NOTE: This procedure is legally required. Local practice may be inserted, but should conform to the following general principles. The template for BP 1270 (League BP 3300) titled Public Records contains all of the necessary detail. Consultation with counsel before making additional administrative regulations is strongly advised.

Members of the public may request to inspect or copy public records in compliance with the Public Records Act. A request by a member of the public may be delivered by mail, email or in person to the Superintendent/President’s Office (use correct nomenclature). [designate positions or office]. If the request is by email, it should be sent to publicrecordsrequests@cabrillo.edu.

Any request shall identify with reasonable specificity the records that are sought. If additional information is needed, the Superintendent/President [designate position] may request it be provided in writing.

Any request to inspect records shall be made sufficiently in advance of the date of inspection to allow staff members time to assemble the records and identify any records that may be exempt from disclosure.

Records that are exempt from disclosure under the Public Records Act or any other provision of law may not be inspected or copied by members of the public. Social security numbers must be redacted from records before they are disclosed to the public.

Members of the public shall be assisted in identifying records or information that may respond to their request. Assistance that will be provided includes: the information technology and physical location in which the records exist; practical suggestions for overcoming denial of access to the records or information; and the estimated date and time when the records will be made available.

Within ten days, the Superintendent/President [designate positions or office] will determine whether or not the records can be produced and will communicate the determination to the member of the public requesting the record(s).

NOTE: The Public Records Act presumes that all records of a public agency are public, unless specifically exempted by law. There are now well over a hundred exemptions contained in California law, although most will never apply to a community college district. (See Government Code Sections 6254 et seq. and 6275 et seq.) Any questions about whether a document is exempt should be referred to counsel.

The most common exemptions for community colleges include:
• Student records (Education Code Section 76243)
• Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding the records clearly outweighs the public interest in disclosure. (Government Code Section 6254(a))
• Records pertaining to pending litigation …or to claims…until the pending litigation or claim has been finally adjudicated or otherwise settled. (Government Code Section 6254(b))
• Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code Section 6254(c))
• Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination [except for standardized tests provided for by Education Code Sections 99150 et seq.]. (Government Code Section 6254(g).)
• The contents of real estate appraisals or engineering or feasibility estimates and evaluations…relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained. (Government Code Section 6254(h)).
• Internet posting of home address or telephone numbers of local elected officials (Government Code Section 6254.21)
• Home addresses and home telephone number of employees of a school district or county office of education (other than to an agent or family member of the employee, to an officer of another school district when necessary, to an employee organization, or to an agency or employee of a health benefit plan.) (Government Code Section 6254.3)
• Records regarding alternative investments (i.e. an investment in a private equity fund, venture fund, hedge fund, or absolute return fund; limited partnership, limited liability company or similar legal structure) involving public investment funds, unless already publicly released by the keeper of the information.
• Information security records, if disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, the District’s information technology system.

Legal References: Government Code Sections 6250 et seq.

ASM PPRSC: 3/6/14
VPAS: 4/10/14
Cabinet:
PPTF:
Note: This procedure is legally required. Local procedures regarding the classification, retention, and destruction of records may be inserted here. Procedures should include or address the following concepts:

“Records” means all records, maps, books, papers, data processing output, and documents of the District required by Title 5 to be retained, including but not limited to records created originally by computer and “electronically stored information” (“ESI”), as that term is defined by the Federal Rules of Civil Procedure.

The Director of Purchasing Contracts, Risk Management & Auxiliary Services. [designate position] shall supervise the classification and destruction of records and ESI. The District must preserve ESI and ESI that is relevant to actual or potential litigation pursuant to the Federal Rules of Civil Procedure. The District shall comply with the Federal Rules of Civil Procedure and produce relevant ESI in the form in which it is ordinarily maintained or readily usable. An annual report shall be made to the Board of Trustees regarding the classification and destruction of records and ESI.

Records shall be classified as required by Title 5 and other applicable statutes, federal and state regulations.

Records shall annually be reviewed to determine whether they should be classified as Class 1 – Permanent, Class 2 – Optional, or Class 3 – Disposable (as defined in Title 5).

Class 3 – disposable records shall be maintained for the period required by applicable law or regulation, but in any event shall be retained for at least three college fiscal years after the year in which they were originally created.

Destruction is by any method that assures the record is permanently destroyed, e.g. shredding, burning, and pulping.

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

ASM Council: 3/6/14
VPAS: 4/10/14
Cabinet:
PPTF:
Approved:
The annual budget supports the district’s planning process. The college master, strategic and educational plans will be used as a basis for developing the budget process commitments, criteria and strategies. The process commitments criteria and strategies will be reviewed and updated annually and used in the development of the budgets.

A budget calendar that includes presentation of the tentative and final budgets. The tentative budget shall be presented no later than July 1 [Title 5 Section 58305(a)], and the final budget no later than September 15 [Title 5 Section 58305(c)]. A public hearing on the budget shall be held on or before September 15 [Title 5 Section 58301].

Two copies of the adopted budget to be submitted to the California Community College Chancellor’s Office on or before September 30 [Title 5 Section 58305(d)].

Budget development processes, including consultation with appropriate groups.

Criteria and institutional guidelines for the financial planning and budgeting.

Submission of appropriate forms (311’s) to the California Community College Chancellor’s Office.

**On or before July 1**
File tentative budget with County Superintendent of Schools, including the time, date and place where the public hearing will be held.

**On or before August 1**
County Superintendent shall return tentative budget with corrections and recommendations. At least three days prior to availability of proposed budget for public inspection

County Superintendent shall publish notice of the dates and places where the proposed budget may be inspected, and the time, date and place for the public hearing on the proposed budget.

**During or before the last week in August**
The proposed budget shall be made available by the District for public hearing on the proposed budget.

**During or before the first week of September**
Governing Board will conduct a public hearing on the proposed budget.

**On or before September 7**
Governing Board will adopt budget after the public hearing, including any tax requirements, and file the adopted budget with the County Superintendent of Schools.
On or before September 15
  County Superintendent shall approve the
  adopted budget and file one copy with the County Board of Supervisors, one with the County
  Auditor, and one with the Chancellor of the California Community Colleges.

On or before September 15
  The Governing Board shall prepare and keep on file for public inspection a statement of all
  receipts and expenditures of the District for the preceding fiscal year and a statement of the
  estimated total expenses for the District for the current fiscal year.

The District submits two copies of the adopted budget annually to the California Community
college Chancellor’s Office on or before September 30 [Title 5 Section 58305(d)].

The District consults with appropriate groups during the Budget development processes. Budget
criteria and institutional guidelines for the financial planning and budgeting are provided to the
participatory governance leadership at the college.

The 311 Report is submitted annually to the California Community College Chancellor’s Office.

Legal References: Education Code Section 70902(b)(5); Title 5 Sections 58300 et seq.,
Accreditation Standard III.D

ASM PPRS: 2/6/14
VPAS: 3/10/14
ASM Council: 4/8/14
Cabinet:
PPTF:
Approved:
The budget shall be managed in accordance with Title 5 and the CCC Budget and Accounting Manual. Budget revisions shall be made only in accordance with these policies and as provided by law.

Total amounts budgeted as the proposed expenditure for each major classification of expenditures shall be the maximum expended for that classification for the school (academic) year, except as specifically authorized by the Board.

Transfers may be made from the reserve for contingencies to any expenditure classification by written resolution of the Board, and must be approved by a two-thirds vote of the members of the Board.

Transfers may be made between expenditure classifications by written resolution of the Board, and may be approved by a majority of the members of the Board.

Excess funds must be added to the general reserve of the District, and are not available for appropriation except by resolution of the Board setting forth the need according to major classification.

Reference: Title 5 Sections 58305, 58307, and 58308
A quorum of the Governing Board shall consist of four regular voting 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:
- Resolution of intention to sell or lease real property (except where a unanimous vote is required);
- Resolution of intention to dedicate or convey an easement;
- Resolution authorizing and directing the execution and delivery of a deed;
- Action to declare the District exempt from the approval requirements of a planning commission or other local land use body;
- Appropriation of funds from an undistributed reserve;
- Resolution to condemn real property.

The following actions require a unanimous vote of all members of the Board:
- 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;
- Resolution authorizing lease of District property under a lease for the production of gas.

If no more than two vacancies occur, the vacant position(s) shall not be counted for purposes of how many members constitute a majority. When a unanimous vote is required by law, the vacant position(s) shall be excluded.

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

Adopted: February 1, 1988
Revised: April 8, 2013
Revised: ___, 2014
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:

- The appointment, employment, evaluation of performance, discipline or dismissal of a public employee;
- 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 open session. The employee shall be given at least 24 hours written notice of the closed session.
- Advice of counsel on pending litigation, as defined by law;
- Consideration of tort liability claims as part of the District’s membership in any joint power agency formed for purposes of insurance pooling;
- Real property transactions;
- Threats to public safety;
- Review of the District’s position regarding labor negotiations and giving instructions to the District’s designated negotiator;
- Discussion of student disciplinary action, with final action taken in public;
- Conferring of honorary degrees;
- Consideration of gifts from a donor who wishes to remain anonymous;
- 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 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 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.
The student Board member shall not attend closed sessions.

*Legal Reference: Education Code Section 72122; Government Code Sections 54956.8, 54956.9, 54957, 54957, 54957.6, and 11125.4*

Adopted: February 1, 1988
Revised: May 2, 1994
**Revised: September 12, 2011**
Revised: __________, 2014
Chapter Three: General Institution

AP 3505
EMERGENCY RESPONSE

PURPOSE
The Emergency Response Plan is the District’s planned response to all hazards affecting the college or surrounding community. The plan will be activated by the District Chief Executive Officer or designee (Incident Commander). The Emergency Response Plan details actions and responsibilities for District employees including the Incident Command Team (ICT).

RESPONSIBILITY
Government Code Sections 3100-3101 state that all employees of the District are declared civil defense workers during emergencies, subject to activities as may be assigned to them. Federal and state regulations further state that all employees of the District must be trained and qualified in specified Federal Emergency Management Agency (FEMA) courses depending on an employee’s emergency response responsibilities.

EMERGENCY OPERATIONS CENTER (EOC) AND INCIDENT COMMAND TEAM (ICT)
The Emergency Operations Center (EOC) will be activated during emergency situations by the Incident Commander. The EOC may be staffed by one or more key administrators depending on the situation. The ICT staff will direct the District’s response to emergency situations and coordinate with outside agencies and requests for outside support. Designated District employees will assist the ICT staff in carrying out their duties.

EMERGENCY CHAIN OF COMMAND
1. Law Enforcement
2. Fire Department
3. Incident Command Team

The ICT shall:
- Declare a major emergency in the event of earthquake, explosion, flood, etc.
- Assess the overall emergency based on reports from area managers
- Initiate the emergency notification chain (e.g., call back of employees)
- Mobilize additional staff for heavily damaged areas
- Determine and disseminate the “All-Clear” when the emergency is over

All press releases will be prepared by the Public Information Officer or designee. In absence of this person, the Incident Commander will designate an individual responsible for this function.
EMERGENCY PREPAREDNESS
The District’s emergency preparedness is based on available supplies, training and awareness, emergency preparedness drills, and support agreements with civil and private agencies. All employees of the District will receive training in responding to and managing emergency situations according to federal and state laws and regulations.

EMERGENCY RESPONSE
General information about the emergency response and evacuation procedures is publicized each year on the Emergency Preparedness website: [http://www.cabrillo.edu/internal/emergency/](http://www.cabrillo.edu/internal/emergency/)

All college employees shall be notified on an annual basis that they are required to notify law enforcement of any incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and employees. Law enforcement has the responsibility of responding to and summoning the necessary resources to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, law enforcement has a responsibility to respond to such incidents to determine if the situation poses a threat to the community. If so, federal law requires that the institution immediately notify the college and appropriate segments of the community that may be affected.

In the event of a serious incident that poses an immediate threat to members of the college, the District has communication systems in place that may be activated in the event of an immediate threat to the college. These methods of communication include email, texting, phone intercom system, two-way radios, social media programs (Facebook/Twitter), and Cabrillo’s home page website. Employees and community members can call the District’s telephone line for recorded updates.

The District’s Public Information Officer or designee will be responsible for the dissemination of emergency information to the larger community using the established communication systems.

EMERGENCY RESPONSE DRILLS
Evacuation drills shall be coordinated by the Incident Command Team annually. Building Emergency Exits are provided as well as information regarding the direction individuals should travel when exiting facilities.

Evacuation drills are monitored by local law enforcement and the ICT. Reports will be prepared by participating departments and recommendations for procedural improvements will be submitted to the appropriate departments.

EMERGENCY ASSEMBLY AREAS
Emergency designated assembly areas are listed in the published plan. Evacuation maps are posted in each classroom and designated areas, providing directions to assembly areas. Assembly areas are subject to change due to varied circumstances involving emergency evacuation.
References:

   Education Code Sections 32280 et seq. and 71095;
   Government Code Sections 3100 and 8607(a);
   Homeland Security Act of 2002;
   National Fire Protection Association 1600;
   Homeland Security Presidential Directive-5;
   Executive Order S-2-05;
   California Code of Regulations Title 19, Sections 2400-2450;
   34 Code of Federal Regulations Section 668.46(b)(13) and (g)

ASM Council review:  2/6/14, 3/6/14, 5/8/14
To VPAS:  5/12/14
Cabinet:
PPTF:
PCC:
From Current Cabrillo BP 4540 Local Law Enforcement

The District shall enter into a written agreement with a local law enforcement agency. The agreement shall clarify operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location operated by the District.

The written agreement shall designate which law enforcement agency shall have operational responsibility for violent crimes and delineate the specific geographical boundaries of each agency’s operational responsibility, including maps as necessary.

The written agreements required by this policy shall be public records and shall be made available for inspection by members of the public upon request.

From Current Cabrillo BP 4300 Law Enforcement

Law enforcement services, including traffic and parking control, shall be provided either by a Cabrillo College Police Department or via a contract with an appropriate law enforcement authority in accordance with the California Education Code Section 72330 and California Penal Code Sections 830.31 and Section 832-830 et seq. (Also see BP/AP 7600 titled Campus Security/Police)

In the absence of a Cabrillo College Police Department, or supplementary to such a department, the District, on behalf of the campus or center, shall enter into a written agreement with local law enforcement agencies. The agreement shall clarify operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location.

The written agreement shall designate which law enforcement agency shall have operational responsibility for violent crimes and delineate the specific geographical boundaries of each agency’s operational responsibility, including maps as necessary.

The written agreements required by this policy shall be public records and shall be made available for inspection by members of the public upon request.
The Cabrillo Community College District 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.

See Administrative Regulation Procedure 4300.3520

Legal References:  
- Education Code Section 67381; and
- 34 Code of Federal Regulations Section 668.46(b)(4)

Adopted: May 2, 1988
Revised: June 10, 2013
Revised: October 7, 2013

(Replaces BP 4300 and BP 4540)
Law enforcement services, including traffic and parking control, shall be provided either by a Cabrillo College Police Department or via a contract with an appropriate law enforcement authority in accordance with the California Education Code Section 72330 and California Penal Code Section 830.31 and Section 832.

In the absence of a Cabrillo College Police Department, or supplementary to such a department, the District, on behalf of the campus or center, shall enter into a written agreement with local law enforcement agencies. The agreement shall clarify operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location.

The written agreement shall designate which law enforcement agency shall have operational responsibility for violent crimes and delineate the specific geographical boundaries of each agency’s operational responsibility, including maps as necessary.

The written agreements required by this policy shall be public records and shall be made available for inspection by members of the public upon request.

The Cabrillo Community College District encourages accurate and prompt reporting of all crimes to the campus police and/or the appropriate police agencies. The 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.

See Administrative Regulation 4300

Legal Reference: Education Code Section 67381; and 34 Code of Federal Regulations Section 668.46(b)(4)

Adopted: May 2, 1988
Revised: June 10, 2013
Revised October 7, 2013
The District shall enter into a written agreement with a local law enforcement agency. The agreement shall clarify operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location operated by the District.

The written agreement shall designate which law enforcement agency shall have operational responsibility for violent crimes and delineate the specific geographical boundaries of each agency’s operational responsibility, including maps as necessary.

The written agreements required by this policy shall be public records and shall be made available for inspection by members of the public upon request.

*Legal reference:* CA Education Code Section 67831.

Adopted: March 1, 2010
Chapter Three: General Institution

POLICY FOR A SMOKE-FREE ENVIRONMENT

It is the policy of the Cabrillo College Governing Board to promote a safe and healthy atmosphere for students, faculty, staff and visitors on the campus and other centers by reducing the health risks associated with tobacco smoking and minimizing discomfort and inconvenience to nonsmokers.

To meet this obligation, the Cabrillo College District has a smoke-free environment policy that covers all individuals on the Cabrillo College campus locations including but not limited to students, faculty, staff and visitors. The policy applies to all College buildings, vehicles or other buildings where College programs or services are provided, and all College owned vehicles. It specifically includes, but is not limited to: classrooms, meeting areas, food preparation areas, dining areas, offices, laboratories, studios, child care center, lobbies, reception areas, hallways, elevators, stairwells, restrooms, shops, storerooms, garages, the College theatre, building perimeter walkways, sports facilities, and stadium.

Cabrillo Community College intends to create a cooperative spirit among students, faculty, staff and visitors in the effort to implement this smoke-free environment policy.

Legal References: Education Code Sections 76031 and 76033(e).

Adopted: September 10, 1990
Revised: March 1, 1993
Revised: insert board date
Chapter Three: General Institution

AP 3570

POLICY FOR A SMOKE-FREE ENVIRONMENT

In accordance with the Cabrillo College Smoke-Free Environment Policy, the following regulations are implemented:

1. Smoking is prohibited in all indoor areas of all public buildings on/off campus. No smoking signs will be posted at College entryways. Smoking is not permitted in the College theater except as may be required during the rehearsals and performances staged as a portion of a Theater Arts production.

2. Smoking is prohibited in the outside areas beside building doorways, windows and ventilation air intakes. This includes patios underneath building windows and walkways.

3. Smoking is prohibited in all college-owned vehicles including shuttles, automobiles, and all types of delivery, maintenance, and service vehicles.

4. Smoking is permitted in the parking lot areas only. Receptacles are available for the disposal of cigarettes.

5. Cabrillo College will support and assist efforts to stop smoking by providing literature, referrals to community cessation programs and by sponsoring periodic campus smoking cessation programs.

6. Tobacco products will not be sold on campus either through vending machines or campus establishments.

7. Implementation of the campus smoke-free environment policy will be the responsibility of every student, faculty member, staff person and visitor on campus.

References: Education Code Sections 76031 and 76033(e).

Adopted: March 1, 1993
Revised: March 4, 1996

I. BACKGROUND

The Cabrillo Community College District is committed to a healthy and productive educational and work environment. As such, and in light of well-established health risks associated with smoking and exposure to secondhand smoke, Cabrillo Community College District prohibits smoking in all campus areas and locations, effective January 1, 2015 as defined in Scope (Section II).

The sale or distribution of any smoking substances, including tobacco products and smokeless tobacco products, is also prohibited.

II. SCOPE

This policy applies to all District employees, staff, students, lessees, and visitors and to all interior and exterior campus areas and locations, including but not limited to:
III. **DEFINITIONS**

- “Smoking” is defined as the use of products which produce smoke or vapor emissions, including electronic cigarettes.
- “Visitors” include, but are not limited to, community patrons, volunteers, contractors, and vendors.

IV. **IMPLEMENTATION**

The Vice President of Administrative Services or designee has overall responsibility for implementing this policy. This policy is effective January 1, 2015 and supersedes all previous District smoking policies. Prior to this effective date, the previous District policy for a smoke free environment will remain in effect.

Notification of the Smoke-Free Environment policy shall be publicized:

a. On an ongoing basis on the Cabrillo College District website.

b. On signs posted at major campus entrances.

c. On signs posted at building entrances, breezeways, parking lots/structures as needed.

The District Safety Committee will collaborate with Student Health Services, Cabrillo employee groups, and Human Resources to provide faculty, staff, students and visitors with notice of this policy through signs, presentations, and publications, and will develop tobacco education and smoking cessation programs, and other related outreach and counseling programs.

V. **ACCOUNTABILITY**

The District Smoke-Free Environment Policy will be the shared responsibility of every student, District employee, and visitor. Cabrillo Community College District, in cooperation with the Santa Cruz County Sheriff’s Department, shall enforce all state, county and city ordinances that prohibit smoking on District property.
The successful implementation of this policy depends on the cooperation of all members of the college community, including visitors. Violations of this policy will be addressed through existing administrative processes. (is there a citation for these processes?)

**Legal References:**
- Government Code Sections 7596, 7597, 7597.1, and 7598
- Labor Code Section 6404.5;
- Title 8 Section 5148

ASM: 4/10/14, 5/8/14
VPAS: 5/12/14
Cabinet:
PPTF:
Chapter Three: General Institution

BP 3200
ACCREDITATION

The Superintendent/President 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 or designee shall keep the Board informed of approved accrediting organizations and the status of accreditations and 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. The Superintendent/President shall ensure that the Board is involved in any accreditation process in which Board participation is required.

See AP 3200

Legal References:
Accreditation Eligibility Requirement 21, Standard IV.B.1.i;
Education Code Sections 78050 and 78051
Title 5 Section 51016

Adopted: March 6, 1989
Revised: November 1, 2010
Revised: April 29, 2014
A. Approval
The Superintendent/President shall approve the application to all organizations that accredit Cabrillo College programs and shall notify the Governing Board of these approved accrediting organizations.

B. Funding for accreditation
1. The year prior to any accrediting visitation and report preparation, the program director shall notify the division dean of the upcoming accreditation so that budget allocations may be requested in a timely fashion within regular budget procedures.
2. The director shall provide estimates of expenses, including fees required by the accrediting agency, and travel expenses of the accreditation team.
3. The division dean shall submit the request for funding through the regular budget proposal process. Payments will be made following standard college fiscal procedures.

C. Administrative supervision of the process
1. The program director shall report regularly to the division dean regarding the status of the application for accreditation, the date, time, and duration of the team visit, and the number of team members.
2. No later than one year prior to the self study submission deadline, the program director shall submit the plan for the self study process including timelines, tasks, responsibilities, organization, and structure. At least one month prior to the submission deadline, a draft of the accreditation report shall be reviewed by the division dean and the Vice President, Instruction.
3. At least three months prior to the submission deadline, a draft of the accreditation self study shall be reviewed by the division dean and the Vice President, Instruction. At least one month prior to the submission deadline, a final draft of the accreditation self study shall be reviewed by the division dean and Vice President, Instruction, and Superintendent/President.
4. The division dean shall inform the Vice President, Instruction of progress of the accreditation process.
5. The Vice President, Instruction and the Superintendent/President shall sign the self study authorizing submission to the accrediting agency.
6. Meetings between team members and school officials shall be arranged by the program director and dean as required by the accrediting agency and with the approval of the Superintendent/President.
Chapter Three: General Institution

C. Recommendations of the accreditation team

1. The program director shall submit copies of accreditation team reports to the division dean, who shall forward them to the Vice President, Instruction.

2. The program director shall submit a report describing actions taken or to be taken in response to recommendations in the accreditation report.

3. The program director shall submit appropriate requests through the division dean to secure funding, equipment, or services recommended by the accreditation report.

4. The program director shall submit an annual report on progress on meeting recommendations.

Legal References:
Accreditation Eligibility Requirement 21;
Accreditation Standard IV.B.1.i.
Title 5 Section 51016

Adopted: March 6, 1989
Revised: June 13, 2011
Reviewed: December 5, 2012
Revised: April 29, 2014
Chapter Four Three: Business Services and Operations General Institution

BP 3560
ALCOHOLIC BEVERAGES
BP 4560
ALCOHOLIC BEVERAGES
BP 4620 and 7100
USE OF ALCOHOLIC BEVERAGES AND ILLEGAL DRUGS
FORBIDDEN ON CAMPUS

The Superintendent/President or designee is authorized to enact procedures as appropriate and permitted by law regarding serving alcoholic beverages on campus or at fundraising events held to benefit non-profit corporations. Alcoholic beverages shall not be served on campus except in accordance with these procedures.

Legal Reference: Business and Professions Code Section 25608
34 Code of Federal Regulations Section 668.46(b)

Adopted: March 1, 2010
Revised: Insert board date

Current Cabrillo BP 4560
Alcoholic Beverages

The Superintendent/President or designee is authorized to enact procedures as appropriate and permitted by law regarding serving alcoholic beverages on campus or at fundraising events held to benefit non-profit corporations. Alcoholic beverages shall not be served on campus except in accordance with these procedures.

Legal Reference: CA Business and Professions Code Section 25608.
Adopted: March 1, 2010

Current Cabrillo BP 4620 and 7100
Use of Alcoholic Beverages and Illegal Drugs Forbidden on Campus

The use of any alcoholic beverage or illegal drug is prohibited on the Cabrillo College campus. Under special circumstances, wine or beer may be served with food for educational purposes. Such use requires the permission of the Superintendent/President for each individual occasion.

Legal Reference: Business and Professions Code Section 25608;
34 Code of Federal Regulations Section 668.46(b)

Adopted: June 6, 1988
Revised: September 9, 2013
Courses shall be graded using the grading system established by Title 5. The grading system shall be published in the college catalog and made available to the students.

Some courses may allow for a grade of pass/no pass.

The student is held responsible for all assignments and examinations required in the course. The standards of evaluation are identical for all students in the course.

Legal Reference: Title 5 Section 55023

Adopted: April 4, 1988
Revised: January 14, 2013
Revised: June 5, 2014 (IC Approval)
Courses shall be graded using the grading system established by Title 5. The grading system shall be published in the college catalog and made available to the students.

**NOTE:** If the Board has approved a "plus/minus" grading system and/or the “FW” grade, the following paragraph(s) should be included.

The grading system shall include the “plus” and minus” designation in combination with letter grades, except that C minus shall not be used. Some courses may allow for a grade of pass/no pass.

The purpose of pass/no pass grading is to provide an appropriate method of evaluating those courses that are taught for the purpose of establishing a minimum level of proficiency in a subject area, to evaluate skill or performance subjects where fine gradations of achievement are not meaningful, or to accommodate the student whose purpose in taking a class would be better served by this grading procedure. This system is not intended to be used by students in their major courses unless courses are only offered in the pass/no pass mode.

Courses may be offered in either or both of the following categories:

- Courses in which all students are evaluated on a “pass/no pass” basis
- Courses in which each student may elect, upon registration or within the established time limit, to take the course on a “pass/no pass” basis

A student electing to be evaluated on the “pass/no pass” basis will receive both course credit and unit credit upon satisfactory completion of the course. In computing a student’s grade point average, grades of “pass/no pass” are omitted.

A pass grade is granted for performance that is equivalent to the letter grade of “C” or
A student who fails to perform satisfactorily will be assigned a “no pass” grade.

The student is held responsible for all assignments and examinations required in the course. The standards of evaluation are identical for all students in the course.

The grading system shall include the “FW” grade for unofficial withdrawal.

See AR 3220

**Legal Reference:** Title 5, Section 55751-55752.

Adopted: April 4, 1988
Revised: May 2, 2011

From current Cabrillo BP 3210 titled Grades and Grade Points

**NOTE:** The first two sentences below are shown as struck as they are repetitive of the first sentences in current Cabrillo BP 3220 above.

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. Changes in grading policies, standards, and regulations will be recommended to the Faculty Senate by the Academic Council, a standing committee of the Faculty Senate. The Faculty Senate shall recommend such changes to the Vice President of Instruction who recommends them to the Governing Board. The instructor of the course shall determine the grade awarded to each student. The instructor’s determination is final in the absence of mistake, fraud, bad faith, or incompetence.

**Legal Reference:** Title 5 Section 55023

Adopted: April 4, 1988
Revised: January 14, 2013
Revised:
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 Board of Trustees recognizes that the college curriculum will be dynamic in response to changes in teaching methodology, legal requirements, student needs, technology, and occupational opportunities. For this reason, the faculty and administration have the responsibility to engage in continuing review of college offerings for the purpose of revising, deleting or adding courses and programs as needed within the resources available. To that end, the Superintendent/President shall, through consultation with the Faculty Senate, establish procedures for the development and review of all curricular offerings, including their establishment, modification or discontinuance, which include consultation with the Faculty Senate.

Furthermore, these procedures shall include:

- appropriate involvement of the faculty and Faculty Senate and Curriculum Committee in all processes;
- regular review and justification of programs and course descriptions;
- opportunities for training for persons involved in aspects of curriculum development;
- consideration of job market and other related information for career and technical programs.

All new programs and program changes shall be approved by the Board, and submitted to the Office of the Chancellor for the California Community Colleges for approval, certified by the Vice President of Instruction, 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 5 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 procedure 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.

**Legal References:**

*Education Code Section 70901(b), 70902(b) and 78016;*
*Title 5 Sections 51000, 51022, 55100, 55130, and 55150;*
*US 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*

Adopted April 4, 1988
Revised: November 1, 2010
Revised: June 5, 2014 (IC Approval)
NOTE. This policy is legally required. The following policy language indicates that the Board of
Trustees retains authority to approve new programs and courses, and delete programs, and
delегates the authority for all other actions to the Superintendent/President. It is the option that is
legally advised, but options that delegate all authority to the Superintendent/President or that
require Board approval for new courses and deleted courses are legal. However, it is suggested
that Boards not require program or course modifications be submitted to them for approval.

The portion of this policy regarding credit hour definition is legally required in an effort to show
good faith compliance with the applicable federal regulations.

❖ From current Cabrillo BP 3120 titled Program, Curriculum, and Course Development

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 Governing Board of
Trustees recognizes that the college curriculum will be dynamic in response to changes in
teaching methodology, legal requirements, student needs, technology, and occupational
opportunities. For this reason, the faculty and administration have the responsibility to engage in
continuing review of college offerings for the purpose of revising, deleting or adding courses and
programs as needed within the resources available. To that end, the Superintendent/President
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- regular review and justification of programs and course descriptions;
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- consideration of job market and other related information for career and technical
  programs.

All new programs and program changes shall be approved by the Board, and submitted to the
Office of the Chancellor for the California Community Colleges for approval, certified by the
Vice President of Instruction, as required.

❖ From current Cabrillo BP 3120 titled Program, Curriculum, and Course Development
Chapter: Instruction and Instructional Planning  
Academic Affairs

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See Administrative Procedures AR 3120.

**Legal References:**  
Education Code Section 70901(b), 70902(b);  
Title 5, Sections 51000, 51022, 55100, 55130, and 55150;  
US 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

Adopted April 4, 1988  
Revised: November 1, 2010  
Revised:

NOTE: Recommend deleting current Cabrillo BP 3020 as the salient points are reflected in the language above which aligns with the language recommended by the Policy and Procedure Service to comply with state/federal laws and regulations.

From current Cabrillo BP 3020 titled General Curriculum

The District recognizes and supports the offering of courses which meet the needs of the residents of the District. The college shall, therefore, develop curriculum for those who wish to transfer to four-year institutions; those who wish occupational training; those who need to make up for basic skill deficiencies; those who seek to accommodate disabilities; and those who wish to pursue lifelong learning.
See AR 3020

Legal References:
Education Code Sections 70901(b), 78016; and Title 5 Sections 55001, 51022, 55002, 55100, 55130, 55150.

Education Code Sections 70901(b), 70902(b), and 78016
Title 5 Sections 51000, 51022, 55100, 55130 and 55150
US 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 500.2, 602.24, 603.24, and 668.8

Adopted: April 4, 1988
Revised: May 2, 2011
Reviewed:
Chapter Seven: Human Resources

AP 7150
MANAGEMENT PERFORMANCE EVALUATION PROCESS

The management performance evaluation process is designed to recognize the strengths and accomplishments of Cabrillo's managers and to identify areas for improvement or professional development. The process should also assess the performance of the manager in the overall mission of the college, re-energize the college’s overall efforts and be an interactive process focused on developing professionalism and excellence in all members of the management team.

These regulations shall apply to all managers below the level of Superintendent/President.

1.0 General Guidelines

1.1 All managers shall be evaluated on an annual basis. Each manager shall undergo a comprehensive evaluation at least once every three years. The word “manager” includes both classified and educational administrators.

1.2 The word “supervisor” refers to the administrator to whom the manager being evaluated reports.

1.3 The word “staff,” unless otherwise specified, includes management, faculty and support staff.

1.4 Confidentiality shall be maintained by all who participate in this process. The contents of all documents shall remain confidential, in accordance with the California Public Records Act, Government Code section #6254.

1.5 The word “goals” or the phrase “performance goals” may include but is not limited to the following kinds of goals: master plan strategies for which the manager is responsible, performance objectives, and professional growth objectives.

2.0 Comprehensive Evaluations

New or reassigned managers shall first receive a comprehensive evaluation in the year following appointment to the position. Thereafter, comprehensive evaluations shall occur at least once every three years. Nothing in these procedures shall prevent the Superintendent/President or the supervisor from initiating a comprehensive evaluation of a manager during any year not scheduled for such an evaluation.

The comprehensive evaluation process is as follows:

2.1 The Human Resources department compiles the list of managers due for comprehensive evaluation.

2.2 The manager being evaluated will select a peer manager in consultation with his/her supervisor. During the meeting between the supervisor and the manager, they will discuss and agree upon a list of people who will receive the performance survey. All contract
faculty and staff reporting directly to the manager will receive an evaluation feedback questionnaire. Additional employees will be identified to receive surveys when the manager being evaluated has College-wide responsibilities.

Managers who have classroom and/or counseling assignments shall undergo a classroom/counseling evaluation. This classroom/counseling evaluation shall consist of an observation done by a faculty member in the same discipline as the manager, chosen by the appropriate Vice President. It shall also include student evaluations based on current practice in faculty evaluations. These evaluations shall be submitted to the peer manager.

2.3 The peer manager tallies and summarizes responses of those evaluation feedback questionnaires (surveys) returned by an established deadline. If assistance is needed in compiling the data, including retyping the comments, the peer manager may request the assistance of a confidential-designated employee, but not a classified staff person.

2.4 The manager being evaluated submits to the supervisor a self-evaluation to include completion of the performance feedback questionnaire and a narrative which reviews the effectiveness of his/her performance in the position as detailed in the job description. This narrative should also address progress toward goals set forth in the previous evaluation, additional contributions to the campus and community, and professional growth activities. The narrative should conclude with the manager’s suggestions for possible new goals for the next three years.

2.5 The peer manager will carefully analyze all information and will draft a summary of feedback received that provides as accurate a reflection of the responses as possible. This summary should reflect trends identified rather than isolated, atypical comments. The summary is intended to be a synthesis of the comments, not a word-for-word listing of them. The summary shall include all of the following that apply:

- strengths and commendations
- areas for improvement
- opportunities for staff development in areas where the manager’s performance could be enhanced
- possible performance goals to be addressed by the manager during the next three years.

The peer manager provides the summary evaluation and compiled feedback results (e.g. tally) to the supervisor.

2.6 The supervisor writes the manager’s overall evaluation based on the manager’s performance of the duties contained in the job description and a review of the goals established for the manager during the previous evaluations using information from the summary prepared by the peer manager, the manager’s self-evaluation, the supervisor’s own observations, and all applicable information influencing the function and staffing of that area that are within the manager’s control. (See Section 5.0)

The evaluation should include the new goals and staff development suggestions, as applicable.

2.7 The evaluation concludes with a meeting between the manager and the supervisor during which the performance feedback summary and the overall evaluation are reviewed and discussed. This meeting shall include the identification and discussion of management development activities as necessary to address the new performance goals. If a significant
problem has been identified, a plan for improvement with measurable outcomes shall be attached.

If during the evaluation process, the manager and supervisor identify a College-wide issue that is inhibiting optimum performance and needs to be addressed at a higher level, the supervisor may take this issue forward to the next level for consideration.

2.8 When the supervisor is not the Superintendent/President, the evaluation feedback summary, the overall evaluation and the manager’s self-evaluation will be sent forward to the supervisor’s immediate supervisor for review. This last review is to ensure consistency between the overall evaluation and the provided materials. Only the overall evaluation will be retained in the manager’s personnel file, which is maintained by the Human Resources department. All materials developed during the evaluation process shall be destroyed after 90 calendar days, except when information provided requires retention due to legal or ethical issues.

3.0 Annual Evaluations

3.1 An annual evaluation shall be conducted in a year not scheduled for a comprehensive evaluation.

3.2 The annual evaluation shall include the following components:
   A. Supervisor’s overall written evaluation to include review of the job description, effectiveness of performance, progress towards performance goals identified in the last comprehensive and annual evaluations, and identification of any applicable new goals.
   B. Evaluation conference between the manager being evaluated and the supervisor. This conference shall include discussion and identification of management development activities, as applicable.

4.0 Administrative Review of Evaluations

The following applies to both comprehensive and annual evaluations:

4.1 Within ten (10) working days after the meeting at which the manager receives his/her overall evaluation, the manager may respond in writing to the overall evaluation. The response shall be attached to the evaluation. A copy of this response will be given to the supervisor.

4.2 Should the manager being evaluated believe that he/she has been evaluated unfairly, a panel consisting of the Director of Human Resources (or his/her supervisor) and two other managers (one selected by the concerned manager and one appointed by the Superintendent/President) shall review the manager’s concerns. The panel will review the materials, consult with the supervisor and the manager, and issue a determination within thirty (30) working days. This determination will be forwarded to the Superintendent/President whose decision shall be final.

4.3 Vice Presidents will review all evaluations for those managers within their component but not under their direct supervision.

4.4 The Superintendent/President will review evaluations and that review may result in oral and/or written input to the manager being evaluated and to the manager’s supervisor.
4.5 At the discretion of the Superintendent/President, there may be a review of the evaluation by the Governing Board.

4.6 As a side benefit of the evaluation process, issues of institutional concern or trends toward excellence and exceptional service may be identified and brought forward for consideration by the Vice Presidents, the Superintendent/President, and the Governing Board.

5.0 Performance Categories

Performance categories, in addition to the specific duties listed in the job description, shall include, but are not limited to:

5.1 Management Skills: ability to organize, encourages teamwork, builds morale, meets timelines/deadlines, facilitates meetings effectively, possesses knowledge of department and total organization, maintains currency in field, encourages discussion, promotes confidence and trust, allows/fosters input in decision making, conducts objective staff evaluations, facilitates effective conflict resolution, promotes constituent/department advocacy within the mission and goals of the College, demonstrates consistently effective and fair employment practices.

5.2 Communication Skills: keeps staff/faculty informed, encourages open/honest communication, provides clarity, accessibility, responsiveness, encourages discussion.

5.3 Interpersonal Skills: maintains positive rapport, demonstrates sensitivity to diversity, motivates others.

5.4 Analytical Skills: ability to make sound decisions, efficient budget management including budget development, sound budget decisions.

5.5 Leadership Skills: attention to long range planning, encourages and provides opportunities for staff development, attention to student and community needs, support for and encouragement of innovation, development of leadership among faculty and staff, encourages and motivates others.

6.0 Timeline

To complete the process in a timely manner, the following timelines have been established. It is the responsibility of the supervisor and the Human Resources department to monitor the process to ensure timely completion. Timelines for evaluation of newly-hired or reassigned managers may be adjusted at the request of the supervisor and with the approval of the Superintendent/President.

February

- Human Resources department identifies managers to be evaluated
- Managers identified for a comprehensive evaluation meet with their supervisor and agree on peer manager who will serve to compile the evaluation feedback

March - April

- Peer manager of the manager being evaluated via the comprehensive evaluation process distributes surveys to all direct reports and additional employees identified by the supervisor and manager to receive solicited surveys.
• Program faculty and staff complete surveys and return them to peer manager

**April 30**
• Deadline by which all surveys are returned to peer manager for compilation and completion of the performance feedback summary

**May**
• Peer manager or a confidential-designated employee tallies numerical responses, completes the evaluation feedback summary and submits it to the supervisor
• Managers complete self-evaluation and submit it to supervisor

**By June 30th**
• Supervisor writes overall evaluation
• Supervisor and manager meet to discuss evaluation, celebrate accomplishments, agree on new performance goals, and identify professional development opportunities to address performance feedback and goals.

**Note:**
Given the number of managers reporting directly to the Vice President of Instruction, the Vice President may, in cooperation with the Human Resources department, request that the comprehensive evaluation process for some instructional managers occur during a fall semester.

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Revised & Adopted by Governing Board Aug. 6, 2001
Revised and approved by President Brian King October 2012

ASM Council: 12/12/13, 2/6/14, 3/6/14, 5/8/14, 6/5/14
VPAS:
Cabinet:
PPTF:
CPC/Approved:
Administrative Regulation 1090 incorporates the Content of Title 2, Division 6, section 18730 of the California Code of Regulations, “Provisions of Conflict of Interest Codes.” As dictated by the Code, the District has designated positions within the College that make or participate in making governmental decisions that may foreseeably have a material effect on any financial interest. The corresponding disclosure categories are also listed below for each designated position and a description of these categories is listed on the following page.

<table>
<thead>
<tr>
<th>Designated Employees</th>
<th>Disclosure Categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Members of the Governing Board</td>
<td>All</td>
</tr>
<tr>
<td>Student Trustee</td>
<td>All</td>
</tr>
<tr>
<td>Superintendent/President</td>
<td>All</td>
</tr>
<tr>
<td>Assistant Superintendent/Vice President, Business Services</td>
<td>All</td>
</tr>
<tr>
<td>Assistant Superintendent/Vice President, Instruction</td>
<td>All</td>
</tr>
<tr>
<td>Assistant Superintendent/Vice President, Student Services</td>
<td>All</td>
</tr>
<tr>
<td>Associate Vice President, Information Technology</td>
<td>All</td>
</tr>
<tr>
<td>Director, Facilities, Planning and Purchasing</td>
<td>All</td>
</tr>
<tr>
<td>Division Dean</td>
<td>3, 4</td>
</tr>
<tr>
<td>Dean, Instructional Development</td>
<td>3, 4</td>
</tr>
<tr>
<td>Dean of Instruction, Career Education and Economic Development</td>
<td>3, 4</td>
</tr>
<tr>
<td>Dean of Student Services</td>
<td>3, 4</td>
</tr>
<tr>
<td>Athletic Director</td>
<td>3</td>
</tr>
<tr>
<td>Director, Business Services</td>
<td>3</td>
</tr>
<tr>
<td>Director, Maintenance &amp; Operations</td>
<td>3</td>
</tr>
<tr>
<td>Director, Marketing &amp; Communications</td>
<td>2</td>
</tr>
<tr>
<td>Student Health Services Director</td>
<td>3</td>
</tr>
<tr>
<td>Program Chair, Culinary Arts &amp; Hospitality Management</td>
<td>3</td>
</tr>
<tr>
<td>Bookstore Manager</td>
<td>2 &amp; 3</td>
</tr>
<tr>
<td>Manager of Technology Applications</td>
<td>3</td>
</tr>
</tbody>
</table>
The following are categories for designated employees:

**Category 1:** All interests in real property in the State of California, as well as investments, business positions and sources of income, including gifts, loans and travel payments.

**Category 2:** All investments, business positions and income, including gifts, loans and travel payments, from sources that provide leased facilities, construction, engineering, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the District.

**Category 3:** All investments, business positions, and income, including gifts, loans and travel payments, from sources that provide leased facilities, construction, engineering, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the employee’s department or area of authority.

**Category 4:** All investments, business positions and income including gifts, loans and travel payments, or income from a nonprofit organization, if the source is of the type to receive grants or other monies from or through the District.

**Consultant Disclosure Category**
Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

*The chief executive officer may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s duties, and based upon that description, a statement of the extent of disclosure requirements. The chief executive officer’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.*

Adopted: November 7, 1994
Revised: November 6, 2000
Revised: December 6, 2004
Revised: August 7, 2006
Incompatible Activities (Government Code Sections 1126 and 1099)
Governing Board members and employees shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to the Board member’s duties as an officer of the District. A Board member shall not simultaneously hold two public offices that are incompatible. When two offices are incompatible, a Board member shall be deemed to have forfeited the first office upon acceding to the second.

Financial Interest (Government Code Sections 1090 et seq.)
Governing Board members and employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as members of the Board or as employees.

A Governing Board member shall not be considered to be financially interested in a contract if his/her interest meets the definitions contained in applicable law (Government Code Section 1091.5).

A Governing Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a Board meeting and noted in the official board minutes. The affected Governing Board member shall not vote or debate on the matter or attempt to influence any other member of the Board to enter into the contract. Remote interests are specified in Government Code Section 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his or her minor child.

No Employment Allowed (Education Code Section 72103(b))
An employee of the District may not be sworn in as an elected or appointed member of the Governing Board unless and until he/she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office. This provision does not apply to an individual who is usually employed in an occupation other than teaching and who also is, at the time of election to the Governing Board, employed part time by the District to teach no more than one course per semester or quarter in the subject matter of that individual’s occupation (Education Code Section 72103(b)).

Financial Interest in a Decision (Government Code Sections 87100 et seq.)
If a Governing Board member or employee determines that he/she has a financial interest in a decision, as described in Government Code Section 87103, this determination shall be disclosed and made part of the Board’s official minutes. In the case of an employee, this announcement shall be made in writing and submitted to the Board. A Governing Board member, upon identifying a conflict of interest, or a potential conflict of interest, shall do all of the following prior to consideration of the matter.

1. Publicly identify the financial interest in detail sufficient to be understood by the public;
2. Recuse himself/herself from discussing and voting on the matter;
3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter is placed on the agenda reserved for uncontested matters. A Board member may, however, discuss the issue during the time the general public speaks on the issue.

**Gifts** (Government Code Section 89503)
Governing Board members and any employees who manage public investments shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law.

Designated employees shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests.

The above limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.

Gifts of travel and related lodging and subsistence shall be subject to the above limitations except as described in Government Code Section 89506.

A gift of travel does not include travel provided by the District for Governing Board members and designated employees.

Governing Board members and any employees who manage public investments shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering (Government Code Sections 89501 and 89502).

Designated employees shall not accept any honorarium that is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. The term “honorarium” does not include:

- Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade or profession is making speeches.
- Any honorarium that is not used and, within 30 days after receipt, is either returned to the donor or delivered to the District for donation into the general fund without being claimed as a deduction from income tax purposes.

**Representation** (Government Code Section 87406.3)
Elected officials and the Superintendent/President shall not, for a period of one-year after leaving their position, act as an agent or attorney for, or otherwise represent for compensation, any person appearing before that local government agency.

*References: Education Code Section 72103(b)*
Government Code Sections 1090 et seq., 1126, 87100 et seq., 87200 et seq., 87406.3, and 89501 et seq.; Title 2 Sections 18700 et seq.

Adopted: November 7, 1994
Revised: December 6, 2000
Revised: December 6, 2004
Revised: August 7, 2006
Revised: X
Pursuant to Section 18730 of Title 2 of the California Code of Regulations, incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in Section 13 below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code Section 87300 or the amendment of a conflict of interest code within the meaning of Government Code Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code Sections 81000 et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to other state or local laws pertaining to conflicts of interest.

Section 1. Definitions
The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regulations Sections 18100 et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

Section 2. Designated Employees
The persons holding positions listed in Section 13 are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

Section 3. Disclosure Categories
This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code Sections 87200 et seq. In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;
(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code Section 87200; and
(C) The filing officer is the same for both agencies.¹ Such persons are covered by this code for disqualification purposes only. With respect to all other designated

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code section 81004.
employees, the disclosure categories set forth in Section 13 specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his/her statement of economic interests those economic interests he/she has which are of the kind described in the disclosure categories to which he/she is assigned in Section 13. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he/she foreseeably can affect materially through the conduct of his/her office.

Section 4. Statements of Economic Interests

Place of Filing. The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.2

Section 5. Statements of Economic Interests

Time of Filing

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. Statements for Persons Who Resign Prior to Assuming Office

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he/she did not make or participate in the making of, or use his/her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his/her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:
   1. File a written resignation with the appointing power; and
   2. File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he/she did not make,

2 See Government Code section 81010 and 2 Cal. Code of Regs. section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.
participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

Section 6. Contents of and Period Covered by Statements of Economic Interests
(A) Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.
(B) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.
(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later.
(D) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. Manner of Reporting
Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:
(A) Investments and Real Property Disclosure. When an investment or an interest in real property is required to be reported, the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars ($2,000), exceeds ten thousand dollars ($10,000), exceeds one hundred thousand dollars ($100,000), or exceeds one million dollars ($1,000,000).

3 For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.
4 Investments and interests in real property which have a fair market value of less than $2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.
(B) Personal Income Disclosure. When personal income is required to be reported, the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars ($500) or more in value, or fifty dollars ($50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars ($1,000) or less, greater than one thousand dollars ($1,000), greater than ten thousand dollars ($10,000), or greater than one hundred thousand dollars ($100,000);
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars ($10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he/she is a director, officer, partner, trustee, employee, or in which he/she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal during Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

Section 8. Prohibition on Receipt of Honoraria

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the

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5 A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

6 Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.
member is also an elected official. Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions in this section.

(B) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section 89506.

Section 8.1. Prohibition on Receipt of Gifts in Excess of $420

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than $420 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Government Code Section 89503 shall apply to the prohibitions in this section.

Section 8.2. Loans to Public Officials

(A) No elected officer of a state or local government agency shall, from the date of his/her election to office through the date that he/she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he/she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his/her election to office through the date that he/she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he/she holds office, receive a personal loan from any person who has a contract...
with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:
1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed five hundred dollars ($500) at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

Section 8.3. Loan Terms

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his/her election to office through the date he/she vacates office, receive a personal loan of five hundred dollars ($500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:
1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his/her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.
Section 8.4. Personal Loans

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
   a. The date the loan was made.
   b. The date the last payment of one hundred dollars ($100) or more was made on the loan.
   c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars ($250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

Section 9. Disqualification

No designated employee shall make, participate in making, or in any way attempt to use his/her official position to influence the making of any governmental decision which he/she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his/her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars ($2,000) or more;
(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars ($2,000) or more;
(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars ($500) or more in value.
provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating $420 or more provided to; received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

Section 9.3. Legally Required Participation
No designated employee shall be prevented from making or participating in the making of any decision to the extent his/her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his/her participation legally required for purposes of this section.

Section 9.5. Disqualification of State Officers and Employees
In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his/her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his/her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars ($1,000) or more.

Section 10. Disclosure of Disqualifying Interest
When a designated employee determines that he/she should not make a governmental decision because he/she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

Section 11. Assistance of the Commission and Counsel
Any designated employee who is unsure of his/her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for his/her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

Section 12. Violations
This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000- 91015. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section
87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

Section 13. Designated Positions and Disclosure Requirements
1. The persons occupying following positions manage public investments. They shall file a full statement of economic interests pursuant to Government Code Sections 87200 et seq.:
   - Governing Board Members
   - Chief Executive Officer
   - Chief Business Officer

2. Disclosure Categories: The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property which the designated employees must disclosure for each disclosure category to which he/she is assigned.

   Category 1: All investments and business positions and sources of income from, business entities that do business with the District or own real property within the boundaries of the District, plan to do business or own real property within in the boundaries of the District within the next year, or have done business with or owned real property within the boundaries of the District within the past two years.

   Category 2: All interests in real property which is located in whole or in part within, or not more than two miles outside, the boundaries of the District.

   Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District, plan to engage in such activities within the jurisdiction of the District within the next year, or have engaged in such activities within the jurisdiction of the District within the past two years.

   Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

   Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

   Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee’s Department.
Chapter Two: Board of Trustees

Designated Positions, and the Disclosure Categories assigned to them, are as follows:

<table>
<thead>
<tr>
<th>Designated Employees</th>
<th>Disclosure Categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Members of the Governing Board</td>
<td>1, 2, 3, 4, 5, 6</td>
</tr>
<tr>
<td>Superintendent/President</td>
<td>1, 2, 3, 4, 5, 6</td>
</tr>
<tr>
<td>Vice President, Administrative Services</td>
<td>1, 2, 3, 4, 5, 6</td>
</tr>
<tr>
<td>Vice Presidents</td>
<td>5, 6</td>
</tr>
<tr>
<td>Directors</td>
<td>6</td>
</tr>
<tr>
<td>Assistant Directors</td>
<td>6</td>
</tr>
<tr>
<td>Director, Business Services</td>
<td>4, 5</td>
</tr>
<tr>
<td>Deans</td>
<td>6</td>
</tr>
<tr>
<td>Director of Facilities &amp; Maintenance</td>
<td>1, 2, 3, 4, 6</td>
</tr>
<tr>
<td>Director of Purchasing</td>
<td>1, 4, 5</td>
</tr>
<tr>
<td>Consultants*</td>
<td>1, 2, 3, 4, 5, 6</td>
</tr>
</tbody>
</table>

*Consultants must be included in the list of designated employees and must disclose pursuant to the broadest disclosure category in this Code subject to the following limitation: The CEO may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that are limited in scope and thus is not required to comply fully with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant’s duties and, based on that description, a statement of the extent of disclosure requirements. The CEO’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

References:
Government Code Sections 87103(e), 87300-87302, 89501, 89502, and 89503;
Title 2 Section 18730

Adopted: