... 81
BP 3515 Reporting of Crimes ........................................................................... 82
BP 3518 Child Abuse Reporting ....................................................................... 83
BP 3520 Local Law Enforcement ...................................................................... 84
BP 3530 Weapons on Campus ......................................................................... 85
BP 3540 Sexual and Other Assaults on Campus ............................................... 86
BP 3550 Drug Free Environment and Drug Prevention Program .................... 87
BP 3560 Alcoholic Beverages ......................................................................... 88
BP 3570 No Smoking and Tobacco Free Campus .......................................... 89
BP 3600 Auxiliary Organizations ..................................................................... 90
BP 3710 Securing of Copyright ....................................................................... 92
BP 3711 Prohibition of Copyright Infringement .............................................. 93
BP 3715 Intellectual Property .......................................................................... 94
BP 3720 Computer Use .................................................................................... 95
BP 3810 Claims Against the District ............................................................... 96
BP 3820 Gifts .................................................................................................... 97
BP 3830 District Fundraising .......................................................................... 98
BP 3050    Institutional Code of Ethics

Reference:

Accreditation Standard III.A.1.d

The District shall have and uphold a written code of professional ethics for all of its personnel.

Office of Primary Responsibility: Superintendent/President

See Administrative Procedure AP 3050
BP 3100  Organizational Structure

Reference:

Education Code 72400

The Superintendent/President, in consultation with appropriate constituents, shall establish organizational charts that delineate the lines of responsibility and fix the general duties of employees within the District.

See Administrative Procedure 3100
BP 3200 Accreditation

Reference:

**ACCJC Accreditation Eligibility Requirement 21 and ACCJC Accreditation Standards I.C.12 and 13; Title 5 Section 51016**

The Superintendent/President, working in conjunction with the Academic Senate and other constituent groups, shall ensure the District complies with the accreditation process and standards of the Accrediting Commission of Community and Junior Colleges and of other District programs that seek special accreditation.

The Superintendent/President shall keep the Board informed of approved accrediting organizations and the status of accreditations.

The Superintendent/President shall ensure that the Board is involved in any accreditation process in which Board participation is required.

The Superintendent/President shall provide the Board with a summary of any accreditation report and any actions taken or to be taken in response to recommendations in an accreditation report.

*See Administrative Procedure 3200*
BP 3225 Institutional Effectiveness

Reference:

Education Code Sections 78210 et seq., and 84754.6; ACCJC Accreditation Standard I.B.5-9

The Board is committed to developing goals that measure the ongoing condition of the District’s operational environment. The Board regularly assesses the District’s institutional effectiveness.

See Administrative Procedure 3225
BP 3250  Institutional Planning

Reference:
ACCJC Accreditation Standards I.B.9, III.B.4, III.C.2, IV.B.3, and IV.D.5; Title 5, Sections 51008, 51010, 51027, 53003, 54220, 55080, 55190, 55250, 55510, 56270 et seq.

The Superintendent/President, working in conjunction with the Academic Senate and other constituent groups, shall ensure that the District has and implements a broad-based comprehensive, systematic and integrated system of planning that involves appropriate segments of the college community and is supported by institutional effectiveness research.

The Superintendent/President shall inform the Board about the status of planning and the various plans and provide opportunity for input and comment.

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

(A) Long range educational or academic master plan, which shall be updated periodically as deemed necessary by the governing board
(B) Facilities plan
(C) Equal Employment Opportunity plan
(D) Student equity plan
(E) Student Success and Support Program Plan
(F) Transfer Center
(G) Cooperative Work Experience
(H) EOPS

The Superintendent/President shall submit those plans for which Board approval is required by Title 5 to the Board.

See Administrative Procedure 3250
BP 3280    Grants

Reference:  
  Education Code Section 70902

The Superintendent/President shall establish procedures to assure timely application and processing of grant applications and funds, and that the grants that are applied for directly support the purposes of the District.

The Board will be informed about all grants received by the District.

See Administrative Procedure 3280
BP 3300  Public Records

References:

*Government Code Sections 6250, et seq.*

The Superintendent/President shall establish procedures for records management, including access by the public that comply with the requirements of the California Public Records Act.

*See Administrative Procedure 3300*
BP 3310 Records Retention and Destruction

References:

Title 5, Sections 59020, et seq.; Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, 45

The Superintendent/President, in cooperation with the appropriate divisions, shall establish administrative procedures to assure the retention and destruction of all District records – including electronically stored information as defined by the Federal Rules of Civil Procedure – in compliance with Title 5. Such records shall include but not be limited to student records, employment records and financial records.

See Administrative Procedure 3310
BP 3320   Branding

The Director of Public Information and Marketing, working in conjunction with the Superintendent/President, shall ensure that the District has and implements a consistent branding procedure that supports the mission, vision and values of the College.

The MSJC branding integrates all elements of the College’s graphic design and their application to print, Web, interactive and broadcast media, environmental graphics, and all other forms of media and collateral materials.

See Administrative Procedure 3320
BP 3410  Unlawful Discrimination

Reference:


The policy of the Mt. San Jacinto Community College District is to provide an educational and employment environment including but not limited to access to its services, classes, and programs in which no person shall be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination on the basis of ethnic group identification, national origin, religion, age, sex, gender, gender identification, gender expression, race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, military and veteran status or because he or she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics in any program or activity that is administered by, funded directly by, or that receives any financial assistance from the State Chancellor or Board of Governors of the California Community Colleges. Discrimination on the basis of sex or gender also includes sexual harassment.

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

The policy of Mt. San Jacinto Community College District is to comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973 in the development, procurement, maintenance, or use of electronic or information technology and respond to and resolve unlawful discrimination complaints regarding accessibility. Such complaints will be treated as complaints of discrimination on the basis of disability.

Employees, students or other persons acting on behalf of the District who engage in unlawful discrimination or harassment as defined in Administrative Procedure 3410 or by state or federal law may be subject to discipline, up to and including discharge, expulsion or termination of contract.
The Superintendent/President shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, sex, gender identification, gender expression, race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, military and veteran status or because he or she is perceived to have one or more of the foregoing characteristics, or because of his or her association with a person or group with one or more of these actual or perceived characteristics.


Authority: California Code of Regulations; Title 5, § 59300, Ed. Code §§ 66250 et seq. 66271.1, 66700, and 70901; Gov. Code § 11138.

See Administrative Procedure 3410
BP 3420   Equal Employment Opportunity

Reference:  
*Education Code Sections 87100, et seq.; Title 5, Section 53003(a), et seq.*

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

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

*See Administrative Procedure 3420*
BP 3430  Prohibition of Harassment

Reference:

Education Code Sections 212.5; 44100; 66252; 66281.5; Government Code 12950.1; Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000e.

The policy of the Mt. San Jacinto Community College District is to provide an educational and employment environment including but not limited to access to its services, classes, and programs in which no person shall be subjected to unlawful harassment and where such environment is free from unwelcome sexual advances, requests for sexual favors, sexual favoritism, or other verbal or physical conduct or communications constituting sexual harassment. It shall also be free of other unlawful harassment, including but not limited to harassment based on: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation of any person, or military and veteran status, or because he or she is perceived to have one or more of the foregoing characteristics.

Any student or employee who believes that he or she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in Administrative Procedure 3410.

The Superintendent/President shall establish procedures that define harassment on campus or in connection with District-sponsored events. The Superintendent/President shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures for students to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents.

District Administrative Procedure 3410 contains information regarding the specific rules and procedures for reporting charges of sexual harassment and pursuing available remedies. The following applies for the distribution of this policy:

1. This policy shall be displayed in a prominent location in the main administrative building or other areas where notices regarding the institution’s rules, regulations, procedures
and standards of conduct are posted.

2. The policy shall be provided to students as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session, as applicable.

3. This policy shall be provided to all faculty, administrators, and staff at the beginning of the first semester of the school year, or at the time that there is a new employee hired.

4. This policy shall appear in any publication of the District that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for the institution.

See Administrative Procedure 3410
BP 3440 Service Animals

Reference:


It is the policy of the Mt. San Jacinto College District to permit qualified individuals with disabilities to use a service animal or miniature horse in District facilities and on District campuses. The purpose of this policy is to ensure that qualified individuals with disabilities can participate in and benefit from District services, programs and activities, and to ensure that the District does not discriminate on the basis of disability.

See Administrative Procedure 3440
BP 3441 Animals on Campus

Reference:  
*Penal Code Section 365.5 and 365.7; Civil Code Section 54.1*

In order to ensure the safety of students, faculty, employees and visitors and to maintain the cleanliness of the District facilities and grounds, the Board has adopted the following policy pertaining to animals on District property. With the exception of service animals, the District considers the presence of pets and other animals on campus to be inconsistent with its educational mission.

Therefore, animals are prohibited on District property or in District vehicles with the following exceptions:

(A) Service animals such as a miniature horse or guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability as specified in California Penal Code Section 365.5, subsections (a), (b), (c), and (d).

(B) An animal used for instructional or research purposes, for a limited span, that have been reviewed and approved by the Office of Instruction and under the immediate control of the instructor or handler.

(C) An animal brought onto District property in accordance with MSJC Board Policy 3440.

(D) An animal that has been reviewed and approved by the VPSS or his or her designee.

Any animal found unattended or that is exempt from the prohibition per this policy may be impounded. Owners of such animals may also be subject to citation and fines as provided by Section 21113(a) of the California Vehicle Code.

*See also Board Policy 3440 and Administrative Procedure 3440*
BP 3500  Campus Safety

Reference:

Education Code 67380(a)(4)

The Board is committed to a safe and secure District work and learning environment. To that end, the Superintendent/President shall establish a campus safety plan and ensure that it is posted or otherwise made available to students. The campus safety plan shall include availability and location of Campus Police, methods for summoning assistance of Police, any special safeguards that have been established, any actions taken in the preceding 18 months to increase safety, and any changes in safety precautions to be made during the next 24 months.

See Administrative Procedure 3500
BP 3501    Campus Security and Access

Reference:

34 Code of Federal Regulations Part 668.46(b)(3); ACCJC Accreditation Standard III.B

The Superintendent/President shall establish procedures for security and access to District facilities.

See Administrative Procedure 3501
BP 3505   Emergency Response Plan

Reference:
Education Code Sections 35294.2, 32282, 35296, and 42140; Homeland Security Act of 2002; Government Code Sections 3100 and 8607(a); National Fire Protection Association 1600; Homeland Security Presidential Directive-5; Executive Order S-2-05; 19 California Code of Regulations (CCR) Sections 2400-2450; 34 CFR 668.46(g)

The District shall have emergency response and evacuation procedures for notifying the campus community in the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

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

Compliance with NIMS and SEMS mandates include:

(A) Establishing a disaster preparedness program or plan

(B) Completion of training sessions by college personnel in compliance with NIMS and SEMS guidelines
   a) Training requirements vary based on job titles or assigned roles within the emergency management program

College personnel must be informed that as public employees, they are also disaster service workers during national, state and local emergencies. The Superintendent/President and/or designee should ensure that an ICS Team is created to carry out compliance with NIMS and SEMS mandates.
Responses to emergencies or natural disasters are organized by SEMS into five categories: field response, local government, operational areas, regions, and the state management level.

The plan or program should contain information regarding activation and chain of command responsibilities. Compliance with NIMS mandates requires planning and incorporation for all phases of emergency management including mitigation and prevention, preparedness, response, and recovery. Colleges must comply with NIMS and SEMS to receive state or federal funding.

*See Administrative Procedure 3505*
BP 3506  Automated External Defibrillator (AED)

Under the direction and authority of the Vice President of Business Services, Business Services Risk Management will coordinate the AED* program for the District. Revisions of the AED program, policies, procedures and guidelines will be annually reviewed and implemented. This program will partner the combined expertise of the Business Services Department, the Athletic Department and the Police Department.

* An Automated External Defibrillator is used to treat victims who experience sudden cardiac arrest, a condition that occurs when the electrical impulses of the human heart malfunction causing a disturbance in the heart’s electrical rhythm called ventricular fibrillation (VF). This erratic and ineffective electrical heart rhythm causes cessation of the heart’s normal function of pumping the blood which may result in sudden death. When treated with early defibrillation the heart can be restored to a normal rhythm.

See Administrative Procedure 3506
BP 3510   Workplace Violence Plan

Reference:


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

The Superintendent/President shall establish administrative procedures that assure that employees are informed regarding what actions will be considered violent acts, and requiring any employee who is the victim of any violent conduct in the workplace, or is a witness to violent conduct to report the incident, and that employees are informed that there will be no retaliation for such reporting.

See Administrative Procedure 3510
BP 3515  Reporting of Crimes

Reference:  
Education Code Section 67380

The Superintendent/President shall assure that, as required by law, reports are prepared of all occurrences reported to campus police of and arrests for crimes committed on campus that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication. The Superintendent/President shall further assure that required reports of non-criminal acts of hate violence are prepared. Such reports shall be made available as required by law.

See Administrative Procedure 3515
BP 3518  Child Abuse Reporting

References:

Penal Code Sections 261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a and 11164-11174.3; Welfare and Institutions Code Sections 300, 318 and 601; Family Code Sections 7802, 7807, 7808, 7820-7829, 7890 and 7892

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

See Administrative Procedure 3518
BP 3520  Local Law Enforcement

Reference:  
Education Code Sections 67381 and 67381.1; 34 CFR 668.46(b)(4)

The District, on behalf of each campus or center, shall enter into a written agreement with local law enforcement agencies. The agreement clarifies operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, sexual assaults, including but not limited to rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of any of these; and hate crimes as defined by law, occurring at each location.

The written agreement designates which law enforcement agency has operational responsibility for violent crimes, sexual assaults, and hate crimes, and delineates the specific geographical boundaries of each agency’s operational responsibility, including maps as necessary.

The written agreements required by the Board policy are public records and are made available for inspection by members of the public upon request to the Campus Safety Department. Written agreements shall be reviewed and updated if necessary every five years.

The Mt. San Jacinto Community College District and each campus encourages accurate and prompt reporting of all crimes to the campus police and/or the appropriate police agencies. The Superintendent/President shall establish procedures that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Note: this policy is applicable whether or not a district includes a police department as part of its structure.

See Administrative Procedure 3520
BP 3530  Weapons on Campus

Reference:
Penal Code Section 626

Firearms or other weapons (see Administrative Procedure 3530) shall be prohibited on any college or District center or in any facility of the District except for approved activities conducted under the direction of District officials or as set out in Administrative Procedure 3530, promulgated by the Superintendent/President to effectuate this policy.

See Administrative Procedure 3530
BP 3540  Sexual and Other Assaults on Campus

Reference:

Education Code Section 67382, 67385; 20 U.S.C. § 1092(f); 34 C.F.R. § 668.46(b)(11)

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking, as defined by California law, whether committed by an employee, student, or member of the public occurring on District property, in connection with any academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District’s facilities or at another location, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

The policy of Mt. San Jacinto Community College District is to provide an educational and employment environment including but not limited to access to its services, classes, and programs in which no person shall be subjected to unlawful harassment and where such environment is free from unwelcome sexual advances, requests for sexual favors, sexual favoritism, or other verbal or physical conduct or communications constituting sexual harassment.

The Superintendent/President shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational information about preventing sexual violence is provided and publicized as required by law.

The procedures shall meet the criteria contained in EC 67385, 67385.7, 67386, and 34 C.F.R.§ 668.46.

See Administrative Procedure 3540
BP 3550 Drug Free Environment and Drug Prevention Program

References:

Drug Free Schools and Communities Act, 20 U.S. Code Section 1145g; 34 C.F.R. Sections 86.1 et seq.; Drug Free Workplace Act of 1988, 41 U.S. Code Section 702

The District shall be free from all drugs and from the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees.

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

Any student or employee who violates this policy will be subject to disciplinary action consistent with local, state, or federal law, which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion or dismissal.

The Superintendent/President shall assure that the District distributes annually to each student and employee the information required by the Drug-Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act.

See Administrative Procedure 3550
BP 3560 Alcoholic Beverages

Reference:

Business and Professions Code Section 25608; 34 CFR 668.46(b)

Alcoholic beverages shall not be served on campus except in accordance with the procedures outlined in AP 3560. All requests to serve alcoholic beverages on district property must be approved by the Board of Trustees prior to the event taking place.

The Superintendent/President is authorized to enact procedures as appropriate and permitted by law regarding serving alcoholic beverages on campus or at fund-raising events held to benefit non-profit corporations.

See Administrative Procedure 3560
BP 3570  No Smoking and Tobacco Free Campus

References:

*Education Code Section 76030, et seq.; Government Code Sections 7596, 7597, 7597.1 and 7598; Labor Code Section 6404.5; Title 5 Section 5148*

The Board of Trustees for Mt. San Jacinto College District recognizes the serious health problems associated with smoking tobacco or other non-tobacco products and the use of smokeless tobacco. It also recognizes that tobacco smoke poses a health risk to smokers and non-smokers alike.

Out of respect and concern for the health and welfare of the entire campus community comprised of students, faculty, staff and guests, the MSJC Board of Trustees establishes this policy to designate all properties owned, leased, or rented by the District as smoke-free and tobacco-free environments.

Repeated violators of the smoke-free and tobacco-free campus policy will be subject to appropriate disciplinary actions (see AP 3570).

*See Administrative Procedure 3570*
BP 3600 Auxiliary Organizations

References:

Education Code Sections 72670, et seq.; Title 5, Sections 59250, et seq.

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

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

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

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

(A) the composition of a board of directors and the way in which it conducts its meetings;

(B) conducting an annual audit;

(C) employing its work force;

(D) expending and appropriating its funds, and keeping its records.

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

*See Administrative Procedure 3600*
BP 3710  Securing of Copyright

References:

**Education Code Sections 72207, 81459; 17 United States Code 201**

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

In the development of these procedures, the Superintendent/President shall solicit the input of the proper representatives of the college community in accordance with the District's policies regarding shared local decision making.

*See Administrative Procedure 3710*
BP 3711  Prohibition of Copyright Infringement

Reference:

Education Code Sections 72207 and 81459; Title 17 U.S.C. Section 201

The Mt. San Jacinto Community College District (MSJCCD) and all of its employees will comply with the U.S. Copyright Law and the Digital Millennium Copyright Act. District employees and students are prohibited from using the MSJCCD network, computers or other property to illegally share copyrighted intellectual property.

Copyright provides legal protection for creative intellectual works that include, but are not limited to: e-mails, web site information, images, graphics, art, photography, music and software. In order to use copyrighted materials, you must obtain the copyright owner’s permission or you must qualify for a legal exception (“fair use” http://www.copyright.gov/fls/fl102.html).

Illegally sharing copyrighted materials includes, but is not limited to acts such as: downloading or uploading to the Internet, making copies, posting to web sites, creating derivative materials, displaying or performing in publicly.

Under the law, college administrators may be obligated to provide copyright holders with information about users of the MSJCCD network, computers or other property who have violated the law.

Violators of the law and may subject to criminal and civil penalties and/or academic sanctions from the college that may include termination of District computer accounts or termination of other network privileges.

The Recording Industry Association of American provides sources that offer legal downloading sites at www.riaa.com

Find more information at:
BP 3715  Intellectual Property

References:

17 USC 101 et seq.; 35 USC 101 et seq.; and 37 CFR 1.1 et seq.

The Superintendent/President, working with appropriate college constituents, shall develop procedures that define the rights, interests, protection and transfer of intellectual property created by the District employees and students.

See Administrative Procedure 3715
BP 3720  Computer Use

References:

*Education Code Section 70902; 17 U.S.C. Section 101 et seq.; Penal Code Section 502, Cal. Const. Art 1 Section 1; Government Code Section 3543.1(b)*

Employees and students who use District computers and networks and the information they contain, and related resources have a responsibility not to abuse those resources and to respect the rights of others. The Superintendent/President, working with appropriate constituents, shall establish acceptable use procedures that provide guidelines to students and staff for the appropriate use of information technologies. The procedures shall include that users must respect software copyrights and licenses, respect the integrity of computer-based information resources, refrain from seeking to gain unauthorized access, and respect the rights of other computer users.

*See Administrative Procedure 3720*
BP 3810 Claims Against the District

References:

*Education Code Section 72502; Government Code Sections 900 et seq.; 910*

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

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

Claims that are subject to the requirements of this policy include, but are not limited to, the following:

(A) Claims by public entities: claims by the state or by a state department or agency or by another public entity.

(B) Claims for fees, wages and allowances: claims for fees, salaries or wages, mileage, or other expenses and allowances.

The designated place for service of claims, lawsuits or other types of legal process upon the District is Business Services

*See Administrative Procedure 3810*
BP 3820 Gifts

Reference: Education Code Section 72122

The Board shall consider all gifts, donations and bequests made to the District. The Board reserves the right to refuse to accept any gift which does not contribute toward the goals of the District, or the ownership of which would have the potential to deplete resources of the District.

The District shall assume no responsibility for appraising the value of gifts made to the District.

Acceptance of a gift shall not be considered endorsement by the District of a product, enterprise or entity.

In no event shall the District accept a donation from any donor who engages in practices or policies which discriminate against any person on the basis of nationality, religion, age, gender, gender identity, gender expression, race or ethnicity, medical condition, genetic information, ancestry, sexual orientation, marital status, military or veteran status, or physical or mental disability; or when the stated purposes of the donation are to facilitate such discrimination in providing educational opportunity.

Note: A district should consult with counsel if confronted with a donor who wishes to make a donation of a scholarship that will be tailored to help historically underrepresented groups. Generally, a district should not accept a donation from a donor when the stated purpose of the donation is to facilitate discrimination on the basis of nationality, religion, age, gender, gender identity, gender expression, race or ethnicity, medical condition, genetic information, ancestry, sexual orientation, marital status, or physical or mental disability.

See Administrative Procedure 3820
BP 3830 District Fundraising

All fundraising activities of any type at Mt. San Jacinto College shall be coordinated through the Mt. San Jacinto College Foundation as designated by the Superintendent/President.

Solicitation of gifts, funds, or property shall not be made by anyone in the name of or for any benefit for Mt. San Jacinto College without communication with and approval of the Foundation.

In the case of fundraising activities sponsored by the Student Government Association or by other student groups, prior approval of the Vice President of Student Services or his designee is required as well as notification to the Foundation.

The purposes of coordinating all fundraising activities through the Foundation include:

(A) To avoid conflict and duplication of efforts in the fundraising programs;
(B) To maximize the contributions from each donor;
(C) To provide continuity for understanding of and support for funding needs throughout the District;
(D) To ensure that all gifts are properly acknowledged; and
(E) To ensure that accurate records of all gifts are maintained.

See also Board Policy and Administrative Procedure 3280

See Administrative Procedure 3830
BP 3900  Speech: Time, Place and Manner

Reference:

*Education Code Sections 66301, 76120 and 87708*

The college(s) of the District is/are non-public forums, except for those areas that are generally available for use by students or the community, which are designated public forums. The Superintendent/President shall enact such administrative procedures as are necessary to reasonably regulate the time, place and manner of the exercise of free expression in the limited public forums.

The administrative procedures promulgated by the Superintendent/President shall not prohibit the right of students to exercise free expression, including but not limited to the use of bulletin boards designated for such use, the distribution of printed materials or petitions in those parts of the college designated as areas generally available to students and the community, and the wearing of buttons, badges, or other insignia.

Students shall be free to exercise their rights of free expression, subject to the requirements of this policy.

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

Nothing in this policy shall prohibit the regulation of hate violence, so long as the regulation conforms to the requirements of the First Amendment to the United States Constitution, and of Section 2 of Article 1 of the California Constitution. Students may be disciplined for unlawful harassment, threats, intimidation, or hate violence, unless such speech is constitutionally protected.

*See Administrative Procedure 3900*
<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>BP 4010</td>
<td>Academic Calendars</td>
<td>101</td>
</tr>
<tr>
<td>BP 4020</td>
<td>Program, Curriculum and Course Development</td>
<td>102</td>
</tr>
<tr>
<td>BP 4025</td>
<td>Philosophy and Criteria for Associate Degree and General Education</td>
<td>104</td>
</tr>
<tr>
<td>BP 4030</td>
<td>Academic Freedom</td>
<td>106</td>
</tr>
<tr>
<td>BP 4040</td>
<td>Library and Learning Support Services</td>
<td>109</td>
</tr>
<tr>
<td>BP 4050</td>
<td>Articulation</td>
<td>110</td>
</tr>
<tr>
<td>BP 4060</td>
<td>Delineation of Functions Agreements</td>
<td>111</td>
</tr>
<tr>
<td>BP 4070</td>
<td>Course Auditing and Auditing Fees</td>
<td>112</td>
</tr>
<tr>
<td>BP 4100</td>
<td>Graduation Requirements for Degrees and Certificates</td>
<td>113</td>
</tr>
<tr>
<td>BP 4106</td>
<td>Nursing Programs</td>
<td>114</td>
</tr>
<tr>
<td>BP 4220</td>
<td>Standards of Scholarship - Delegation</td>
<td>116</td>
</tr>
<tr>
<td>BP 4225</td>
<td>Course Repetition</td>
<td>117</td>
</tr>
<tr>
<td>BP 4226</td>
<td>Multiple and Overlapping Enrollments</td>
<td>118</td>
</tr>
<tr>
<td>BP 4230</td>
<td>Grading and Academic Record Symbols</td>
<td>119</td>
</tr>
<tr>
<td>BP 4231</td>
<td>Grade Changes</td>
<td>120</td>
</tr>
<tr>
<td>BP 4235</td>
<td>Credit by Examination</td>
<td>121</td>
</tr>
<tr>
<td>BP 4240</td>
<td>Academic Renewal</td>
<td>122</td>
</tr>
<tr>
<td>BP 4250</td>
<td>Probation, Dismissal and Readmission</td>
<td>123</td>
</tr>
<tr>
<td>BP 4260</td>
<td>Prerequisites and Co-requisites</td>
<td>125</td>
</tr>
<tr>
<td>BP 4300</td>
<td>Field Trips and Excursions</td>
<td>126</td>
</tr>
<tr>
<td>BP 4400</td>
<td>Community Services</td>
<td>127</td>
</tr>
</tbody>
</table>
BP 4010  Academic Calendars

References:

   Education Code Section 79020; Title 5, Section 55700 et seq., Section 58142

The Superintendent/President or designee shall, in consultation with the appropriate groups, submit to the board for approval an academic calendar.

See Administrative Procedure 4010
BP 4020  Program, Curriculum and Course Development

Reference:
Education Code Sections 70901(b), 70902 (b), 78016; Title 5, Section 51000, 51022, 55100, 55130 and 55150; U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended; 34 Code of Federal Regulations Sections 600.2, 602.24, 603.24, and 668.8; ACCJC Accreditation Standards II.A and II.A.9

The Programs and curricula of the district shall be of high quality, relevant to community and student needs, and evaluated regularly to ensure quality and currency. The superintendent/president shall establish procedures for the development and review of all curricular offerings, including their establishment, modification or discontinuance. In all cases the Institution will rely primarily on the Faculty. Furthermore, these procedures shall include:

(A)  Appropriate involvement of the faculty and Faculty Senate in all processes;
(B)  Regular review and justification, as necessary of programs and course descriptions;
(C)  Training opportunities for all faculty and other staff involved in any aspect of the curriculum process;
(D)  Guidelines for the use of a range of delivery systems and modes of instruction;
(E)  Consideration of job market and other related information for vocational and occupational programs.

All new programs and program deletions shall be approved by the board.

All new courses that are not part of an existing approved program and all new programs shall be submitted to the Office of the Chancellor for the California Community Colleges for approval as required.

Individual degree-applicable credit courses offered as part of a permitted educational program shall be approved by the Board. Non degree-applicable credit and degree-applicable courses
that are not part of an existing approved program must satisfy the conditions authorized by Title V regulations and shall be approved by the Board.

**Credit Hour**
Consistent with federal regulations applicable to federal financial aid eligibility, the District shall assess and designate each of its programs as either a “credit hour” program or a “clock hour” program.

The Superintendent/President will establish procedures which prescribe the definition of “credit hour” consistent with applicable federal regulations, as they apply to community college districts.

The Superintendent/President shall establish procedures to assure that curriculum at the District complies with the definition of “credit hour” or “clock hour”, where applicable. The Superintendent/President shall also establish procedures for using a clock-to-credit hour conversion formula to determine whether a credit hour program is eligible for federal financial aid. The conversion formula is used to determine whether such a credit hour program has an appropriate minimum number of clock hours of instruction for each credit hour it claims.

*See Administrative Procedure 4020*
BP 4025  Philosophy and Criteria for Associate Degree and General Education

References:
Title 5 Section 55061; ACCJC Accreditation Standard II.A

Courses that are designated to fulfill the general education and depth requirements shall meet
the following philosophy:

Awarding of an associate degree is intended to represent more than an accumulation of units. It
symbolizes a successful attempt on the part of the college to lead students through patterns of
learning experiences designed to develop certain capabilities and insights. Among these are
the ability to think and to communicate clearly and effectively both orally and in writing; to
use mathematics, to understand the methods of inquiry of the major disciplines; to be aware of
other cultures and times; to achieve insights gained through experience in thinking about
ethical problems, and to develop the capacity for self-understanding.

Central to an associate degree, general education is designed to introduce students to the
various ways by which people understand the modern world. It reflects the conviction of
colleges that those who receive their degrees must possess in common certain basic
principles, concepts and methodologies both unique to and shared by the various disciplines.
General education introduces the content and methodology of the major areas of knowledge
and provides an opportunity for students to develop intellectual skills, information technology
facility, effective and creative capabilities, social attitudes, and an appreciation for cultural
diversity.

In addition to these accomplishments, the student shall possess sufficient depth in some field
of knowledge to contribute to lifetime interest.

In establishing or modifying a general education program, mechanism shall be identified to
create coherence and integration among the separate requirements. General education
programs will engage students actively in examining values and proposing solutions to major
societal problems.

The Superintendent/President shall direct the establishment of procedures to assure that
courses used to meet general education and associate degree requirements meet the
standards in this policy. The procedures shall provide for appropriate involvement of the Curriculum Committee and Academic Senate.

See Administrative Procedure 4025
BP 4030 Academic Freedom

References:
*Title 5 Section 51023; Accreditation Standard 2.2*

**Academic Freedom**

(A) Faculty members are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

(B) Faculty members are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

(C) College and university faculty members are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

(D) Faculty members in non-teaching fields have the same claim to freedom of inquiry and expression of professional opinion as teaching faculty, and they have parallel obligations as well.

**Statement on Professional Ethics**

(A) Faculty members, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon
them. Their primary responsibility to their subject is to seek and to state the
truth as they see it. To this end faculty members devote their energies to
developing and improving their scholarly competence. They accept the obligation
to exercise critical self-discipline and judgment in using, extending, and
transmitting knowledge. They practice intellectual honesty. Although faculty
members may follow subsidiary interests, these interests must never seriously
hamper or compromise their freedom of inquiry.

(B) Faculty members encourage the free pursuit of learning in their students. They
hold before them the best scholarly and ethical standards of their discipline.
Faculty members demonstrate respect for students as individuals and adhere to
their proper roles as intellectual guides and counselors. Faculty members make
every reasonable effort to foster honest academic conduct and to ensure that
their evaluations of students reflect each student's true merit. They respect the
confidential nature of the relationship between faculty member and student.
They avoid any exploitation, harassment, or discriminatory treatment of
students. They acknowledge significant academic or scholarly assistance from
them. They protect their academic freedom.

(C) As colleagues, faculty members have obligations that derive from common
membership in the community of scholars. Faculty members do not discriminate
against or harass colleagues. They respect and defend the free inquiry of
associates. In the exchange of criticism and ideas faculty members show due
respect for the opinions of others. Faculty members acknowledge academic
debate and strive to be objective in their professional judgment of colleagues.
Faculty members accept their share of faculty responsibilities for the governance
of their institution.

(D) As members of an academic institution, faculty members seek above all to be
effective faculty members and scholars. Although faculty members observe the
stated regulations of the institution, provided the regulations do not contravene
academic freedom, they maintain their right to criticize and seek revision. Faculty
members give due regard to their paramount responsibilities within their
institution in determining the amount and character of work done outside it.
When considering the interruption or termination of their service, faculty
members recognize the effect of their decision upon the program of the
institution and give due notice of their intentions.

(E) As members of their community, faculty members have the rights and obligations
of other citizens. Faculty members measure the urgency of these obligations in
light of their responsibilities to their subject, to their students, to their
profession, and to their institution. When they speak or act as private persons,
they avoid creating the impression of speaking or acting for their college or
university. As citizens engaged in a profession that depends upon freedom for its
health and integrity, faculty members have a particular obligation to promote
conditions of free inquiry and to further public understanding of academic freedom.

See Administrative Procedure 4030
BP 4040  Library and Learning Support Services

Reference:
Education Code Section 78100; Civil Code Section 1798.90; ACCJC Accreditation Standard II

The district shall have library and learning support services that are integral parts of the institution’s educational program and will comply with the requirements of the Reader Privacy Act.

See Administrative Procedure 4040
BP 4050  Articulation

Reference:

Title 5, Section 51022(b); Accreditation Standard II.A.6.a; Education Code Section 66720-66744; ACCJC Accreditation Standard II.A

The Superintendent/President shall establish procedures that assure articulation of the district’s instructional programs with area high schools and four-year institutions.

The procedures also may support articulation with institutions, including other community colleges and those that are not geographically proximate but that are appropriate and advantageous for the district.

See Administrative Procedure 4050
BP 4060   Delineation of Functions Agreements

References:

   Education Code Sections 8535, 8536

The Superintendent/President shall present an appropriate memorandum of understanding to the board for approval whenever a mutual agreement with a school district or other educational entity relating to responsibility for noncredit continuing education programs is required by state law.

See Administrative Procedure 4060
BP 4070 Course Auditing and Auditing Fees

Reference: 
*Education Code Section 76370*

Students may audit courses on a “space available” basis and with the recommendation of the instructor and the approval of the appropriate instructional administrator.

Priority in class enrollment shall be given to students enrolled in the course for credit towards a degree or certificate.

The fee for auditing courses shall be no more than the current maximum established by law/education code per unit. Students enrolled in classes to receive credit for ten (10) or more semester credit units shall not be charged a fee to audit three or fewer semester units per semester.

No student auditing a course shall be permitted to change his or her enrollment to receive credit for the course.

*See Administrative Procedure 4070*
BP 4100  Graduation Requirements for Degrees and Certificates

References:

   Education Code Section 70902(b)(3); Title 5 Sections 55060 et sq.

The district grants the degrees of Associate in Arts and Associate in Science to those students who have completed the subject and unit requirements for graduation and who have maintained a 2.0 (C) average in subjects attempted. Students must also complete the general education residency and competency requirements set forth in Title 5 regulations, including but not limited to, reading, written expression and mathematics.

Students may be awarded a Certificate of Achievement upon successful completion of courses of study or curriculum for which the district offers a certificate. The district has certificate programs and employment concentrations that upgrade and develop occupational and vocational proficiency.

The Superintendent/President shall direct the establishment of procedures to determine degree and certificate requirements and to assure that graduation requirements are published in the district's catalog(s) and included in other resources that are convenient for students.

See Administrative Procedure 4100
BP 4106  Nursing Programs

References:

*Education Code Section 66055.8, 66055.9, 70101-70106, 70120, 70124, 70125, 70128.5, 78260, 78261, 78261.3, 78261.5, 87482, 89267, 89267.3, and 92645; Title 5 Sections 55060 et seq. and 55521; Health and Safety Code Section 128050*

1. A Registered Nursing student who has been admitted to a program operated by the District and who has already earned a baccalaureate or higher degree from a regionally accredited institution of higher education shall not be required to complete any general education requirements and shall be required only to complete the coursework necessary for licensing as a registered nurse.

2. The District Associate Degree Registered Nursing Program may use any diagnostic assessment tool that is commonly used in registered nursing programs and is approved by the Chancellor of the California Community Colleges in accordance with Education Code Section 78261.3.

3. The District Associate Degree Registered Nursing Program may admit students in accordance with any of the following procedures when it is determined that the number of applicants to the program exceeds the program’s capacity:
   a. Administration of a multi-criteria screening process;
   b. Random selection process;
   c. A blended combination of a multi-criteria screening process and random selection.

4. If a multi-criteria screening process is used to evaluate applicants, those measures shall be applied in accordance with the provisions of Education Code Section 78261.5(b). The criteria shall include, but shall not necessarily be limited to, all of the following:
   a. Academic degrees or diplomas, or relevant certificates, held by the applicant.
   b. Grade point average in relevant coursework.
   c. Any relevant work or volunteer experience.
   d. Life experiences or special circumstances of an applicant.
   e. Proficiency or advanced level coursework in languages other than English.
5. The District may require any prospective nursing student to provide criminal record clearance and/or health and immunization clearance in accordance with the provisions of Section 126.5 of the Health and Safety Code prior to enrollment.

6. The District shall not exclude an applicant to the Associate Degree Registered Nursing Program on the basis that the applicant is not a resident of the District or has not completed prerequisite courses in the District.

See Administrative Procedure 4106
BP 4220  Standards of Scholarship - Delegation

References:

Education Code Section 70902(b)(3); Title 5 Sections 55020 et seq., 55031 et seq., and 55040 et seq.

The Superintendent/President, in consultation with the faculty and the Academic Senate, shall establish procedures for standards of scholarship consistent with the provisions of the Title 5, Sections 55020 et seq., 55030 et seq., 55040 et seq. and board policy.

These procedures shall address: grading practices, academic record symbols, grade point average, credit by examination, academic and progress probation, academic and progress dismissal, academic renewal, course repetition, limits on remedial coursework, and grade changes.

These procedures shall be described in the Mt. San Jacinto Community College District catalog.

See Administrative Procedure 4220
Course Repetition

References:

*Title 5 Sections 55000, 55002, 55040, 55041, 55042, 55044 and 58161*

Students may repeat, up to the designated number of times (defined by Title 5 and as described in Administrative Procedures), the same course in which substandard grades (D, F, NC, and/or NP) were earned.

Students may repeat a course, in which a non-substandard grade was received, only once due to significant lapse of time. A significant lapse of time is defined as at least five (5) years.

When course repetition occurs, the permanent academic record shall be annotated in such a manner that all work remains legible, ensuring a true and complete academic history.

Under special circumstances, students may repeat courses in which a “C” or better grade was earned. The special circumstances are defined in the Administrative Procedures.

*See Administrative Procedures 4225*
BP 4226   Multiple and Overlapping Enrollments

Reference:

*Title 5 Section 55007*

The Superintendent/President shall establish procedures to ensure that students may only enroll in two or more sections of the same credit course during the same term if the length of the course provides that the student is not enrolled in more than one section at any given time.

The Superintendent/President shall establish procedures to ensure that students may only enroll in two or more courses where the meeting times overlap under the conditions specified in Title 5 Section 55007.

*See Administrative Procedures 4226*
BP 4230  Grading and Academic Record Symbols

Reference:

*Title 5 Section 55023*

Courses shall be graded using the grading system established by Title 5.

The grading system shall be published in the college catalog(s) and made available to students.

*See Administrative Procedure 4230*
BP 4231  Grade Changes

Reference:

*Education Code Sections 76224 and 76232; Title 5 Section 55025*

The Superintendent/President shall implement procedures to assure the accuracy and integrity of all grades awarded by faculty. The procedures shall include, but not necessarily be limited to, the following:

(A) Assurance that in the absence of mistake, bad faith, fraud or incompetence, the grades awarded by faculty shall be final.

(B) Procedures for students to challenge the correctness of a grade.

(C) All grade changes must take place within three (3) years of initial award of grade.

(D) The installation of security measures to protect grade records and grade storage systems from unauthorized access.

(E) Limitations on access to grade records and grade storage systems.

(F) Discipline for students, faculty or staff who are found to have gained access to grade records without proper authorization or to have changed grades without proper authorization.

(G) Notice to students, faculty, transfer institutions, accreditation agencies and law enforcement agencies if unauthorized access to grade records and grade storage systems is discovered to have occurred.

See Board Policies 3310 and 5040; and Administrative Procedure 5040
BP 4235  Credit by Examination

Reference:

Title 5 Section 55050

Credit may be earned by students who satisfactorily pass authorized examinations. The Superintendent/President, in consultation with the Curriculum Committee and Academic Senate, shall direct the establishment of administrative procedures to implement credit by examination. This responsibility shall be delegated to the chief instructional officer.

See Administrative Procedure 4235
BP 4240  Academic Renewal

Reference:
Title 5 Section 55044

Students may petition to have their academic record reviewed for academic renewal of substandard academic performance. The Superintendent/President, in consultation with the faculty and Academic Senate, shall direct the establishment of procedures that provide for academic renewal.

See Administrative Procedure 4240
BP 4250 Probation, Dismissal and Readmission

Reference:

*Education Code Section 70902(b)(3); Title 5 Sections 55030 through 55034*

**Probation:**

**Academic:**
A student shall be placed on “academic probation” if a minimum of 12 semester units of work has been attempted and the student has a grade point average (GPA) of less than a “C” (2.0 GPA).

**Progress:**
A student shall be placed on “progress probation” if the student is enrolled in a total of at least 12 semester units and the percentage of all units in which the student has enrolled, for which entries of “W,” “I,” “NC,” and “NP” were recorded reaches or exceeds fifty percent. A student who is placed on probation may submit an appeal in accordance with procedures to be established by the Superintendent/President.

A student on academic probation shall be removed from probation when the student’s accumulated GPA is 2.0 or higher. A student on progress probation shall be removed from probation when the percentage of units in the categories of “W,” “I,” “NC,” and “NP” drops below fifty percent.

**Dismissal:**

**Academic:**
A student who is on academic probation shall be subject to dismissal if the student has earned a cumulative GPA of less than 1.75 in all units attempted in each of three (3) consecutive semesters.

**Progress:**
A student who is on progress probation shall be subject to dismissal if the cumulative percentage of units in which the student has been enrolled for which entries of “W,” “I,”
“NC,” and “NP” are recorded in at least three (3) consecutive semesters reaches or exceeds fifty percent.

A student who is subject to dismissal may submit a written appeal in compliance with administrative procedures. Dismissal may be postponed and the student continued on probation if, upon review and approval, it is determined that there are extenuating circumstances or the student demonstrates significant improvement in academic performance.

**Readmission:**

A student who has been dismissed may request reinstatement after one semester by appeal. Readmission may be granted, denied or postponed according to criteria contained in administrative procedures. The superintendent/president shall develop procedures for the implementation of this policy that comply with the Title 5 requirements.

*See Administrative Procedure 4250*
BP 4260  Prerequisites and Co-requisites

References:

*Title 5 Sections 55000 and 55003*

The Superintendent/President, in consultation with the Curriculum Committee and Academic Senate, shall direct the establishment of prerequisites, co-requisites and advisories on recommended preparation for courses in the curriculum. All prerequisites, co-requisites and advisories shall be established in accordance with the standards set out in Title 5.

Any prerequisites, co-requisites or advisories shall be necessary and appropriate for achieving the purpose for which they are established.

The administrative procedures shall include a way in which a prerequisite or co-requisite may be challenged by a student on grounds permitted by law.

Prerequisites, co-requisites and advisories shall be identified in district publications available to students.

*See Administrative Procedure 4260*
BP 4300 Field Trips and Excursions

Reference:

*Title 5 Section 55450*

The Superintendent/President in consultation with the Curriculum Committee and Academic Senate shall direct the establishment of procedures that regulate the use of district funds for student travel and attendance at conferences and other activities that are performed as a class assignment or co-curricular activity.

The District may pay for expenses of students participating in a field trip or excursion with auxiliary, grant or categorical program funds if the funds are used consistently with the funding source. The expenses of instructors, chaperones, and other personnel traveling with students may also be paid from district funds.

Students and staff shall at all times adhere to the standards of conduct applicable to conduct on campus.

*See Administrative Procedure 4300*
BP 4400  Community Services

Reference:

_Education Code Section 78300_

The district shall maintain a community services program that may include courses and/or activities in civic, vocational, literacy, health, homemaking, technical and general education, including but not limited to classes in the fields of basic skills training, parenting, ESL, music, drama, art handicraft, science, literature, nature study, and physical fitness.

The community services program shall be designed to contribute to the physical, mental, moral, economic or civic development of the individuals or groups enrolled in it.

Community services courses shall be open for admission of adults and of minors who can benefit from the programs.

No general fund monies may be expended to establish or maintain community services courses. Students involved in community services courses shall be charged a fee not to exceed the cost of maintaining the courses. Courses may also be offered for remuneration by contract or with contributions or donations of individuals or groups.

See _Administrative Procedure 4400_
# CHAPTER 5 – STUDENT SERVICES

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>BP 5010</td>
<td>Admissions and Concurrent Enrollment</td>
<td>129</td>
</tr>
<tr>
<td>BP 5015</td>
<td>Residence Determination</td>
<td>131</td>
</tr>
<tr>
<td>BP 5020</td>
<td>Nonresident Tuition</td>
<td>132</td>
</tr>
<tr>
<td>BP 5030</td>
<td>Fees</td>
<td>133</td>
</tr>
<tr>
<td>BP 5035</td>
<td>Withholding of Student Records</td>
<td>136</td>
</tr>
<tr>
<td>BP 5040</td>
<td>Student Records, Directory Information and Privacy</td>
<td>137</td>
</tr>
<tr>
<td>BP 5050</td>
<td>Student Success and Support Program</td>
<td>139</td>
</tr>
<tr>
<td>BP 5052</td>
<td>Open Enrollment</td>
<td>140</td>
</tr>
<tr>
<td>BP 5055</td>
<td>Enrollment Priorities</td>
<td>141</td>
</tr>
<tr>
<td>BP 5110</td>
<td>Counseling</td>
<td>142</td>
</tr>
<tr>
<td>BP 5120</td>
<td>Transfer Center</td>
<td>143</td>
</tr>
<tr>
<td>BP 5130</td>
<td>Financial Aid</td>
<td>144</td>
</tr>
<tr>
<td>BP 5140</td>
<td>Disabled Students Programs and Services</td>
<td>146</td>
</tr>
<tr>
<td>BP 5141</td>
<td>Wait List Policy – Students Who are Deaf or Hard of Hearing</td>
<td>148</td>
</tr>
<tr>
<td>BP 5150</td>
<td>Extended Opportunity Programs and Services</td>
<td>149</td>
</tr>
<tr>
<td>BP 5205</td>
<td>Student Accident Insurance</td>
<td>150</td>
</tr>
<tr>
<td>BP 5210</td>
<td>Communicable Disease</td>
<td>151</td>
</tr>
<tr>
<td>BP 5220</td>
<td>Shower Facilities for Homeless Students</td>
<td>152</td>
</tr>
<tr>
<td>BP 5300</td>
<td>Student Equity</td>
<td>153</td>
</tr>
<tr>
<td>BP 5400</td>
<td>Associated Students Organization</td>
<td>154</td>
</tr>
<tr>
<td>BP 5410</td>
<td>Associated Students Elections</td>
<td>155</td>
</tr>
<tr>
<td>BP 5420</td>
<td>Associated Students Finance</td>
<td>156</td>
</tr>
<tr>
<td>BP 5500</td>
<td>Standards of Conduct</td>
<td>157</td>
</tr>
<tr>
<td>BP 5510</td>
<td>Off-Campus Student Organizations</td>
<td>158</td>
</tr>
<tr>
<td>BP 5530</td>
<td>Student Rights and Grievances</td>
<td>159</td>
</tr>
<tr>
<td>BP 5570</td>
<td>Student Credit Card Solicitations</td>
<td>160</td>
</tr>
<tr>
<td>BP 5700</td>
<td>Athletics</td>
<td>161</td>
</tr>
<tr>
<td>BP 5800</td>
<td>Protection of Human Research Subjects</td>
<td>162</td>
</tr>
<tr>
<td>BP 5900</td>
<td>Prevention of Identity Theft in Student Financial Transactions</td>
<td>163</td>
</tr>
</tbody>
</table>

[Return to Table of Contents]
BP 5010  Admissions and Concurrent Enrollment

Reference:

*Education Code Section 76000, 76001, 76002 and 76038; Labor Code Section 3077; U.S. Department of Education regulations on the integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended; 34 CFR §668.16(p); ACCJC Accreditation Standard II.C.6*

The District shall admit students who meet one of the following requirements and who are capable of profiting from the instruction offered:

(A) Any person over the age of 18 and possessing a high school diploma or its equivalent.

(B) Other persons who are over the age of 18 years and who, in the judgment of the Vice President of Instruction, his or her designee, are capable of profiting from the instruction offered. Such persons shall be admitted as provisional students, and thereafter shall be required to comply with the District's rules and regulations regarding scholastic achievement and other standards to be met by provisional or probationary students as a condition to being readmitted in any succeeding semester.

(C) Persons who are apprentices as defined in Section 3077 of the Labor Code.

(D) Any student whose class level is second semester 9th-12th grade may be eligible to attend as a special part-time student for advanced scholastic or vocational courses.

(E) Any student whose class level is 11th -12th grade may be eligible to attend as a special full-time student for advanced scholastic or vocational courses.

(F) Any student whose class level is 10th -12th grade may be eligible to attend summer session.

(G) Any person who is considered a nonresident.
The Vice President of Instruction shall establish procedures regarding ability to benefit and admission of high school and younger students.

The District may deny or place conditions on a student’s enrollment upon a finding by the Board or designee that the applicant has been expelled within the preceding five years or is undergoing expulsion procedures in another California community college district, and that the applicant continues to present a danger to the physical safety of the students and employees of the District.

The District shall in its discretion, or as otherwise federally mandated, evaluate the validity of a student’s high school completion. The Vice President of Instruction shall establish procedures for evaluating the validity of a student’s high school completion.

*See Administrative Procedures 5010 and 5011*
BP 5015    Residence Determination

References:

   Education Code Sections 68040, 76140; Title 5 Sections 54000 et seq.

Students shall be classified at the time of each registration as a resident or nonresident student.

A resident is any person who has been a bona fide resident of California for at least one year on the residence determination date. The residence determination date shall be the day immediately preceding the first day of a semester or summer session for which the student applies to attend.

Residence classification shall be made for each student at the time applications for admission are accepted and whenever a student has not been in attendance for more than one semester. A student previously classified as a nonresident may be reclassified as of any residence determination date.

The Vice President, Student Services shall enact procedures to assure that residence determinations are made in accordance with Education Code and Title 5 regulations.

See Administrative Procedure 5015
BP 5020  Nonresident Tuition

Reference:

*Education Code Sections 68050, 68051, 68052, 68130*

Nonresident students shall be charged nonresident tuition for all units enrolled, unless specifically required otherwise by law. The current nonresident tuition fee is based on the current cost of instruction.

Not later than January 1 of each year, the Superintendent/President or designee shall bring to the Board for approval an action to establish nonresident tuition for the following fiscal year. The fee shall be calculated in accordance with guidelines contained in applicable state regulations and/or the California Community College Attendance Accounting Manual.

The Vice President of Student Services shall establish procedures regarding collection, waiver, and refunds of nonresident tuition.

*See Administrative Procedure 5020*
BP 5030 Fees

Reference:

*Education Code Sections 76300, et seq.; ACCJC Accreditation Standard I.C.6*

The Board authorizes the following fees. The Superintendent/President or designee shall establish procedures for the collection, deposit, waiver, refund, and accounting for fees as required by law. The procedures shall also assure those who are exempt from or for whom the fee is waived are properly enrolled and accounted for. Fee amounts shall be published in the college catalogs.

Enrollment fee:

*Education Code Section 76300*

Each student shall be charged a fee for enrolling in credit courses as required by law. Special part-time students who are concurrently enrolled in grade 12 or lower as described in Ed Code 76001 and 48800 et seq. are exempt from paying enrollment fees.

Course Auditing fees:

*Education Code 76370*

Persons auditing a course shall be charged a fee equal to the enrollment fee but no more than $15.00 per unit per semester. Students enrolled in classes to receive credit for 10 or more semester credit units shall not be charged this fee to audit three or fewer units per semester.

Parking fee:

*Education Code 76360*

Students shall be required to pay a fee, in an amount not to exceed $40.00 per semester and $20.00 per intersession for parking services.

Instructional materials:

*Education Code Section 76365; Title 5, Sections 59400, et seq.*

Students may be required to provide required instructional and other materials for a credit or non-credit course, provided such materials are of continuing value to the student outside
the classroom and provided that such materials are not solely or exclusively available from
the District.

Physical education facilities:

Education Code 76395

Where the District incurs additional expenses because a physical education course is required
to use non-district facilities, students enrolled in the course shall be charged a fee for
participating in the course. Such fee shall not exceed the student’s calculated share of the
additional expenses incurred by the district.

Student Representation Fee (Optional):

Education Code 76060.5

Students will be charged a $1 fee per semester to be used to provide support for student
governmental affairs representation. A student may refuse to pay the fee for religious,
political, financial or moral reasons and shall submit such refusal in writing.

Transcript Fees:

Education Code 76223

The District shall charge a reasonable amount for furnishing copies of any student record to a
student or former student. The Board of Trustees is authorized to establish the fee, which
shall not exceed the actual cost of furnishing copies of any student record. No charge shall be
made for furnishing up to two transcripts of students’ records, or for two verifications of
various records. There shall be no charge for searching for or retrieving any student record.

International Students Application Processing Fee:

Education Code Section 76142

The District shall charge students who are both citizens and residents of a foreign country a
fee to process his or her application for admission. This processing fee and regulations for
determining economic hardship may be established by the Board of Trustees. The fee shall
not exceed the lesser of 1) the actual cost of processing an application and other
documentation required by the U.S. government; or 2) ninety dollars ($90).

Duplicate Diploma:

Students will be charged a reasonable fee for a duplicate diploma.

Duplicate Diploma Case:

Students will be charged a reasonable fee for a second diploma case or in the absence of
commencement attendance.
Returned Check Fee:

Students will be charged a reasonable fee for returned checks.

SGA Fee (optional):

Students will be charged a reasonable fee, unless opt-out is chosen during online fee selection process, for student government association fees.

Credit by Examination Fee:

Students will be charged enrollment fees for an examination administered by the college in lieu of completion of a course listed in the college catalog.

Transportation Service Fee:

Students will be charged $6.00 transportation fee for the Riverside Transit Agency’s (RTA) ride program. Eligible students, registered and those who have paid the fee for the applicable term, are allowed to ride all of the RTA’s fixed route and commuter services at no charge during the period of agreement.

See Administrative Procedure 5030
BP 5035   Withholding of Student Records

Reference:

*Title 5 Section 59410*

Students or former students who have been provided with written notice that they have failed to pay a proper financial obligation to the district shall have grades, transcripts, diplomas, and registration privileges withheld.

*See Administrative Procedure 5035*
BP 5040  Student Records, Directory Information and Privacy

References:

Education Code Sections 76200 et seq.; Title 5 Sections 54600 et seq.; 20 U.S. Code Section 1232g(j); ACCJC Accreditation Standard II.C.8

The Vice President, Student Services shall ensure that student records are maintained in compliance with applicable federal and state laws relating to the privacy of student records.

The Vice President may direct the implementation of appropriate safeguards to assure that student records cannot be accessed or modified for any person not authorized to do so.

Any currently enrolled or former student of the District has a right of access to any and all student records relating to him or her maintained by the district.

Appropriate persons in connection with an emergency have a right of access to student information if the knowledge of that information is necessary to protect the health or safety of a student or other persons.

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

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

Directory information shall include:

(A) Student participation in officially recognized activities and sports including weight, height and high school of graduation of athletic team members.

(B) Degrees and awards received by students, including honors, scholarship awards, athletic awards and President’s Honor Roll recognition.

(C) Student names and addresses may be provided to a private or public school or college. No private or public school or college shall use this information for
other than purposes directly related to the academic or professional goals of the institution.

*See Administrative Procedure 5040*
BP 5050  Student Success and Support Program

References:
   Education Code Sections 78210 et seq.; Title 5 Sections 55500 et seq.; ACCJC Accreditation Standard II.C.2

In accordance with the Student Success Act of 2012 the College will provide a framework of services that advance student equity and optimize student success through incentivizing student participation in the core services of assessment, orientation, counseling/advising and educational planning.

The Superintendent/President or designee shall establish procedures to assure implementation of Student Success and Support Program services that comply with the Title 5 regulations.

See Administrative Procedure 5050
BP 5052  Open Enrollment

Reference:

Title 5, Section 51006

All courses, course sections, and classes of the District shall be open for enrollment to any person who has been admitted to the college. Enrollment may be subject to any priority system that has been established. Enrollment may also be limited to students meeting properly validated prerequisites and co-requisites, or due to other practical considerations such as exemptions set out in statute or regulation.

The Superintendent/President or designee shall assure that this policy is published in the catalog(s) and schedule(s) of classes.

See Administrative Procedure 5052
The Vice President, Student Services shall establish procedures defining enrollment priorities, limitations, and processes for student challenge, which shall comply with Title 5 regulations.

See Administrative Procedure 5055
BP 5110  Counseling

Reference:

*Education Code Section 72620; Title 5, Section 51018; ACCJC Accreditation Standard II.C.5*

Counseling services are an essential part of the educational mission of the District.

The Vice President of Student Services shall ensure the provision of counseling services including academic, career, and personal counseling that is related to the student's education.

Counseling shall be made available to and provided for first time students, continuing students, and students on academic or progress probation.

*See Administrative Procedure 5110*
BP 5120 Transfer Center

References:

*Title 5 Section 51027; Education Code Sections 66720-66744*

The District incorporates as part of its mission the transfer of its students to baccalaureate level institutions. The District further recognizes that students who have historically been underrepresented in transfer to baccalaureate level institutions are a special responsibility.

The Vice President of Student Services shall ensure that a transfer center plan is implemented that identifies appropriate target student populations, is designed to increase the transfer applications of underrepresented students and complies with law and regulations.

*See Administrative Procedure 5120*
BP 5130  Financial Aid

Reference:

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

A program of financial aid to students will be provided, which may include, but is not limited
to, scholarships, grants, loans, and work and employment programs.

All financial aid programs will adhere to guidelines, procedures and standards issued by the
funding agency, and will incorporate federal, state and other applicable regulatory
requirements.

The Associate Dean of Financial Aid, or designee, shall establish, publicize, and apply
satisfactory academic progress standards for participants in Title IV student aid programs.

Misrepresentation

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

(B)  The Associate Dean of Financial Aid, or designee, shall establish procedures for
regularly reviewing the District’s website and other informational materials for
accuracy and completeness and for training District employees and vendors
providing covered services concerning the District’s educational programs,
financial charges, and employment of graduates to assure compliance with this
policy.

(C)  The Associate Dean of Financial Aid, or designee, shall establish procedures
wherein the District shall periodically monitor employees’ and vendors’
communications with prospective students and members of the public and take
corrective action where needed.

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

See Administrative Procedure 5130
BP 5140 Disabled Students Programs and Services

Reference:

Education Code Sections 67310, 84850; Title 5, Sections 56000 et seq.; Assembly Bills 422, 77, 803, and 746; Sections 504 and 508 of the Rehabilitation Act (29 USC §794[d]); Americans with Disabilities Act and Americans with Disabilities Amendments Act (42 USC 121010 and PL110-325)

In accordance with Title 5, Sections 504 and 508 of the Rehabilitation Act, as well as the Americans with Disabilities Act and the Americans with Disabilities Amendment Act, MSJC is committed to the inclusion of students with disabilities. Students with disabilities shall be reasonably accommodated pursuant to federal and state requirements in all applicable District programs and activities.

The Disabled Students Programs and Services (DSPS) program shall be the primary provider for academic adjustments, auxiliary aids, services, or instruction that facilitate equal educational opportunities for students with disabilities who are eligible to participate in District programs and activities, as required by federal and state laws.

DSPS services shall be available to students with verified disabilities. The services to be provided include, but are not limited to, reasonable accommodations, academic adjustments, technology accessibility, accessible facilities, equipment, instructional programs, and rehabilitation counseling and academic counseling. Eligibility for reasonable accommodations and services are based on the individual educational functional limitations of the student's disability.

No student with a disability(ies) is required to participate in DSPS, although students requesting accommodations and services due to a disability need to participate in the interactive process (including, but not limited to registering with DSPS) for eligibility and receipt of reasonable accommodations and services.

The District shall respond in a timely manner to accommodation requests involving academic adjustments and accommodations. The Vice President of Student Services shall establish procedures to implement this policy which, at a minimum, provides for an individualized
review of each such request, and permits interim decisions on such requests pending final resolution by the appropriate administrator or designee.

The Vice President of Student Services shall assure that the DSPS program conforms to all requirements established by the relevant law and regulations.

*See Administrative Procedure 5140*
BP 5141 Wait List Policy – Students Who are Deaf or Hard of Hearing

Reference:

*Title 5, Section 56000 et seq. and 56027; Assembly Bills 422, 77, 803 and 746; Sections 504 and 508 of the rehabilitation Act (29 USC §794[d])*

Disabled Student Programs and Services (DSPS) provides accommodations and services to eligible students with disabilities who are registered with the DSPS program at Mt. San Jacinto College (MSJC), for the opportunity of full inclusion and participation by students. When students register for classes during priority registration and are wait-listed for a class(es), accommodations and services will be provided for the wait-listed class(es), following the submission of a completed Request for Services (RFS) form to DSPS. DSPS will accept the submission of a RFS form as notice of the student’s plan to attend the class(es).

DSPS is committed to providing qualified interpreting services and other accommodations to students who are deaf or hard of hearing. The role of the interpreter is to provide translation of class, activity and event content, as a means of effective communication.

*See Administrative Procedure 5141*
BP 5150  Extended Opportunity Programs and Services

References:

Education Code 69640 – 69656; Title 5 Sections 56200 et seq.

Support services and programs that are over and above what is provided to the traditional student services programs shall be provided in order to assist students who have language, social, and economic disadvantages to succeed academically in the District.

The Extended Opportunity Programs and Services (EOP&S) is established to provide services that may include, but are not limited to, outreach, recruitment, orientation, assessment, tutorial services, counseling and advising, and financial aid.

The Vice President of Student Services shall ensure that the EOP&S program conforms to all requirements established by the relevant law and regulations.

See Administrative Procedure 5150
BP 5205  Student Accident Insurance

Reference:

*Education Code Section 72506*

The District shall ensure that students are covered by accident insurance in those instances required by law or contract.

*See Administrative Procedure 5205*
BP 5210  Communicable Disease

Reference:  
*Education Code Section 76403*

The Superintendent/President shall establish procedures necessary to ensure cooperation with local public health officials in measures necessary for the prevention and control of communicable diseases in students.

*See Administrative Procedure 5210*
BP 5220   Shower Facilities for Homeless Students

Reference:

*Education Code Section 76011*

The Superintendent/President shall establish procedures necessary to make on-campus shower facilities available to any homeless student who is enrolled in coursework, has paid enrollment fees, and is in good standing with the district.

*See Administrative Procedure 5220*
BP 5300  Student Equity

References:

*Education Code Sections 66030; 66250 et seq.; 72010 et seq.; Title 5 Section 54220*

The Board is committed to assuring student equity in educational programs and college services. The Vice President of Student Services shall establish and implement a student equity plan that meets the Title 5 standards for such a plan.
BP 5400  Associated Students Organization

Reference:

*Education Code Section 76060*

The students of the District are authorized to organize a student body association. The Board hereby recognizes that association as the Mt. San Jacinto College Associated Student Body.

The Associated Students organization is recognized as the official voice for the students in district decision-making processes. It may conduct other activities as approved by the Board of Trustees. The Mt. San Jacinto College Associated Student Body activities shall not conflict with the authority or responsibility of the Board or its officers or employees.

The Mt. San Jacinto College Associated Student Body shall conduct itself in accordance with state laws and regulations and administrative procedures established by the Board of Trustees.

The Mt. San Jacinto College Associated Student Body shall be granted the use of District premises subject to such administrative procedures as may be established by the Board of Trustees. Such use shall not be construed as transferring ownership or control of the premises.

*See Administrative Procedure 5400*
BP 5410  Associated Students Elections

Reference:  
_Education Code Section 76061_

The Mt. San Jacinto College Student Government Association shall conduct annual elections to elect officers. The elections shall be conducted in accordance with procedures established by the Vice President of Student Services or designee and the Mt. San Jacinto Student Government Association. Any student elected as an officer in the Mt. San Jacinto College Student Government Association shall meet the following requirements:

- **(A)** The student shall be enrolled in the District at the time of election and throughout his or her term of office, with a minimum of nine (9) semester units or the equivalent;

- **(B)** The student shall have a minimum of a 2.5 GPA in the prior semester before the election and a minimum of a 2.0 cumulative GPA for all Mt. San Jacinto College coursework; (see _Board Policy 4220_ and related administrative procedures)

- **(C)** Other requirements set forth in the Mt. San Jacinto College Student Government Association election criteria.

_See Administrative Procedure 5410_
BP 5420  Associated Students Finance

References:

*Education Code Sections 76063–76065*

Associated Student funds shall be deposited with and disbursed by the Vice President of Business Services.

The funds shall be deposited, loaned or invested in one or more of the ways authorized by law.

All funds shall be expended according to procedures established by the Associated Students, subject to the approval of each of the following three persons, which shall be obtained each time before any funds may be expended:

(A) the Vice President of Student Services or designee;

(B) the employee who is the designated adviser of the particular student body organization; and

(C) a representative of the student body organization.

The funds of the Associated Students shall be subject to an annual audit.

*See Administrative Procedure 5420*
BP 5500 Standards of Conduct

Reference:

*Education Code Section 66300 and 6630; Accreditation Standard 11A.7.b*

The Board of Trustees and the campus community at Mt. San Jacinto College support a harmonious, safe, and productive learning environment. To promote such an environment, the Board of Trustees and the Superintendent/President have established procedures for the imposition of discipline on students in accordance with the requirements for due process of the federal and state law and regulations.

The procedures shall clearly define the conduct that is subject to discipline, and shall identify potential disciplinary actions, including but not limited to the removal, suspension or expulsion of a student.

The Board shall consider any recommendation from the Superintendent/President for expulsion. The Board shall consider an expulsion recommendation in closed session unless the student requests that the matter be considered in a public meeting. Final action by the Board on the expulsion shall be taken at a public meeting.

The procedures shall be made widely available to students through the college catalog, the Student Handbook and Orientation Guide, and other means.

*See Administrative Procedure 5500 and 5520*
BP 5510 Off-Campus Student Organizations

Reference: 
34 Code of Federal Regulations Section 668.46(b)(7)

The District shall work with local law enforcement agencies to monitor and assess criminal activity in which students engage at off-campus locations of student organizations officially recognized by the District.
BP 5530    Student Rights and Grievances

References:

*Title IX, Education Amendments of 1972; Education Code Section 76224(a)*

Students may initiate grievance procedures when they believe they have been subject to unjust action or the denial of rights as stipulated in published District policies/procedures, state laws, or federal laws. Such action may be instituted by a student against a staff member, a faculty member, or an administrator. When a student believes an injustice has been done, the student may seek redress as outlined in the Student Rights and Grievances Procedure.

*See Administrative Procedure 5530*
BP 5570  Student Credit Card Solicitations

References:

Title 5 Section 54400; Civil Code Section 1747.02(m); Education Code Section 99030

The Vice President of Student Services shall establish procedures that regulate the solicitation of student credit cards on campus.

See Administrative Procedure 5570
BP 5700  Athletics

Reference:

*Education Code Section 66271.6, 66271.8, 67360 et seq., 78223*

The District shall maintain an organized program for men and women in intercollegiate athletics. The program shall not discriminate on the basis of gender in the availability of athletic opportunities.

The Vice President of Student Services shall ensure that the athletics program complies with the California Community Colleges Athletic Association Constitution, Sports Championship Handbooks, and appropriate Conference Constitution regarding student athlete participation.

*See Administrative Procedure 5700*
BP 5800 Protection of Human Research Subjects

References:

34CFR99 (FERPA); 45CFR46 (Protection of Human Subjects); CEC Sections 76240-76246 (Privacy of Student Records)

Research using Mt. San Jacinto Community College District students, employees, or their records shall be reviewed by an Institutional Research Review Committee (IRRC). The purpose of this review is to ensure the protection of research subjects and their right to confidentiality as required by Federal and State law.
BP 5900  Prevention of Identity Theft in Student Financial Transactions

Reference:
Fair and Accurate Credit Transactions Act, 15 U.S. Code 1681m(e)

The District is required to provide for the identification, detection, and response to patterns, practices, or specific activities (“Red Flags”) that could indicate identity theft of students when the District serves as a creditor in relation to its students. When applicable, the Vice President of Student Services is directed to develop procedures to implement an Identity Theft Prevention Program (ITPP) to control reasonably foreseeable risks to students from identity theft.

See Administrative Procedure 5900
<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>BP 6100</td>
<td>Delegation of Authority, Business and Fiscal Affairs</td>
<td>165</td>
</tr>
<tr>
<td>BP 6150</td>
<td>Designation of Authorized Signatures</td>
<td>166</td>
</tr>
<tr>
<td>BP 6200</td>
<td>Budget Preparation</td>
<td>167</td>
</tr>
<tr>
<td>BP 6250</td>
<td>Budget Management</td>
<td>168</td>
</tr>
<tr>
<td>BP 6300</td>
<td>Fiscal Management</td>
<td>169</td>
</tr>
<tr>
<td>BP 6307</td>
<td>Debt Issuance and Management Policy</td>
<td>170</td>
</tr>
<tr>
<td>BP 6320</td>
<td>Investments</td>
<td>171</td>
</tr>
<tr>
<td>BP 6330</td>
<td>Purchasing</td>
<td>172</td>
</tr>
<tr>
<td>BP 6340</td>
<td>Bids and Contracts</td>
<td>173</td>
</tr>
<tr>
<td>BP 6400</td>
<td>Financial Audits</td>
<td>174</td>
</tr>
<tr>
<td>BP 6450</td>
<td>Wireless or Cellular Telephone Use</td>
<td>175</td>
</tr>
<tr>
<td>BP 6500</td>
<td>Property Management</td>
<td>176</td>
</tr>
<tr>
<td>BP 6520</td>
<td>Security for District Property</td>
<td>177</td>
</tr>
<tr>
<td>BP 6540</td>
<td>Insurance</td>
<td>178</td>
</tr>
<tr>
<td>BP 6550</td>
<td>Disposal of Property</td>
<td>179</td>
</tr>
<tr>
<td>BP 6600</td>
<td>Capital Construction</td>
<td>180</td>
</tr>
<tr>
<td>BP 6620</td>
<td>Naming Buildings</td>
<td>181</td>
</tr>
<tr>
<td>BP 6700</td>
<td>Civic Center and Other Facilities Use</td>
<td>182</td>
</tr>
<tr>
<td>BP 6750</td>
<td>Parking</td>
<td>183</td>
</tr>
<tr>
<td>BP 6900</td>
<td>Bookstore</td>
<td>184</td>
</tr>
<tr>
<td>BP 6910</td>
<td>Cafeterias and Food Service</td>
<td>185</td>
</tr>
</tbody>
</table>
BP 6100 Delegation of Authority, Business and Fiscal Affairs

Reference:

Education Code Sections 70902(d); 81655, 81656

The Board delegates to the Vice President of Business Services the authority to supervise the general business procedures of the District to assure the proper administration of property and contracts; the budget, audit and accounting of funds; the acquisition of supplies, equipment and property; and the protection of assets and persons. All transactions shall comply with applicable laws and regulations, and with the California Community Colleges Budget and Accounting Manual.

No contract shall constitute an enforceable obligation against the District until it has been approved or ratified by the Board. (See Board Policy 6340).

The Vice President of Business Services shall make appropriate periodic reports to the Board and shall keep the Board fully advised regarding the financial status of the District.

See Administrative Procedure 6100
BP 6150  Designation of Authorized Signatures

References:
   Education Code Sections 85232, 85233

Authority to sign orders and other transactions on behalf of the Board is delegated to the Superintendent/President, Vice President of Business Services and Dean of Business Services and other officers appointed by the Superintendent/President.

The authorized signatures shall be filed with the Riverside County Office of Education Superintendent of Schools.

See Administrative Procedure 6150
BP 6200  Budget Preparation

Reference:

*Education Code Section 70902(b)(5); Title 5, 58300 et seq.; ACCJC Accreditation Standard III.D*

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

Budget development shall meet the following criteria:

(A) The annual budget shall support the District's master and educational plans.

(B) Assumptions upon which the budget is based are presented to the Board for review.

(C) A schedule is provided to the Board by November of each year that includes dates for presentation of the tentative budget, required public hearing(s), Board study session(s), and approval of the final budget. At the public hearings, interested persons may appear and address the Board regarding the proposed budget or any item in the proposed budget.

(D) Unrestricted general reserves shall be no less than 5% (prudent reserve is defined by the Chancellors Office of the California Community Colleges as 5%).

(E) Changes in the assumptions upon which the budget was based shall be reported to the Board in a timely manner.

(F) Budget projections address long term goals and commitments.

*See Administrative Procedure 6200*
BP 6250  Budget Management

References:

*Title 5 Sections 58307, 58308*

The budget shall be managed in accordance with Title 5 and the California Community Colleges Budget and Accounting Manual. Budget revisions shall be made only in accordance with these policies and as provided by law.

The District’s unrestricted general reserves shall be no less than 5%. (A prudent reserve is defined by the California Community College Chancellor’s Office as 5%.

Revenues accruing to the District in excess of amounts budgeted shall be added to the District’s reserve for contingencies. They are available for appropriation only upon a resolution of the Board that sets forth the need according to major budget classifications in accordance with applicable law.

Board approval is required for changes between major expenditure classifications. Transfers from the reserve for contingencies to any expenditure classification must be approved by a two-thirds vote of the members of the Board. Transfers between expenditure classifications must be approved by a majority vote of the members of the Board.

*See Administrative Procedure 6250*
BP 6300  Fiscal Management

Reference:

   Education Code Section 84040(c); Title 5 Section 58311; ACCJC Accreditation Standard III.D

The Vice President of Business Services shall establish procedures to assure that the District’s fiscal management is in accordance with the principles contained in Title 5, section 58311, including:

   (A) Adequate internal controls exist.

   (B) Fiscal objectives, procedures, and constraints are communicated to the Board and employees.

   (C) Adjustments to the budget are made in a timely manner, when necessary.

   (D) The management information system provides timely, accurate, and reliable fiscal information.

   (E) Responsibility and accountability for fiscal management are clearly delineated.

The books and records of the District shall be maintained pursuant to the California Community Colleges Budget and Accounting Manual.

As required by law, the Board shall be presented with a quarterly report showing the financial and budgetary conditions of the District.

As required by the California Community Colleges Budget and Accounting Manual, expenditures shall be recognized in the accounting period in which the liability is incurred, and shall be limited to the amount budgeted for each major classification of accounts and to the total amount of the budget for each fund.

See Administrative Procedure 6300
BP 6307  Debt Issuance and Management Policy

Reference:

SB 1029; Government Code Section 8855

The State legislature has enacted SB 1029, amending Government Code Section 8855, which requires all public agencies to certify 30 days prior to the time bonds are sold, that it has adopted local debt policies addressing the topics set forth in Government Code Section 8855(i).

The Vice President of Business Services shall be responsible for establishing a debt issuance and management policy.

See Administrative Procedure 6307
BP 6320 Investments

Reference:

*Government Code Section 53600 et seq.*

The Vice President of Business Services is responsible for ensuring that the funds of the District are invested that are not required for the immediate needs of the District. Investments shall be in accordance with law, including California Government Code Sections 53600, et seq.

Investments shall be made based on the following criteria:

(A) The preservation of principal shall be of primary importance.

(B) The investment program must remain sufficiently flexible to permit the District to meet all operating requirements.

(C) Transactions should be avoided that might impair public confidence.

*See Administrative Procedure 6320*
BP 6330  Purchasing

Reference:

*Education Code Section 81656; Public Contracts Code Section 20651, 22030-22045, and 20651*

The Superintendent/President is delegated the authority to purchase supplies, materials, apparatus, equipment and services as necessary to the efficient operation of the District. The Superintendent/President delegates this authority to the Vice President of Business Services.

It shall be the policy of the Board that the purchase of supplies, materials, equipment and services for the district be done in a manner which provides the best merchandise available at the most economical purchase price consistent with standard purchasing practices.

The Board on a monthly basis shall ratify all purchases over $25,000.

The Board shall approve all contracts or purchase orders for transactions in the following or higher dollar amounts, including applicable sales taxes, freight, and other initial purchase costs prior to award:

(A) Equipment, materials, supplies and services at or near bid limit as adjusted annually pursuant to Public Contract Code #20651;

(B) All formal Bids and Requests for Proposals;

(C) All Public Works Contracts (i.e., construction, alterations, repairs or improvements) over the contract dollar limit set by Public Contract Code #22030-22045.

See Administrative Procedure 6330
BP 6340    Bids and Contracts

Reference:


The Board delegates to the Superintendent/President and/or the Vice President of Business Services the authority to enter into contracts on behalf of the District and to establish administrative procedures for contract awards and management, subject to the following:

(A) Contracts are not enforceable obligations until they are ratified by the Board.

(B) Contracts for work to be done, services to be performed or for goods, equipment or supplies to be furnished or sold to the District that exceed the amounts specified in Public Contract Code Section 20651 shall require prior approval by the Board.

(C) When bids are required according to Public Contract Code Section 20651, the Board shall award each such contract to the lowest responsible bidder who meets the specifications published by the District and who shall give such security as the Board requires, or to reject all bids.

If the Superintendent/President and/or Vice President of Business Services concludes that the best interests of the District will be served by pre-qualification of bidders in accordance with Public Contract Code Section 20651.5, pre-qualification may be conducted in accordance with procedures that provide for a uniform system of rating on the basis of a questionnaire and financial statements.

If the best interests of the District will be served by a contract, lease, requisition or purchase order though any other public corporation or agency in accordance with Public Contract Code Section 20652, the Superintendent/President and/or Vice President of Business Services is authorized to proceed with a contract.

See Administrative Procedure 6340
BP 6400 Financial Audits

Reference: 

*Education Code Section 84040(b); ACCJC Accreditation Standard III.D.7*

There shall be an annual outside audit of all funds, books and accounts of the District in accordance with the regulations of Title 5. The Vice President of Business Services shall assure that an annual outside audit is completed. The Vice President of Business Services shall recommend a certified public accountancy firm to the Board with which to contract for the annual audit.

*See Administrative Procedure 6400*
**BP 6450 Wireless or Cellular Telephone Use**

Reference:

*Vehicle Code Section 12810.3, 23123, and 23124; Internal Revenue Code (I.R.C.) Sections 274(d)(4) and 280F(d)(4)*

The Superintendent/President or their designee shall determine if it is in the best interests of the District to provide a cellular or wireless phone at District expense.

Cellular telephones provided by the District for compensatory reasons are classified by the Internal Revenue Service as a fringe benefit, the value of which must be included in an employee’s gross income.

The value of a cellular telephone provided by the District primarily for non-compensatory business purposes is excludable from an employee’s income. Record keeping of business and personal use of District-issued cellular telephones shall not generally be required when the telephones are issued for non-compensatory business reasons.

Motor vehicle drivers may not use wireless or cellular telephones while operating their vehicles without a hands-free listening device and shall comply with all requirements of California law regarding the use of wireless or cellular telephones in vehicles.

There shall be no expectation of privacy in the use of a District-issued cellular telephone.

*See Administrative Procedure 6450*
BP 6500  Property Management

References:

*Education Code Sections 81300 et seq.*

The Vice President of Business Services shall be responsible for supervising acquisitions of real property, including appraisals and valuations of real property and improvements; securing title insurance policies; dedications or conveyance of easements; vacation of streets and alleys, street lighting and other special assessments; and the condemnation of real property.
BP 6520  Security for District Property

Reference:

*Education Code Section 81600 et seq.; ACCJC Accreditation Standard III.B.1*

The Vice President of Business Services shall establish procedures necessary to manage, control and protect the assets of the District, including but not limited to ensuring sufficient security to protect property, equipment, and information from theft, loss, or significant damage.

*See Administrative Procedure 6520*
BP 6540  Insurance

References:

*Education Code Sections 70902, 72502, 72506, 81601 et seq.*

The Vice President of Business Services shall be responsible to secure insurance for the District as required by law, which shall include but is not limited to the liabilities described in Education Code Section 72506 as follows:

(A) Liability for damages for death, injury to persons, or damage or loss of property;

(B) Personal liability of the members of the Board and the officers and employees of the District for damages for death, injury to a person, or damage or loss of property caused by the negligent act or omission of the member, officer or employee when acting within the scope of his or her office or employment. The Vice President of Business Services may authorize coverage for persons who perform volunteer services for the District.

(C) Worker’s compensation insurance.

Insurance also shall include fire insurance and insurance against other perils.

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

*See Administrative Procedure 6540*
BP 6550   Disposal of Property

Reference:

*Education Code Section 70902(b)(6), 81452, 81360 et seq., and 81450 et seq.*

The Vice President of Business Services is delegated authority by the Board to declare as surplus such property of the District as is no longer useful for District purposes, and shall establish procedures to dispose of such property in accordance with applicable law. All sales of surplus personal property shall be reported to the Board on a periodic basis. This policy shall not be construed as authorizing any representative of the District to dispose of surplus real property at any time.

*See Administrative Procedure 6550*
BP 6600  Capital Construction

References:
   Education Code Sections 81005, 81820; Title 5 Section 57150 et seq.

The Vice President of Business Services is responsible for planning and administrative management of the District’s capital outlay and construction program.

District construction projects shall be supervised by the vice president of business services. The District shall monitor the progress of all construction work including inspection of workmanship, completion of work to meet specifications, and the suitability of proposed changes to the scope and original design of the work. The Vice President of Business Services shall assure compliance with laws related to use of state funds to acquire and convert existing buildings.

The Board shall approve and submit to the Board of Governors a five year capital construction plan as required by law. The vice president of business services shall annually update the plan and present it to the Board for approval. The plan shall address, but is not limited to, the criteria contained in law.

See Administrative Procedure 6600
BP 6620    Naming Buildings

All recommendations for naming buildings shall be submitted to the Board by the Vice President of Business Services for action.

Final approval of recommendations resides with the Board. The final responsibility for the naming of any building or facility of the Mt. San Jacinto Community College District rests with the Board of Trustees.

See Administrative Procedure 6620
BP 6700  Civic Center and Other Facilities Use

Reference:  
*Education Code Sections 82537 and 82542; Title 58 Sections 59601 et seq.*

Use of the college facilities shall be granted as provided by law. The Vice President of Business Services shall establish procedures regarding the use of college property, including but not limited to facilities, equipment and supplies, by community groups and other outside contractors.

These administrative procedures shall reflect the requirements of applicable law, including Education Code Section 82537, regarding college facilities. The regulations shall include reasonable rules regarding the time, place and manner of use of District facilities. They shall assure that persons or organizations using college property are charged such fees as are authorized by law. Public use of District property shall not interfere with scheduled instructional programs or other activities.

No group or organization may use District property for purposes that discriminate on the basis of race, color, religion, ancestry, national origin, military or veteran status, disability, gender identity or sexual orientation, or the perception that a person has one or more of the foregoing characteristics or because a person associates with a person or group with one or more of these actual or perceived characteristics or on any basis prohibited by law.

*See Administrative Procedure 6700*
BP 6750 Parking

References:

*Education Code Section 76360; Vehicle Code Section 21113*

The Vice President of Business Services shall establish such administrative procedures regarding vehicles and parking on campus as are necessary for the orderly operation of the instructional program. No person shall drive any vehicle or leave any vehicle unattended on the campus except in accordance with such procedures.

Parking fees may be established in accordance with these board policies. (See [Board Policy 5030](/policy/j6750))

*See Administrative Procedure 6750*
BP 6900   Bookstore

Reference:  
  Education Code Section 81676, Civil Code Section 1798.90  

College bookstore(s) shall be established and operated by the District. The Vice President of Business Services shall establish administrative procedures for the purpose of offering for sale textbooks and supplementary textbooks, supplies, stationery, confectionery items, sundries, and related auxiliary school supplies and services.

College bookstore(s) shall comply with the requirements of the Reader Privacy Act.

The bookstore operation shall be accounted by the District Accounting Office, in keeping with generally accepted accounting procedures. Excess funds from the bookstores shall be utilized to supplement cafeteria shortfalls, if any, and for the general good of the college and the student body.

Operational costs of the bookstore(s) shall be paid from revenue earned from the bookstore.

Fiscal management of the bookstore(s) shall be in accordance with the California Community Colleges Budget and Accounting Manual. An annual audit of the records and accounts of the bookstore shall be provided to the Board.

Bookstore funds will be held in accordance with applicable regulations and laws. Any capital not needed for operations or other approved purposes is to be invested by the District Accounting Office.

See Administrative Procedure 6900
BP 6910 Cafeterias and Food Service

Reference: Education Code Section 81676

College Cafeteria(s) and food service shall be established by the Governing Board. The Vice President of Business Services shall establish administrative procedures for all cafeterias, concessions, food and soft drink vending and other food operations within the District. The Child Development Centers are excluded. Food services of the District are to operate at cost. Equipment replacement, supplies, materials and other current operating costs of food services shall be charged against food service accounts.

The food service operation shall be accounted by the District Accounting Office, in keeping with generally accepted accounting principles.

See Administrative Procedure 6910
CHAPTER 7 – HUMAN RESOURCES

BP 7100  Commitment to Diversity ................................................................. 187
BP 7110  Delegation of Authority, Human Resources .................................. 188
BP 7120  Recruitment and Selection .............................................................. 189
BP 7130  Compensation .................................................................................. 190
BP 7140  Collective Bargaining ...................................................................... 191
BP 7160  Professional Development .............................................................. 192
BP 7210  Academic Employees ..................................................................... 193
BP 7230  Classified Employees ..................................................................... 194
BP 7240  Confidential Employees ................................................................. 195
BP 7250  Educational Administrators ............................................................. 196
BP 7260  Classified Administrators and Supervisors .................................... 198
BP 7310  Nepotism ......................................................................................... 199
BP 7330  Communicable Disease ................................................................. 200
BP 7335  Health Examinations ..................................................................... 201
BP 7340  Leaves .............................................................................................. 202
BP 7345  Catastrophic Leave Program ........................................................... 204
BP 7350  Resignations .................................................................................... 205
BP 7360  Discipline and Dismissals – Academic Employees ....................... 206
BP 7365  Discipline and Dismissals – Classified Employees ......................... 207
BP 7370  Political Activity .............................................................................. 209
BP 7380  Retiree Health Benefits .................................................................. 210
BP 7385  Salary Deductions ......................................................................... 211
BP 7400  Travel ............................................................................................... 212
BP 7510  Domestic Partners ......................................................................... 213
BP 7600  Safety ............................................................................................... 214
BP 7610  Campus Security ............................................................................ 215
BP 7700  Whistleblower Protection ............................................................... 217
BP 7800  Employee Service Recognition ...................................................... 218
BP 7805  Retiree Service Recognition ............................................................ 219

Return to Table of Contents
BP 7100  Commitment to Diversity

References:

*Education Code Section 87100 et seq.*

The District is committed to employing qualified administrators, faculty, and staff members who are dedicated to student success. The Board recognizes that diversity in the academic environment fosters cultural awareness, promotes mutual understanding and respect, and provides suitable role models for all students. The Board is committed to hiring and staff development processes that support the goals of equal opportunity and diversity, while providing equal consideration for all qualified candidates.
BP 7110  Delegation of Authority, Human Resources

Reference:

_Education Code Section 70902(d)_

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

See Administrative Procedure 7110
BP 7120 Recruitment and Selection

Reference:

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

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

An Equal Employment Opportunity Plan shall be implemented according to Title 5 and *Board Policy 3420* titled Equal Employment Opportunity.

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

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

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

*See Administrative Procedure 7120*
BP 7130  Compensation

Reference:


Salary schedules, compensation and benefits, including health and welfare benefits, for all classes of employees and each administrator employed pursuant to a contract under Education Code section 72411 shall be established by the Board.

Prohibition of Incentive Compensation

The District shall not provide any commission, bonus, or other incentive payment based, directly or indirectly, on the success in securing enrollments or financial aid, to any person or entity engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance. Employees covered by this ban shall be referred to as “covered employees” for purposes of this policy.
BP 7140  Collective Bargaining

References:

Government Code Sections 3540 et seq.

If eligible employees of the District select an employee organization as their exclusive representative, and if after recognition by the District or after a properly conducted election, an exclusive representative is certified as the representative of an appropriate unit of employees under the provisions of the Educational Employment Relations Act, Government Code Section 3540 et seq., the District will meet and negotiate in good faith on matters within the scope of bargaining as defined by law.
BP 7160 Professional Development

Reference:

ACCJC Accreditation Standard III.A.14

The District shall provide professional development opportunities consistent with the institutional mission and based on identified needs.

See Administrative Procedure 7160
BP 7210  Academic Employees

References:

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

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

Faculty members are those employees who are employed by the District in academic positions that are not designated as supervisory or management. Faculty employees include, but are not limited to, instructors, librarians, counselors, and professionals in DSP&S and EOP&S.

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

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

Notwithstanding this policy, the District shall comply with its goals under the Education Code regarding the ratio of full-time to part-time faculty to be employed by it and the Title 5-required District five-year plan for making progress toward the standard of 75% of total faculty work load hours taught by full-time faculty.

See Administrative Procedure 7212, 7215, 7231
BP 7230  Classified Employees

References:

*Education Code Sections 88003, 88004, 88009, 88013*

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

The classified service does not include:

(A) Substitute and short-term employees who are employed and paid for less than 75 percent of the fiscal year.

(B) Part-time apprentices and professional experts employed on a temporary basis for a specific project, regardless of length of employment.

(C) Full time students employed part time, and part-time students employed part time in any college work-study program or in a work experience education program conducted by the District.

The Board shall fix and prescribe the duties of the members of the classified service. (See Board Policy 7110)

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

The probationary period for classified employees shall be six months.

*See Administrative Procedure 7232, 7233, 7234, 7236, 7237*
BP 7240  Confidential Employees

Reference:

*Government Code Section 3540.1(c)*

Confidential employees are those who, in the regular course of their duties, have access to or possess information relating to the District’s employer-employee relations and who are not managers. The fact that an employee has access to confidential or sensitive information shall not in and of itself make the employee a confidential employee.

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

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

The terms and conditions of employment for confidential employees are the same as those for other classified employees and will be administered under the guidelines of the Education Code and all other Federal and State laws.
BP 7250 Educational Administrators

References:

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

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

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

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

(A) The administrator meets the criteria established by the District for minimum qualifications for a faculty position, in accordance with procedures developing jointly by the CEO and the Academic Senate and approved by the Board. The Board shall rely primarily on the advice and judgment of the Academic Senate to determine that an administrator possesses minimum qualifications for employment as a faculty member.

(B) The requirements of Education Code Section 87458(c) and (d), or any successor statute, are met with respect to prior satisfactory service and reason for termination of the administrative assignment.

Educational administrators shall be compensated in the manner provided for by the appointment or contract of employment. Compensation shall be set by the Board upon recommendation by the Superintendent/President. Educational Administrators shall further be entitled to health and welfare benefits made available by action of the Board upon recommendation by the Superintendent/President.
Educational administrators shall be entitled to vacation leave, sick leave, and other leaves as provided by law, these policies, and administrative procedures adopted by the Superintendent/President.

Every educational administrator shall be employed by an appointment or contract of up to 2 years in duration.

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

If the Board determines that the administrator is not to be reemployed when his or her appointment or contract expires, notice to an administrator shall be in accordance with the terms of the existing contract. If the contract is silent, notice shall be in accordance with Education Code Section 72411.
BP 7260  Classified Administrators and Supervisors

References:

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

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

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

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

Classified supervisors are those classified administrators, regardless of job description, having authority to hire, transfer, suspend, recall, promote, discharge, assign, reward, or discipline other employees, or having the responsibility to assign work to and direct them, adjust their grievances, or effectively recommend such action.
BP 7310  Nepotism

Reference:  
Government Code Sections 12940 et seq., 1090 et seq.

The District does not prohibit the employment of relatives [or domestic partners as defined by Family Code Section 290 et seq.] in the same department or division, with the exception that they shall not be assigned to a regular position within the direct line of supervision reflected in the department or division organization chart or in the same department, division or site that has an immediate family member who is in a position to recommend or influence personnel decisions.

Personnel decisions include appointment, retention, evaluation, tenure, work assignment, promotion, demotion, or salary of the relative [or domestic partner as defined by Family Code Section 290 et seq.].

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

The District will make reasonable efforts to assign job duties to minimize the potential for creating an adverse impact on supervision, safety, security, or morale, or creating other potential conflicts of interest.

Notwithstanding the above, the District retains the right where such placement has the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest, to refuse to place spouses in the same department, division or facility. The District retains the right to reassign or transfer any person to eliminate the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest.
BP 7330 Communicable Disease

Reference:

_Education Code Sections 87408; 87408.6; 88021_

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

All newly hired academic or classified employees must show that they have been examined within the past 60 days to determine that they are free from active tuberculosis by providing the District with a certificate from the employee’s examining physician showing that the employee was examined and found to be free from active tuberculosis.

All employees shall be required to undergo an examination within four years of employment and every four years thereafter, to determine if they are free from tuberculosis.
BP 7335  Health Examinations

Reference:

Government Code Section 12940; 42 U.S. Code Section 12112(d); 29 Code of Federal Regulations, Part 1630

The District may require medical examinations of candidates for appropriate positions prior to assuming the duties of the position. Such pre-employment medical examinations shall be required only after a conditional job offer has been made, and may only be required of any candidate for a position for which a pre-employment medical examination has been deemed appropriate. No candidate shall be required to participate in such an examination on the basis of the candidate’s age or disability.

The Board authorizes the Superintendent/President or designee to require any employee to undergo a physical or mental examination at any time it appears to be in the District’s interest to obtain verification of an employee’s fitness for duty. Such medical examinations shall be at the District’s expense and shall be conducted by a physician chosen by the District.
BP 7340  Leaves

Reference:

*Education Code Sections 87763 et seq., 88190 et seq. and cites below; Labor Code Sections 245 et seq.*

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

(A) illness or injury leaves for all classes of permanent employees (*Education Code Sections 87781 and 88192*);

(B) paid sick leave (*Labor Code Section 246*);

(C) vacation leave for members of the classified service, administrators, supervisors and managers;

(D) leave for service as an elected official of a community college District public employee organization, or of any statewide or national employee organization with which the local organization is affiliated or leave for a reasonable number of unelected classified employees for the purpose of enabling an employee to attend important organizational activities authorized by the public employee organization (*Education Code Sections 87768.5; 88210*);

(E) leave of absence to serve as an elected member of the legislature (*Education Code Section 87701*);

(F) pregnancy leave (*Education Code Sections 87766; 88193; Government Code Section 12945*);

(G) leave to bond with a new child (*Education Code Sections 87784.5 and 88207.5*);

(H) use of illness leave for personal necessity (*Education Code Sections 87784; 88207*);

(I) industrial accident and illness leave (*Education Code Sections 87787 and 88192*);
(J) bereavement leave (*Education Code Sections 87788 and 88194*);

(K) jury service or appearance as a witness in court (*Education Code Section 87036; 87037*);

(L) military service (*Education Code Section 87700*); and

(M) sabbatical leaves for permanent faculty; academic employees, administrators and managers.

Vacation leave for members of the classified service, educational administrators and classified supervisors and managers shall not accumulate beyond 44 days of paid leave or 352 hours of paid leave. Employees shall be permitted to take vacation in a timely manner to avoid accumulation of excess vacation.

In addition to these policies and collective bargaining agreements, the Board retains the power to grant leaves with or without pay for other purposes or for other periods of time.
BP 7345  Catastrophic Leave Program

Reference:

*Education Code Section 87045*

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

The Superintendent/President or designee shall establish administrative procedures to administer the program that comply with the requirements established by the Education Code. The administrative procedures shall assure that the program is administered in a nondiscriminatory way.

*See Administrative Procedure 7345*
BP 7350  Resignations

References:

Education Code Sections 87730, 88201

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

The Board hereby delegates to the Superintendent/President the authority to accept resignations on its behalf at any time. Resignations shall be deemed accepted by the Board when accepted in writing by the Superintendent/President. When accepted by the Superintendent/President, the resignation is final and may not be rescinded. All such resignations shall be forwarded to the Board for ratification.

See Administrative Procedure 7350
BP 7360  Discipline and Dismissals – Academic Employees

References:

*Education Code Sections 87669, 87732*

A contract or regular employee may be dismissed or penalized for one or more of the grounds set forth in Education Code section 87732. If the employee is to be penalized, the Board shall determine the nature of the penalties. If the Board decides to dismiss or penalize a contract or regular employee, it shall assure that each of the following has been satisfied:

(A) The employee has been evaluated in accordance with standards and procedures established in accordance with the provisions of Education Code Sections 87660 et seq., and any administrative procedure for evaluation contained in a collective bargaining agreement;

(B) The Board has received all statements of evaluation which considers the events for which dismissal or penalties may be imposed;

(C) The Board has received a recommendation from the Superintendent/President;

(D) The Board has considered the statements of evaluation and the recommendations in a lawful meeting.

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

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

*See Administrative Procedure 7360*
BP 7365  Discipline and Dismissals – Classified Employees

Reference:

*Education Code Section 88013; Government Code Sections 3300 et seq.; CSEA Collective Bargaining Agreement; Administrative Procedure 7365*

The Superintendent/President or designee shall enact procedures for the disciplinary proceedings applicable to permanent classified employees of the District. Such procedures shall conform to the requirements of the Education Code.

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

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

A permanent member of the classified service shall be subject to disciplinary action, including, but not limited to, oral reprimand, written reprimand, reduction in pay, demotion, suspension, or discharge, for any of the following grounds:

(A) Fraud in securing employment or making a false statement on an application for employment.

(B) Incompetence, i.e., inability to comply with the minimum standard of an employee's position for a significant period of time.

(C) Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee in the position.

(D) Willful disobedience and insubordination, a willful failure to submit to duly appointed and acting supervision, conform to duly established orders or directions of, or insulting or demeaning the authority of a supervisor or manager.

(E) Dishonesty involving employment.
(F) Being impaired by or under the influence of alcohol or illegal drugs or narcotics while on duty, which could impact the ability to do the job.

(G) Excessive absenteeism.

(H) Unexcused absence without leave.

(I) Abuse or misuse of sick leave.

(J) The conviction of either a misdemeanor or a felony involving moral turpitude shall constitute grounds for dismissal of any employee. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. A plea or verdict of guilty, or a conviction showing a plea of nolo contendere made to charge a felony or any offense involving moral turpitude, is deemed to be a conviction within the meaning of this Section.

(K) Discourteous treatment of the public or other employees.

(L) Improper or unauthorized use of District property.

(M) Refusal to subscribe to any oath or affirmation which is required by law in connection with District employment.

(N) Any willful act of conduct undertaken in bad faith, either during or outside of duty hours which is of such a nature that it causes discredit to the District, the employee's department or division.

(O) Inattention to duty, tardiness, indolence, carelessness or negligence in the care and handling of District property.

(P) Mental or physical impairment that renders the employee unable to perform the essential functions of the job with or without a reasonable accommodation, or without presenting a direct threat to the health and safety of the employee or others.

(Q) Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation to an employee for the performance of his or her official duties.

(R) The refusal of any officer or employee of the District to testify under oath before any court, grand jury, or administrative officer having jurisdiction over any then pending cause of inquiry in which the District is involved. Violation of this provision may constitute of itself sufficient ground for the immediate discharge of such officer or employee.

(S) Willful violation of policies, procedures and other rules, which may be prescribed by the District, college(s) or departments.

(T) Working overtime without authorization.

See Administrative Procedure 7365
BP 7370  Political Activity

References:

*Education Code Sections 7054, 7056*

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

*See Administrative Procedure 7370*
BP 7380  Retiree Health Benefits

References:
   *Education Code Sections 7000 et seq.; CTA/NEA Collective Bargaining Agreement; CSEA Collective Bargaining Agreement*

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

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

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

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

*See Administrative Procedure 7380, 7381*
BP 7385  Salary Deductions

References:

Education Code Sections 87040, 87833, 87834, 88167

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

(A) participation in a deferred compensation program;
(B) paying premiums on any policy or certificate of group life insurance or disability insurance or legal expense insurance, or any of them;
(C) paying rates, dues, fees, or other periodic charges on any hospital service contract;
(D) contributions to the MSJC Foundation or other recognized charity.

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

The District shall without charge reduce the salary payment by the amount, which the employee has authorized in writing for the purpose of paying his or her membership dues in any local, statewide or other professional organization. Revocation of such authorization shall be in writing and shall be effective beginning with the next pay period.
BP 7400   Travel

Reference:

*Education Code Section 87032*

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

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

All official District travel outside the state of California or the United States must be approved in advance by the Board.

*See Administrative Procedure 7400*
BP 7510  Domestic Partners

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

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

Therefore, all references to “spouses” in the District’s policies or procedures shall be read to include registered domestic partners as permitted by California law.
BP 7600  Safety

The Chief Human Resources Officer shall establish administrative procedures to ensure the safety of employees and students on District sites, including the following:

(A) Compliance with the United States Department of Transportation regulations implementing the Federal Omnibus Transportation Employee Testing Act of 1991. Specifically, the District shall comply with the regulations of the Federal Highway Administration (FHWA) and, if applicable, the Federal Transit Administration (FTA). Compliance with these policies and procedures may be a condition of employment.

(B) Establishment of an Injury and Illness Prevention Program in compliance with applicable OSHA regulations and state law. These procedures shall promote an active and aggressive program to reduce and/or control safety and health risks.

(C) Establishment of a Hazardous Material Communications Program which shall include review of all chemicals or materials received by the District for hazardous properties, instruction for employees and students on the safe handling of such materials, and proper disposal methods for hazardous materials.

(D) Prohibition of the use of tobacco in all public buildings.

See Administrative Procedure 7600
BP 7610  Campus Security

Reference:

*Education Code Section 72330, et seq.*

The Board has established a Campus Safety Department under the supervision of one Director of Campus Safety, who shall report directly to the Vice President of Student Services.

It is the policy of the Board to protect the property of the District and to provide reasonable security measures to protect the District's students, employees, and visitors while on campus, with the understanding that students, employees, and visitors must assume the primary responsibility for their own personal safety and security of their personal belongings.

The President or designee shall enter into an agreement with the Riverside Sheriff’s Department to request assistance for incidents that require resources not available to the District’s campus safety officers and which shall provide that campus safety officers shall cooperate with local law enforcement in performing their duties. The Riverside County Sheriff’s Department shall have jurisdiction on District premises to enforce Federal, State, and local laws, including criminal laws and Vehicle Code violations, and shall have the authority to investigate all criminal and moving traffic violations that occur on District property.

**Campus Security Officers**

Reference:

*Education Code 72330.5; Government Code Sections 3300, et seq.*

The District shall employ campus security officers, who shall provide services as Campus Safety Officers or patrol persons on or about the campuses owned or operated by the District. Their duties include, but are not limited to, protecting persons or property, preventing theft and vandalism of District property, and reporting any unlawful activity to the District and local law enforcement.

The District’s campus safety officers are not peace officers and are not empowered with police authority to enforce laws. No District campus safety officer shall impersonate a police
officer or use a title, wear a uniform or badge, use an insignia or identification, or make any statement with the intent to give an impression that the campus safety officer is a peace officer.

Every member of the Campus Safety Department shall be issued a suitable identification card bearing word “Mt. San Jacinto Community College Campus Safety”.

The Vice President of Student Services, in cooperation with the Director of Campus Safety, shall issue such other regulations as may be necessary for the administration of the Campus Safety Department.

Every campus safety officer who works more than twenty hours per week shall complete a course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs as required by Education Code Section 72330.5(b). An officer who is required to carry security equipment shall complete appropriate training and certification in the use of such equipment as specified by the District and state law.

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

The Superintendent/President shall establish procedures necessary for administration of campus security.

*See Administrative Procedure 7610*
BP 7700 Whistleblower Protection

Reference:


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

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

Furthermore, district employees shall not: (1) retaliate against an employee or applicant for employment who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order; or (2) directly or indirectly use or attempt to use the official authority or influence of his or her position for the purpose of interfering with the right of an applicant or an employee to make a protected disclosure to the District. The District will not tolerate retaliation, and will take whatever action may be needed to prevent and correct activities that violate this policy, including discipline of those who violate it up to and including termination.

See Administrative Procedure 7700
BP 7800  Employee Service Recognition

Employees will be recognized for years of service on an annual basis. Awards will be provided in 5-year increments, beginning in the fifth year of employment (e.g. 5, 10, 15, etc.). The dates of calculation for service awards will be for the date of hire between July 1 – June 30 of each fiscal year.
BP 7805  Retiree Service Recognition

Employees who retire from the District in good standing with 10 or more full years of service (as calculated by the date of hire to the date of retirement) are eligible to receive a Retiree Gold Card and its associated benefits.

Benefits Include:

• Home Athletic Admission, excluding conference championships/playoffs *

• Theater Arts Admission (Theater and Dance) *

• Art Gallery Admission *

• Library Access *

• Alumni & Friends Membership

• Parking Permit **

* Admittance requires showing a valid picture I.D. and Gold Card

** Parking Permit is available upon request in the Campus Security Office and requires showing a valid picture I.D. and Gold Card