AGENDA ITEM BACKGROUND

TO: GOVERNING BOARD
FROM: PRESIDENT
SUBJECT: Board Policy Revisions: Office of the President, First Reading

BACKGROUND:
The District is in the process of revising Board Policies utilizing the California Community College League’s model policies as applicable. These Board Policies have been developed in cooperation with the Community College League of California Model Policy Service consultant, Jane Wright, and have been reviewed by the appropriate committees on campus including the President’s Cabinet.

Attached are revisions to Board Policies in the President’s component as listed below:

<table>
<thead>
<tr>
<th>Board Policy</th>
<th>Action</th>
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<tbody>
<tr>
<td>BP 2090 Evaluation</td>
<td>Revised to reflect League Language</td>
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<tr>
<td>BP 2095 Professional Development</td>
<td>Revised to reflect League Language</td>
</tr>
<tr>
<td>BP 2530 Prohibition of Harassment</td>
<td>New</td>
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<tr>
<td>BP 2540 Campus Safety</td>
<td>New</td>
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<tr>
<td>BP 2550 Campus Security and Access</td>
<td>New</td>
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<tr>
<td>BP 2580 Auxiliary Organization</td>
<td>New</td>
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<tr>
<td>BP 2590 Intellectual Property</td>
<td>New</td>
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</tbody>
</table>

Board policies are presented as a first reading for Governing Board review and will return for action at the next Governing Board meeting.
All Faculty and permanent staff members will periodically undergo a performance evaluation, in accordance with relevant collective bargaining provisions and the confidential employees’ handbook.

**Evaluation of Administrators/Managers**
The performance of administrators and managers shall be evaluated and assessed in writing at least once a year. This annual evaluation shall be reasonably related to the individual’s job description and other mutually agreed upon activities and related duties and responsibilities.

*Legal Reference: None. Accreditation Standard III.A.1.b*

Adopted: February 1, 1988
Reviewed: May 6, 2013
Revised: October 7, 2013
The Cabrillo College Governing Board has a history of supporting professional growth for college staff. To encourage and support professional growth for administrative staff, the Superintendent/President shall establish an Administrative Professional Development Leave Plan. Such a plan provides opportunities to update knowledge and improve skills, increase effectiveness and build long-term commitment to the institution.

**Legal Reference:** Accreditation Standard III.A.5

Adopted: November 2, 1998
Reviewed: June 10, 2013
Reviewed: October 7, 2013
All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence. It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, or because he or she is perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees and students feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

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 Discrimination and Harassment Investigations. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

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

To this end the Superintendent/President shall ensure that the institution undertakes education and training activities to counter discrimination and to prevent, minimize and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.
The Superintendent/President shall establish procedures that define harassment on campus. 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.

This policy and related written procedures (including the procedure for making complaints) shall be widely published and publicized to administrators, faculty, staff, and students, particularly when they are new to the institution. They shall be available for students and employees in all administrative offices.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion.

See Administrative Procedure AR 2530.

References:
Legal References: Education Code Sections 212.5, 44100, 66252, and 66281.5; Government Code Section 12950.1; Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e

Adopted: October 7, 2013
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 security personnel, methods for summoning assistance of security personnel, 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 AR 2540

Legal Reference: Education Code Section 67380(a)(4)

Adopted: October 7, 2013
The Superintendent/President shall establish procedures for security and access to District facilities.

**Legal Reference:** 34 Code of Federal Regulations Part 668.46(b)(3)

Adopted: October 7, 2013
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:

- the composition of a board of directors and the way in which it conducts its meetings;
- conducting an annual audit;
- employing its work force;
- 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 AR 2580

*Legal References: Education Code Sections 72670 et seq.; Title 5 Sections 59250 et seq.*

Adopted: October 7, 2013
The Superintendent/President shall develop procedures that define the rights, interests, protection, and transfer of intellectual property created by the District employees and students.

*Legal References:* 17 U.S. Code Sections 101 et seq.; 
35 U.S. Code Sections 101 et seq.; 
37 Code of Federal Regulations Sections 1.1 et seq.

Adopted: October 7, 2013