

# Chancellor's CABINET HIGHLIGHTS



This is a publication of the Contra Costa Community College District Chancellor's Office  
Dr. Helen Benjamin, Chancellor

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## November 2013

### ~ Mission

The mission of the Chancellor's Cabinet is to serve as the leadership team ensuring the capacity of our District to educate students effectively and meet the needs of our communities in partnership with classified staff, faculty, and other managers.

### Polling Results

Cabinet held a discussion on the polling results conducted by EMC Research on the possibility of a bond measure in 2014.

### Financial Aid Disbursement Process Review

Mojdeh led a Cabinet discussion on the opportunity to provide a no-cost financial aid disbursement service through Ray led a Cabinet review of Keenan's annual analysis to improve safety on the campus and the handling of hazardous materials/waste.

### Brown Act Committees

District legal counsel Todd Goluba provided Cabinet with legal interpretation on which college districtwide committees fall under Brown Act regulation.

### AAUW Presentation

Cabinet heard a presentation from American Association of University Women's Elaine Groen and Elena Noble on the Women Are Getting Even (WAGE) project and sought District support to eliminate the gender wage gap.

### JobLinks 2014

Cabinet reviewed and agreed to support the Classified Senate's proposed June 5, 2014, date for the next JobLinks.

*The Contra Costa Community College District, founded in 1948 and governed by a publicly elected five-member board, is one of the largest multi-college community college districts in California. The mission of the District is to attract and transform students and communities by providing accessible, innovative and outstanding higher education learning opportunities and support services.*

## 2014 4CDLI

Cabinet reviewed and made a decision on the participants of the 2014 Contra Costa Community College District Leadership Institute (4CDLI).

### Final Approval to Policies and Procedures

The following policies and procedures were given final Cabinet approval.

Number	Policy/Procedure
HR 1010.04	Telephone Preemployment Reference Check
HR 1010.05	Job Announcement Printing and Distribution (Delete)
HR 1010.06	Hiring of Contract Administrators
HR 1030.02	Staff Development Funds
HR1030.03	District Tuition Reimbursement for Classes Taken within <del>Contra Costa Community College</del> the District
HR 1040.05	Information Requests about Current/Former Employees
HR 1040.06	Employee Name and Address Lists
HR 1040.07	Unlawful Discrimination and Unlawful Harassment
HR 1050.06	Bereavement Leave
HR 1050.15	Guidelines for Leaves without Pay
HR 1070.01	Insufficient or Excess Salary Payments
HR 1080.03	Violence in the Workplace
HR 4000.16	Organizational Structure
Bus. 8.12	<del>Scheduling District Vans and Buses for Passenger Transportation</del> Operation of District Vehicles for Transportation
Bus. 9.24	Student Group Expense Claim Guidelines
Bus. 9.25	Student Conference Expense (Delete)

**HUMAN RESOURCES  
PROCEDURES**

**Final Approval**

**TELEPHONE PREEMPLOYMENT REFERENCE CHECK**

The typical manner to conduct a reference check would be to contact the professional references by phone.

1. The hiring authority of the prospective employee who will be making the hiring decision should make the reference check. For a faculty position, if a faculty interview committee so desires, one faculty member will join the manager in checking references.
2. Prior to conducting reference checks, obtain permission from an applicant to call his/her present employer. Only references of final candidates need be checked.
3. Ideally, the hiring authority should contact two to three references. At least one reference should be from a person who had direct supervision over the applicant. Do not attempt to get reference information secondhand. ~~The Personnel Services Office~~ Human Resources or the Payroll Department can verify dates of employment and termination but they are not usually in a position to give valuable information regarding the job applicant's former work habits, performance, personal habits, etc.
4. Prior to commencing reference checking, prepare a questionnaire/guide to be used during the telephone conversation.
5. Do's and don'ts to consider:
  - a. Leave a call-back if the person is not available. A message conveying the purpose of the call to discuss the applicant may be left.
  - b. When contact with a reference is achieved, identify yourself immediately, explain your position and tell the party why you are calling about the applicant.
  - c. Assure the person called that any discussions will be held in confidence.
  - d. Try to establish rapport with the person being calling. Many times a freer exchange of information comes about when the individual identifies with the college District, or some other mutual point of interest.
  - e. Tell the person about the position for which the applicant is being considered. A better evaluation can be made if done in relation to a specific job. The job must be explained completely enough to have meaning.
  - f. Ask a general question such as, "How do you think the applicant would fit into our vacancy?" After the person responds, lead in with more specific job related questions, such as:
    - 1) What is your current company and official title?
    - 2) What was your company and title at the time of employment with (applicant's name)?
    - 3) What was (applicant's name) official title? (For example peer, supervisor, lead, etc.)
    - 4) What were the approximate dates you worked with (applicant's name)?
    - 5) What were (applicant's name) job duties and how did he/she perform?
    - 6) What three things would you say stand out as (applicant's name) strong points? (What were his/her technical strong points?)
    - 7) Would you say there are any areas of needed improvement?
    - 8) How did (applicant's name) get along with peers, supervisors, and customers?
    - 9) How was (applicant's name) general attitude?
    - 10) What was (applicant's name) motivation for leaving the position in which you worked with him/her?
    - 11) Given the opportunity would you care to work with (applicant's name) again?

- g. Let the person talk freely in answering for as long as he or she wishes without interrupting. Often a question at the wrong time will shut off further information.
- h. Follow-up and probe when the contact is reluctant to discuss certain factors. Many times a further explanation will elicit the desired information.
- i. Be alert for obvious pauses in answering questions. Often these are signs that further questions may bring additional information not otherwise received.
- j. Do not be concerned about how long the conversation takes.
- k. Do not hang up until the opinion of the person is determined. Frequently, ambiguous answers will be provided. The person called may give very little useful information. However, a technique that often works is to summarize the conversation by making either of the following two statements:
  - 1) "I take it that you do not recommend the applicant for the position,"
  - or
  - 2) "I take it that you highly recommend the applicant for the position."
- l. Glance at the checklist of questions and be sure everything is covered.
- m. Always end the call by asking the person, "Would you re-employ the applicant?" Often this question brings forth information not obtained by other questions.
- n. Be sure to thank the contact for his or her help.
- o. Be absolutely sure to ask the same questions about each of the referenced applicants. Document the responses and file the reference check records with the other selection materials.
- p. **IMPORTANT:** Be uniform. Solicit the same information for each candidate. Proceed through reference checks for all the candidates on the reference check plan before a final decision is made.

## DELETE THIS PROCEDURE

### **JOB ANNOUNCEMENT PRINTING AND DISTRIBUTION**

1. ~~District Human Resources will be responsible for maintaining the academic and classified job announcement mailing lists.~~
2. ~~Each time the list is revised a new master listing will be printed. A copy will be provided to the College President's Office as requested.~~
3. ~~Job announcements will be printed as needed. The colleges will forward camera ready copies of faculty job announcements. District Human Resources will prepare job announcements for classified and management openings.~~
4. ~~The job announcements will be distributed by District Human Resources in accordance with the distribution list.~~

## **HIRING OF CONTRACT ADMINISTRATORS**

This procedure shall apply to the selection of contract administrators within the Contra Costa Community College District. A contract administrator is defined as a position at the level of Chancellor, President, or other administrators under contract.

### **ANNOUNCEMENT**

The decision to hire a Chancellor or President shall be announced at a regular Governing Board meeting by the Governing Board and for all other contract administrators at the District Governance Council by the Chancellor.

Special requests may be submitted for the recruitment process. Special requests may fall into several categories and require authorization by the Governing Board for a Chancellor or President search and the Chancellor or ~~Associate Vice Chancellor~~, **Chief Human Resources Officer** for the positions of Vice Chancellor. Some examples of special requests include, but are not limited to:

1. Contracting with a search consultant to assist and/or facilitate the process for a comprehensive search or specific parts of a search such as job profile development, recruitment, screening of applicants, the interview process, reference reports and assisting in the coordination of the hiring process.
2. Conducting an in-district search in conjunction with an outside search.
3. Requiring supplemental application materials beyond those specified in this policy.
4. The Governing Board and the Chancellor may actively participate in the recruiting process by recruiting candidates for these positions.

### **DEVELOPMENT OF POSITION PROFILE**

The job description profile shall be developed by District Human Resources with appropriate input from the Governing Board, the Chancellor, District and/or College staff. The completed position profile will be forwarded by District Human Resources to the Governing Board for approval.

The profile shall include major duties of the position, minimum qualifications for the position, and desirable qualifications. The qualifications shall include the minimum qualifications for service as required by law and/or such other qualifications as required by the District. The desirable qualifications established for the position should be ones which clearly render the applicant better able to perform the job but ones which are not required for satisfactory performance. Desirable qualifications must be bona fide occupational qualifications that are specific and directly reflective of the screening criteria to be utilized in the selection process.

### **SCREENING AND INTERVIEW COMMITTEE RESPONSIBILITIES**

The initial meeting of the Screening and Interview Committee shall be convened by the chair or person designated to convene the first meeting. The decision-making process and the level of agreement required to act, particularly with respect to the selection of final candidates shall be by majority vote although the committee should always work first for consensus without objection. Consensus means the group supports, agrees to, or can live with, a particular decision because it was reached fairly and openly. Majority vote means fifty (50) percent plus one (1).



The Screening and Interview Committee shall evaluate candidates against the advertised job announcement. Committee tasks include the following:

1. Paper screening using established rating criteria
2. Developing interview questions and selection of interview rating sheet
3. Developing any additional evaluative requirements for prospective applicants.

All committee tasks specified above shall be approved by the ~~Associate Vice Chancellor~~, **Chief Human Resources Officer** or designee prior to consideration of applicant materials by the committee.

All committee members are required to participate in and agree to all aspects of the process, including, but not limited to, the following:

1. maintaining confidentiality and upholding the principles of ethical hiring practices;
2. training in the policies and procedures governing hiring and equal employment opportunity
3. developing the rating criteria;
4. developing protocol for performance tests;
5. evaluating and rating of candidates;
6. interviewing candidates; and
7. selecting final candidates.

By agreeing to serve, committee members are making an oral contract to maintain strict confidentiality throughout the entire hiring process. A committee member who fails to participate or compromises any aspect of the process may, at the discretion of the Chair in consultation with the ~~Associate Vice Chancellor~~, **Chief Human Resources Officer**, be removed from the committee.

### **SCREENING AND INTERVIEW COMMITTEE CHAIR RESPONSIBILITIES**

The Screening and Interview Committee Chair or designee shall be responsible for the following:

1. compliance with District policies and procedures in conjunction with the hiring Process;
2. developing and obtaining ~~Vice Chancellor~~ **Chief Human Resources Officer's** approval of committee meeting schedules;
3. convening and conducting committee meetings;
4. accommodating where possible the special and unique needs and time constraints of community and student members in the planning of committee meetings;
5. establishing time lines for screening, interviewing and coordination of candidate interviews;
6. communicating with applicants as needed;
7. maintaining the committee records; and
8. other duties as determined by the ~~Vice Chancellor~~, **Chief Human Resources Officer**.

The Chair may be removed for nonperformance of duties specified in this section by mutual agreement of the Chancellor and a majority of committee members.

### **EQUAL EMPLOYMENT OPPORTUNITY**

The Screening and Interview Committee EEO Representative shall ensure that no candidate is discriminated against or given preference on the basis of age, ancestry, color, disability, gender, **gender identification, gender expression**, marital status, national origin, parental status, religion, sexual orientation or veteran status.



The EEO Representative shall serve as committee liaison to the appropriate EEO Officer with responsibility for reporting noncompliance (i.e. discrimination and or/preference). Any allegation of noncompliance shall be made in writing stating the specific nature of the noncompliance.

The EEO Officer or designee shall review the composition of the Screening and Interview Committee to ensure that the committee composition is representative. Such review and any requirement to modify or reconstitute the committee shall take into account the availability of appropriate representatives.

Applicant pool diversity checks will be conducted by the appropriate EEO Officer or designee during designated steps of the selection process.

### **PAPER SCREENING**

#### **1. Screening for Minimum Qualifications**

The ~~Associate Vice Chancellor~~, Chief Human Resources Officer or designee will examine the application materials of each candidate for completeness and compliance with the minimum qualifications as set forth in the job description.

#### **2. Screening for Desirable Qualifications**

The Chancellor may choose to utilize the services of a search consultant to assist the Screening and Interview Committee by partially screening down the applicant pool of the most qualified candidates. The Screening and Interview Committee Chair and at least one representative of the committee shall review the recommendations of the Search Consultant and be authorized to restore any candidate to the pool to be reviewed by the Screening and Interview Committee.

After completion of the initial paper screening, the candidates remaining in the applicant pool shall be independently rated by each member of the Screening and Interview Committee. The committee will then meet to discuss the ratings and evaluate the merits of the candidates to determine if there is an adequate pool of qualified candidates to continue the selection process. If the pool is deemed adequate by consensus of the committee, the committee shall proceed with the selection of candidates for interview. If the pool is deemed inadequate by consensus of the committee, the Governing Board or the Chancellor will decide on the next action to be taken.

### **INTERVIEW AND PERFORMANCE TESTS**

Once the candidates to be interviewed have been identified the Committee Chair or designee shall establish an interview schedule and arrange with District Human Resources for notification of each candidate to be interviewed. Each candidate will receive a confirmation letter with details on interview procedures and a package of appropriate District and/or College documents and materials. Those candidates not selected for an interview will be notified by District Human Resources.

The circumstances of each interview and performance test, if conducted, shall be the same for each candidate. During and/or at the conclusion of each interview and performance test, each committee member shall independently complete the appropriate rating sheet and assign the candidate an overall rating. Committee members shall avoid any discussion of ratings, rankings, or recommendations of the candidates until all interviews and performance tests have been completed, independent ratings have been completed by each committee member; and each committee member has independently determined the candidates he/she would recommend for final consideration.

## **SELECTION OF FINAL CANDIDATES**

The Committee Chair or designee shall summarize the recommendations and lead discussion that shall focus on the strengths and weaknesses of the candidates. After discussion, the committee shall make a determination of the finalists.

The ~~Associate Vice Chancellor~~ Chief Human Resources Officer or designee shall conduct reference checks of each of the candidates recommended which shall include investigation of professional experience and personal qualities relevant to performance in the position. Preliminary reference checks may be conducted on all candidates prior to the scheduled interviews.

The committee shall submit a list of candidates as appropriate to the Governing Board or to the Chancellor for final consideration. Typically, no fewer than five (5) unranked candidates shall be submitted. In the event there are fewer than five (5) candidates recommended, the Chair will meet with the Governing Board or Chancellor as appropriate to clarify the reasons for the number of candidates. If, after the discussion, the Governing Board or the Chancellor is not satisfied with the committee's recommendation, the Governing Board or Chancellor may direct the committee to reconsider. If after reconsideration, the committee forwards the same recommendation, the following actions may be taken by the Governing Board:

1. interview just the candidates forwarded by the Screening and Interview Committee;
2. select additional candidates for further consideration from the list of candidates interviewed by the committee;
3. request that the committee interview additional candidates not interviewed in the first round; or reopen the search.

## **FINAL INTERVIEW**

At the direction of the Chancellor, comprehensive reference checks shall be conducted on all finalists. The Governing Board or the Chancellor as appropriate shall review the recommendations of the Screening and Interview Committee as well as the qualifications and comprehensive reference checks of the finalists.

The Governing Board shall interview candidates for Chancellor. The Chancellor shall interview the finalists for President or other contract administrators. Other administrators, faculty, staff and community members may be included on an interview team for Chancellor, President, or other contract administrators. After consultation with the interview team, the Chancellor shall recommend a final candidate to the Governing Board, who may chose to interview the candidate, and communicate that choice to the committee.

At any stage in the process of selecting a finalist, the Governing Board or the Chancellor as appropriate, may require the finalist(s) to undergo an assessment of specific skills and competencies administered by an outside agency or consulting firm.

## **SITE VISITS**

Site visits may be conducted on contract administrator finalists. The Governing Board or the Chancellor as appropriate shall determine the composition of the visiting team. The team may include one or more members of the Screening and Interview Committee and the final interview team. The team will report to the Chancellor or Governing Board as appropriate.

The Chancellor will review the reports of the site visitations and make a recommendation to the Governing Board. If the Governing Board rejects the recommendation, other candidates may be considered or the search reopened.

After a successful site visit, the Governing Board President or designee or the Chancellor shall notify the candidate and confirm the candidate's acceptance of the position subject to Governing Board approval.

**STAFF DEVELOPMENT FUNDS**

1. Community college faculty and staff development funds are allocated only to support locally developed and implemented faculty and staff development programs. The intent of the funds is to further enhance the knowledge, skills and abilities of existing staff members so they may promote within the organization.
2. The following are the only authorized uses of staff development funds Districtwide:
  - a. Improvement of teaching.
  - b. Maintenance of current academic and technical knowledge and skills.
  - c. In-service training for vocational education and employment preparation programs.
  - d. Retraining to meet changing institutional needs.
  - e. Inter-segmental exchange programs.
  - f. Development of innovations in instructional and administrative techniques and program effectiveness.
  - g. Computer and technological proficiency programs.
  - h. Courses and training implementing upward mobility programs.
  - i. Other activities determined to be related to educational and professional development pursuant to criteria established by the Board of Governors of the California Community Colleges, including, but not necessarily limited to, programs designed to develop self-esteem.
3. The District Human Resources Office will answer any questions regarding the appropriate use of staff development funds for activities other than those listed above.

**Education Code section 87153**

**DISTRICT TUITION REIMBURSEMENT FOR CLASSES TAKEN WITHIN  
~~CONTRA COSTA COMMUNITY COLLEGE THE DISTRICT~~**

1. Purpose:

This is a procedure to implement the District's commitment to enhance the knowledge, skills, abilities and promotability of all permanent Classified, Confidential, Supervisory and Management employees.

2. Eligibility:

All Classified employees, Confidentials, Supervisors and Managers who have passed their probationary periods, if applicable, shall be eligible for this program.

3. Criteria:

The following are the criteria for reimbursement of costs:

- a. Tuition is paid for any credit or non-credit course offered by the District, itself, and
- b. Completion of the course with a grade of at least "C" (or pass if a pass/fail course)
- c. ~~Classes offered through the District's Regional Training Institute (RTI) that are included in an employee's approved Individual Development Plan (IDP) through District Human Resources Staff/Organizational Development Section.~~
- d. ~~Classes offered through RTI will need a certificate of completion issued by RTI.~~

4. Exclusions:

The following costs are excluded from reimbursement:

- a. Expenses incurred for non-District or any not-for-credit courses ~~(except RTI as noted above)~~ will not be eligible for reimbursement.
- b. Costs for books, supplies or miscellaneous items related to courses covered by this procedure will likewise not be eligible for reimbursement.

5. Reimbursement Process:

- a. Upon successful completion of District class(es), an original official transcript ~~or RTI certificate of completion~~ must be submitted along with an original completed expense report (which can be obtained through the location Business Office) that includes attached receipts for payment of course to:

Contra Costa Community College District Office  
Human Resources ~~Organizational Development~~ Department  
500 Court Street, 4<sup>th</sup> Floor  
Martinez, CA 94553  
Attn: Staff Development Representative

- b. The District Human Resources Staff Development Representative will review the submitted transcripts ~~or RTI certificate of completion~~, expense reports, and receipts for program eligibility and completeness. If the employee is not eligible, she/he will be contacted by a District Office Human Resources Staff Development Representative explaining the reason for non-reimbursement.

- c. Reimbursement payments will be processed and checks issued to employees within 30 days upon receipt of official transcript or ~~RTI certificate of completion~~ and completed expense report.

6. Disbursement Limits:

No disbursement limits are identified in this program.

Public Employee Union, Local 1, Article 11-~~13.1~~

### INFORMATION REQUESTS ABOUT CURRENT/FORMER EMPLOYEES

The intent of this procedure is to insure that prospective employers of present or former employees of the District are provided with truthful and accurate information in response to official inquiries for references by persons having a bona fide need to know the information. This is tempered by the legal consideration involved for the responsible person giving references, requiring that any negative or derogatory information be imparted in a manner that does not expose the employer to a suit for defamation by the applicant.

Derogatory information concerning an employee of the District may only be released with the express approval of the Chancellor. Internal requests for such release should only be made by the college presidents or business managers when 1) the information affects an important interest of the Employer; and 2) giving the information to a third party helps the Employer protect that interest. "Important interest" is one involving the duty to speak, whether legal or moral, including, but not limited to, defending one's own reputation, warning others about an individual's misconduct, protecting one's business against unfair competition, taking steps to expose mismanagement or an employee's misconduct and protecting the interests of a third person.

1. All routine requests for classified employee references should be routed through the office of the college business manager or **Director of the Chief Human Resources Officer**. For academic employees, references should be routed through the College President.
2. Ascertain whether or not the employee has signed a district form consenting to the release of information upon his/her separation from employment with the District.
3. Ask any inquirer if he/she has the applicant/employee's express permission to contact the District; and, if yes, the limits, based upon the release, of what can be discussed. (In absence of express release, the informant should limit information to employment dates, salary history and promotions).
4. Verify that the person making the inquiry is indeed who he/she claims to be. Call the inquiring company/agency to verify the person's position.
5. Respond only to questions asked by the inquirer. Do not volunteer information not responsive to third party's inquiry, nor beyond inquirer's need to know. Be careful to give a full and accurate account of the factual basis of the information provided. (Note: matters within a file that have been disputed by the employee may not be "factual." Seek advice from the **Director of Chief Human Resources Officer** in this area.)
6. Written references should be marked "confidential," "personal," or "to be opened by addressee only." In giving telephone references, ask if the other party is alone or if the conversation is being heard over a speaker telephone or recorded.
7. Be wary of giving information to inquirers who are only considering the employee for possible employment in the indefinite future, or who want the information only for background or future reference. Be wary of volunteering information not asked for.

Upon the severing of employment with the District the employee should be advised that if he/she uses the District as a reference, it will respond truthfully and accurately to any inquiries. The separating employee may wish to sign a release or provide a specific release on an ad hoc basis for a specific prospective employer in the future.



**EMPLOYEE NAME AND ADDRESS LISTS**

Employee name and address lists will be restricted to those employees with a legitimate need for the information in the performance of their duties for the District. Employees who are authorized to receive a list will be designated by the ~~Vice Chancellor of Chief Human Resources Officer and Organizational Development~~ or the Director of Human Resources.

Recognized employee organizations may obtain a roster of names and addresses of District employees from the Chancellor's office at a cost of \$40.00 for each employee roster. The District will require that the roster remain confidential to the employee organization.

Distribution of names and addresses of employees to any other organization or business is prohibited.

**UNLAWFUL DISCRIMINATION AND UNLAWFUL HARASSMENT**

**1. General**

This is the written procedure for filing and processing complaints of unlawful discrimination and unlawful harassment at Contra Costa Community College District. The procedure incorporates the legal principles contained in unlawful discrimination provisions of the California Code of Regulations, Title 5, sections 59300 et seq. as well as other state and federal substantive and procedural requirements.

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

California Code of Regulations, Title 5, 59326  
Education Code, 66281.5; 20 U.S.C. 1681  
California Code of Regulations, Title 5, 59300; 34 C.F.R. 106.8(b)

**Workforce Investment Act- Title I – Financially Assisted Program/Activity**

If you think that you have been subjected to discrimination under a WIA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either the ~~Vice Chancellor~~, Chief Human Resources Officer /Chief Negotiator for the District, or the Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210. If you file your complaint with the District, you must wait either until the District issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the District does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the District to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the District).

If the District does give you a written Notice of Final action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

29 C.F.R. 37.30 Workforce Investment Act 1998

**2. Notice, Training, and Education**

The Contra Costa Community College District's Vice Chancellor, Human Resources/Chief Negotiator (or designee) is responsible for providing training to employees, and students on the District's unlawful discrimination and unlawful harassment policy and procedure.

Designated District employees will receive training and a copy of the unlawful discrimination and harassment policies and procedures during the first year of their employment. Because of their special responsibilities under the law, supervisors will undergo mandatory training

every two years. Thereafter, in years in which a substantive policy or procedural change has occurred all District employees will attend a training update and receive a copy of the revised policy and procedure. Training for academic staff will emphasize potential unlawful harassment in the classroom environment.

An online training program will be made available to all students. Any student training should include an explanation of the policy in existence, how it works, and how to file a complaint. In addition, a copy of the District's written policy and procedure on unlawful discrimination and unlawful harassment, as it pertains to students, will be available on the District's website and in the College catalogs.

Education Code, 66281.5;  
California Code of Regulations, Title 5, 59300, 59326, 59324  
34 C.F.R. 106.8(b)

### 3. Definitions

Definitions applicable to nondiscrimination policy and procedure are as follows:

- a. "Appeal" means a request by a complainant made in writing to a community college district governing board pursuant to section 59338 and/or to the Chancellor's Office pursuant to section 59339 to review the administrative determination of a community college district regarding a complaint of discrimination or harassment.
- b. "Complaint" means a written and signed statement meeting the requirements of section 59328 which alleges unlawful discrimination in violation of this subchapter.
- c. "Days" means calendar days unless otherwise specified.
- d. "Designated District Officer" means the district officer identified by the District to the Chancellor's Office as the person responsible for receiving complaints filed pursuant to Section 59328 and coordinating their investigation.
- e. "Discrimination on the basis of sex" means sexual harassment or discrimination on the basis of gender.
- f. "Unlawful Harassment" means harassment based on gender, race, color, religion, ancestry, national origin, disability, sexual orientation, age, or the perception that a person has one or more of these characteristics. Such harassment is illegal and violates District policy. Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct:

Verbal: Inappropriate or offensive remarks, slurs, jokes or innuendoes based on any person's race, gender, sexual orientation or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; whistling, or sexual gestures or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race, nationality, sexual orientation or other protected status.

Physical: Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, or unnecessarily brushing against or blocking another person. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation or other protected status.

Visual or Written; Leering or Staring: The display or circulation of visual or written material

that degrades an individual or group based on gender, race, nationality, sexual orientation or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions. Examples of leering or staring include looking at a person's body up and down, suggestive glances/winks, prolonged/inappropriate eye contact, and/or inappropriate focus on a particular area of the body.

Environmental: A hostile academic or work environment exists where it is permeated by sexual innuendo, insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his or her immediate surrounding, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct unreasonably interferes with an individual's learning or work.

- g. "Sexual Harassment" in addition to the above, means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the workplace or in the educational setting, and includes but is not limited to:
- 1) Making unsolicited written, verbal, physical, and/or visual contacts with sexual overtones. (Examples of sexual harassment which appear in a written form include, but are not limited to: suggestive or obscene letters, notes, and invitations. Examples of verbal and visual sexual harassment include, but are not limited to: leering, gestures, display of sexually aggressive objects or pictures, cartoons, or posters.)
  - 2) Continuing to express sexual interest after being informed that the interest is unwelcome.
  - 3) Making reprisals, threats of reprisal, or implied threats of reprisal following a rebuff of harassing behavior. The following are examples of this type of sexual harassment within the work place or educational setting: implying or actually withholding grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied.
  - 4) Engaging in explicit or implicit coercive sexual behavior within the work environment which is used to control, influence, or affect the employee's career, salary, and/or work environment.
  - 5) Engaging in explicit or implicit coercive sexual behavior within the educational environment that is used to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.
  - 6) Offering favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same

gender as the victim would perceive the conduct as sufficiently offensive to negatively impact the academic or work environment.

Education Code Sections 212.5, 66281.5  
California Code of Regulations, Title 5, 59311, 59320  
Revised Sexual Harassment Guidance: Harassment of Students by School Employees,  
Other Students, or Third Parties Title IX, Office of Civil Rights  
Title VII, Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e

**4. Responsible District Officer**

The Contra Costa Community College District has identified the Vice Chancellor, Human Resources/ Chief Negotiator as the single District officer responsible for receiving unlawful discrimination complaints filed pursuant to section 59328 and coordinating their investigation. The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract with the District. Such delegation procedures will be used whenever the officer designated to receive complaints is named in the complaint or is implicated by the allegations in the complaint.

California Code of Regulations, Title 5, 59324; 34 C.F.R. 106.8

**5. Filing a Complaint**

An individual who believes he/she has been unlawfully discriminated against or unlawfully harassed in violation of this procedure in any program or activity that is funded directly by, or that receives any financial assistance from, the Chancellor or Board of Governors of the California Community Colleges may, in those complaints not involving employment, initiate a complaint as soon as possible, but at least within one year of the date of the alleged harassment or the date on which the complainant knew or should have known of the facts underlying the complaint. In complaints involving employment, the complainant must initiate a complaint as soon as possible, but at least within 180 days of the date of the alleged unlawful discrimination or unlawful harassment, or 90 days after expiration of the 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the 180 days expired.

If a complainant decides to file a formal written complaint, he or she should file the complaint on the approved form available from District Human Resources Website or the Student Services Office at the colleges. The completed form must be filed in the District Human Resources Office, Employee Relations Unit. For complaints filed under federal civil rights laws, the complainant does not have to allege that he or she personally suffered unlawful discrimination.

The individual or individuals that allegedly engaged in the prohibited conduct should be advised on the charges against them at the earliest possible time.

California Code of Regulations, Title 5, 59328

**6. Importance of Filing a Timely Complaint**

Since failure to report harassment and discrimination impedes the District's ability to stop the behavior, the District strongly encourages employees and students who believe they are being unlawfully harassed to file a complaint promptly. The District also strongly encourages the filing of such complaints within 30 days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the District's ability to investigate and remediate.

All supervisors and managers have a mandatory duty to report incidents of unlawful harassment, the existence of a hostile, offensive or intimidating work environment, and acts of retaliation and/or discrimination.

**7. Importance of Communicating that the Conduct is Unwelcome**

The District further encourages students and staff, where appropriate, to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste and/or inappropriate.

**8. Informal/Formal Complaint Procedure<sup>1</sup>**

When a person brings charges of unlawful discrimination or unlawful harassment to the attention of the District's responsible officer or designee, that officer will:

- a. Undertake efforts to informally resolve the charges;
- b. Provide the complainant with a copy of this procedure.
- c. Advise the complainant that he or she need not participate in informal resolution;
- d. Notify the person bringing the charges of his or her right to file a formal complaint and explain the procedure for filing a formal complaint; and
- e. Advise the complainant that he or she may file a complaint with the Office of Civil Rights of the U.S. Department of Education (OCR).
- f. If the complaint is employment-related, the complainant should also be advised that he or she may file a complaint with the Department of Fair Employment and Housing (DFEH).

Efforts at informal resolution need not include any investigation unless the responsible District officer determines that an investigation is warranted by the seriousness of the charges. Efforts at informal resolution may continue after the filing of a formal written complaint, but after a complaint is filed an investigation is required to be conducted pursuant to Section 59334 and will be completed unless the matter is informally resolved and the complainant dismisses the complaint. Any efforts at informal resolution after the filing of a written complaint will not exceed the 90-day period for rendering the administrative determination pursuant to Section 59336.

Both parties should be advised that they may be accompanied by a representative throughout the unlawful discrimination/sexual harassment complaint process.

California Code of Regulations, Title 5, 59327, 59334, 59336  
California Code of Regulations, Title 5, 59328

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<sup>1</sup> The purpose of the informal resolution process is to allow an individual who believes she/he has been unlawfully discriminated against or sexually harassed to resolve the issue through a mediation process rather than the formal complaint process. Typically, the informal process will be invoked when there is a simple misunderstanding or the complainant does not wish to file a formal complaint. Resolution of an informal complaint may require nothing more than a clarification of the misunderstanding or an apology from the respondent and an assurance that the offending behavior will cease. The district officer should advise the complainant of his or her rights and responsibilities under both the formal and informal processes. If the complainant declares his or her preference for the informal process, the responsible district officer should present the complainant with a document that describes the informal/formal process that contains the basics of complainant's allegations of unlawful discrimination. This document should clearly indicate that the complainant opted for the informal resolution process and should be signed and dated by the complainant. The informal resolution process will not be made a predicate to the process and investigation of a formal complaint. If a complaint is filed, an investigation must be completed within the time required unless it is voluntarily rescinded by a complainant as a result of a successful informal resolution.

**10. Investigation Upon Filing of a Formal Written Complaint**

When a formal written complaint is filed an investigation will be initiated if the complaint meets the following requirements:

- a. The complaint must allege unlawful discrimination or unlawful harassment prohibited under Section 59300.
- b. The complaint must be filed by one who alleges that he or she has personally suffered unlawful discrimination/harassment or by one who has learned of such unlawful discrimination/harassment.
- c. The complaint must be filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation of unlawful discrimination or harassment.
- d. In complaints involving employment, the complaint must be filed within 180 days of the date of the alleged unlawful discrimination or unlawful harassment, or 90 days after expiration of the 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the 180 days expired.

Defective complaints will be immediately returned to the complainant with a complete explanation of why an investigation could not be initiated under Title 5, California Code of Regulations, Section 59300 et seq.

The District shall promptly investigate every complaint of unlawful discrimination or unlawful harassment. No claim of workplace or academic discrimination or harassment shall remain unexamined. The District will fairly and objectively investigate unlawful discrimination/harassment complaints utilizing the following steps: interviewing the complainant(s), interviewing the alleged harasser(s); identifying and interviewing witnesses, if any; reminding all individuals interviewed of the District's no-retaliation policy; considering whether any involved person should be removed from the location pending completion of the investigation; reviewing personnel/academic files of the involved parties and other relevant documentation; reaching a conclusion as to the allegations and any appropriate disciplinary and remedial action; and ensuring that all recommended action is carried out in a timely fashion.

All employees are expected to cooperate with a District investigation into allegations of unlawful discrimination or unlawful harassment. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a complainant or witnesses does not relieve the District of its obligation to investigate. The District will conduct an investigation if it is discovered that unlawful discrimination or unlawful harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed.

California Code of Regulations, Title 5, 59328

**11. Investigation Guidelines**

A student or employee who complains of sexual harassment will not be required to work out the problem directly with the alleged harasser, and certainly not without appropriate involvement of the Vice Chancellor, Human Resources/Chief Negotiator.

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, Title IX, Office of Civil Rights



**12. Notice to Chancellor or District**

Immediately upon receiving a complaint filed in accordance with the regulations, the District will forward a copy of the formal complaint to the State Chancellor's Office. Similarly, when the State Chancellor's Office receives a complaint filed in accordance with the regulations a copy will be forwarded to the District.

California Code of Regulations, Title 5, 59330

**13. Complainant's Right to Confidentiality**

The District should inform the complainant that if he or she requests that their name not be revealed it may limit the District's ability to respond. The District should inform the complainant that the law protects them against retaliation for filing an unlawful discrimination or unlawful harassment complaint. If the complainant insists that his or her name should not be revealed, the District should take all reasonable steps to investigate and respond to the complaint consistent with the complainant's request as long as doing so does not jeopardize the rights of other students and employees. The District will keep the investigation confidential to the extent possible, but cannot guarantee absolute confidentiality because release of some information on a "need-to-know-basis" is essential to a thorough investigation.

Revised Sexual Harassment Guidance: Harassment of Students by School Employees,  
Other Students, or Third Parties, Title IX, Office of Civil Rights

**14. Right to Privacy**

If an employee or student is disciplined or dismissed as a result of an unlawful discrimination or unlawful harassment charge, Education Code Section 87740 requires that confidentiality be maintained as to the discipline or dismissal and the reasons therefore. In a disciplinary action for a sexual assault/physical abuse charge, Education Code Section 76234 provides that the victim shall be informed of the results of the disciplinary action within three days, but further states that the victim shall keep that information confidential. In addition, an individual's right to privacy is not only protected by the laws of the state, but is deemed an inalienable right under Article I, Section 1 of the California Constitution. Therefore, it is the policy of the Contra Costa Community College District that persons provided with protected information in conjunction with an unlawful discrimination or unlawful harassment complaint may be required to sign a confidentiality agreement.<sup>2</sup>

California Const. Art. I;  
Education Code 76234, 87740

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<sup>2</sup> In cases of severe discipline, such as suspension or termination, the complainant would in all likelihood be required to testify at a hearing on the subject, and would therefore be aware of the proposed discipline. In the less severe cases, however, it is incumbent on the district to advise the complainant of the seriousness of the privacy issue. In cases of severe discipline, such as suspension or termination, the complainant would in all likelihood be required to testify at a hearing on the subject, and would therefore be aware of the proposed discipline. In the less severe the complainant should be able to trust the district to take appropriate action and understand that the district is not at liberty to discuss personnel matters. If a disclosure is made to the accuser, a district should require that the accuser keep the information confidential, otherwise the district exposes itself to possible litigation.

**15. Administrative Determination**

Within ninety (90) days of receiving an unlawful discrimination or unlawful harassment complaint filed under Title 5, sections 59300 et seq., the District will complete its investigation and forward a copy of the investigative report to the State Chancellor, a copy or summary of the report to the complainant, and written notice setting forth all the following to both the complainant and the Chancellor:

- a. The determination of the chief executive officer or his/her designee as to whether discrimination or harassment did or did not occur with respect to each allegation in the complaint;
- b. A description of actions taken, if any, to prevent similar problems from occurring in the future;<sup>3</sup>
- c. The proposed resolution of the complaint; and
- d. The complainant's right to appeal to the District Governing Board and the State Chancellor.

For complaints filed under federal civil rights laws, the administrative determination will be made based on a preponderance of the evidence standard.

California Code of Regulations, Title 5, 59336

**16. Complainant's Appeal Rights**

Complainants have appeal rights that they may exercise if they are not satisfied with the results of the District's administrative determination. At the time the administrative determination and summary is mailed to the complainant the District will notify the complainant of his or her appeal rights as follows:

- a. First level of appeal: The complainant has the right to file an appeal to the District's Governing Board within 15 days from the date of the administrative determination. The District's Governing Board will review the original complaint, the investigative report, the administrative determination, and the appeal.
- b. The District's Governing Board will issue a final District decision in the matter within 45 days after receiving the appeal. Or, the District's Governing Board may elect to take no action within 45 days, in which case the original decision in the administrative determination will be deemed to be affirmed and shall become the final District decision in the matter. A copy of the final decision rendered by the District's Governing Board will be forwarded to the complainant, the respondent and to the State Chancellor's Office.
- c. Second level of appeal: The complainant has the right to file an appeal with the California Community College Chancellor's Office in any case not involving employment related discrimination within 30 days from the date that the Governing Board issues the final District decision or permits the administrative determination to become final by taking no action within 45 days.<sup>4</sup>

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<sup>3</sup> If it is determined that discrimination did occur, possible remedies to prevent similar problems from occurring in the future include all the standard district disciplinary actions for students and employees, ranging from undocumented reprimand to termination or expulsion. If formal disciplinary action is inappropriate, other possible remedies include, training in the pertinent area(s) of unlawful discrimination, apology, and restricting or forbidding contact between the perpetrator and victim.

<sup>4</sup> The Department of Fair Employment and Housing (DFEH) has final jurisdiction over employment-related cases. Therefore, the State Chancellor's Office has agreed to accept DFEH decisions and generally will not accept appeals in employment discrimination cases. However, in limited circumstances the State Chancellor's Office will intervene, such as when intervention might bring about a resolution at the informal level or when some unique aspect of community college governance is at issue and the expertise of the State Chancellor's Office is needed.

- d. In any case involving employment discrimination the complainant may at any time before or after the final District decision is rendered file a complaint with the Department of Fair Employment and Housing (DFEH). In addition, the complainant may file a petition for review with the Chancellor within thirty (30) days of the Board's final disposition of the complaint. The Chancellor shall have discretion to accept or reject any such petition for review.

Complainants must submit all appeals in writing.

California Code of Regulations, Title 5, 59338, 59339

**17. Forward to Chancellor**

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

- a. A copy of the original complaint, the investigative report, a copy of the written notice to the complainant setting forth the results of the investigation and the final District decision rendered by the District's Governing Board or a statement indicating the date on which the administrative determination became final as a result of taking no action on the appeal within 45 days.
- b. A copy of the notice of appeal rights the District sent the complainant.
- c. Any other information the Chancellor may require.

California Code of Regulations, Title 5, 59338, 59340

**18. Extensions**

If for reasons beyond its control, the District is unable to comply with the 90-day or 150-day deadlines specified above for submission of materials to the complainant and the State Chancellor's Office, the District will file a written request that the Chancellor grant an extension of the deadline. The request will be submitted no later than 10 days prior to the expiration of the deadlines established by Title 5 in sections 59336 and/or 59340 and will set forth the reasons for the request and the date by which the District expects to be able to submit the required materials.

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

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

California Code of Regulations, Title 5, 59342

**19. Record Retention**

Unlawful discrimination records that are part of an employee's employment records may be classified as Class-1 permanent records and retained indefinitely or microfilmed in accordance with Title 5, California Code of Regulations, Section 59022. Unlawful discrimination records of a

student that are deemed worthy of preservation but not classified as Class-1 permanent may be classified as Class-2 optional records or as Class-3 disposable records, to be retained for a period of three years.

California Code of Regulations, Title 5, 59020

Historical Annotation:  
Adopted 3/5/02  
Revised 5/6/03  
Second Revision 6/21/06  
Third Revision 11/24/09  
Fourth Revision 10/23/12  
Fifth Revision 00/00/13

Related Board Policies:  
Board Policy 2001, 2002

Related Procedures:  
Management, Supervisory and Confidential Employees Personnel Manual 2.2

**BEREAVEMENT LEAVE**

1. Leaves of absence due to the death of a member of the immediate family shall be granted to employees of the District. Such leaves of absence shall be with pay and shall not exceed five (5) days.
2. An employee may request to use personal necessity leave for time needed beyond the five allotted bereavement days. If all personal necessity leave has been exhausted, a sixth day of Bereavement Leave may be granted by the Chancellor, Vice Chancellors, or College Presidents, or ~~Executive Director, Regional Training Institute~~ because of unusual circumstances.
3. Immediate family for unrepresented employees (all managers, supervisors and confidentials) shall be defined as mother, father, grandmother, grandfather, or grandchild of the employee or the employee's spouse/domestic partner, and the son, son-in-law, daughter, daughter-in-law, brother, sister, of the employee or the employee's spouse/domestic partner or any relative of the employee living in the immediate household of the employee.

Immediate family for Local 1 members shall be defined as mother, father, grandmother, grandfather, or grandchild of the employee or the employee's spouse, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, sister of the employee or any relative or domestic partner (as defined in the Local 1 contract) living within the immediate household of the employee.

Immediate family for United Faculty members shall be defined as mother, father, grandmother, grandfather, grandchild, or domestic partner of the employee or spouse of the employee, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister-in-law or sister of the employee or domestic partner, or any relative living in the immediate household of the employees.

4. An employee who is absent due to an accident, illness, or vacation, may change his/her leave to bereavement leave for the appropriate number of days if such change is approved by the Chancellor, Vice Chancellors, College Presidents, ~~Executive Director, Regional Training Institute,~~ or appropriate manager.

Education Code 87788, 88194  
United Faculty Agreement, Article 12-2  
Public Employees Union, Local 1, Article 9-1

**GUIDELINES FOR LEAVES WITHOUT PAY**

1.
  - a. Leaves of absence without pay not exceeding twenty working days in length may be granted at the discretion of the ~~Vice Chancellor of Chief Human Resources Officer and Organizational Development~~ or College President.
  - b. The request should be submitted on the leave request form currently in use at each location to the employee's immediate supervisor for transmittal through established channels.
  - c. A copy of the approved leave form shall be forwarded to the location Payroll Office which is responsible for notification to the District Payroll Office in accordance with Payroll Procedures.
2.
  - a. Leaves of absence without pay for more than twenty working days shall be submitted to the ~~Vice Chancellor of Chief Human Resources Officer and Organizational Development~~ or College President for a recommendation to the Governing Board.
  - b. The Board may authorize an employee to be absent from duty without pay for a specified period not to exceed one year.
3. At least fifteen days before the final date of the leave, the manager shall remind the employee of their obligation to return. If the employee fails to notify the Governing Board of his/her intention to remain or not remain in the service of the District, the employee may be deemed to have declined continued employment, and termination proceedings will be initiated by the Governing Board.

**INSUFFICIENT OR EXCESS SALARY PAYMENTS**

1. Any excess payment of salary made to an employee shall be reimbursed to the District within thirty days of receipt of notice of such overpayment by the employee.
2. Reimbursement of salary overpayments shall be limited to three years preceding the current year of employment.
3. Proper salary placement is a joint responsibility of the employee and the District. All employees are to review their salary placement at least annually and are to immediately contact District Human Resources if they believe that they are improperly placed on the salary schedule.
4. Any payroll error resulting in insufficient payment for an employee shall be corrected, and a special payroll check issued no later than five (5) working days after District Human Resources has received both a written request from the employee and verification of the error. Otherwise, the supplemental amount will be included in the next regular paycheck following verification of the error.
5. If the District overpays an employee, the employee shall upon realizing the fact or upon notification from the District, repay the full amount of such overpayment.
  - a. If the overpayment is \$100 or less, the employee shall have the overpayment deducted in the next paycheck.
  - b. If the overpayment exceeds \$100, the repayment schedule shall be equal to the number of months the employee was overpaid.
  - c. Employees who leave the District or go on unpaid leaves prior to complete repayment shall have the remainder of the overpayment deducted from their final check. If the final check is insufficient to cover the amount owed, the employee will submit the necessary funds to the District within thirty (30) calendar days.

United Faculty Agreement, Article 20.4.4  
Public Employees, Local 1, Article 20.7



## VIOLENCE IN THE WORKPLACE

The District is committed to promoting a safe environment for its employees and students by maintaining an educational and work environment free from violence, threats of violence, stalking, harassment, intimidation, and other disruptive behavior.

1. Violence, threats, stalking, harassment, intimidation, and other disruptive behavior will not be tolerated. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.
2. Incidents of violent, threatening, stalking, harassing, intimidating, or other disruptive behavior should be reported immediately to a supervisor, manager or the **Director of Human Resources Chief Human Resources Officer**. All reports of incidents will be taken seriously and will be dealt with appropriately.

### Responding to Threats of Violence:

1. The top priority in this process is effectively handling critical workplace incidents, especially those dealing with actual or potential violence.
2. Violence or the threat of violence against or by any employee of the District or any other person is unacceptable. Employees who commit such acts may be removed from the workplace and may be subject to disciplinary action up to and including termination, criminal penalties or both.
3. Supervisors and managers who receive such reports are to contact the **Director of Human Resources Chief Human Resources Officer** regarding investigating the incident and initiating appropriate action.
4. Threats of assaults that require immediate attention should be reported directly to Police Services.
5. Should a non-employee on District property demonstrate or threaten violent behavior, he/she may be subject to criminal prosecution.
6. Any employee who is the victim of any violent threatening or harassing conduct, any witness to such conduct, or anyone receiving a report of such conduct, whether the perpetrator is a District employee or a non-employee, shall immediately report the incident to his/her supervisor or other appropriate person.

### Reporting Procedures (Victim/Witness):

1. No one, acting in good faith, who initiates a complaint or reports an incident under this policy will be subject to retaliation or harassment.
2. Any employee reported to be a perpetrator will be provided both due process and representation before disciplinary action is taken.

3. In the event the District fears for the safety of the perpetrator or the safety of others at the scene of the violent act, District Police Services will be called.

California Labor Code, Section 6300  
California Division of Occupational Safety and Health,  
Title 8-California Code Regulations, Section 3203  
Workplace Violence Safety Act of 1994 (Code of Civil Procedure, Section 527.8)  
Penal Code Sections 273.6; 626.9; 626.10; and 12021

## **ORGANIZATIONAL STRUCTURE**

The District is administratively organized and staffed to reflect the institution's purpose, size, and complexity. College and District Office organizational charts are established to provide a framework of reporting levels from instructional services and support staff to upper management.

It is the responsibility of each College President and the ~~Vice Chancellor of~~ **Chief** Human Resources Officer ~~and Organization Development~~ for the District Office, to assure that a current chart of each site's organizational structure is kept up to date and to make the charts available as an informational resource.

Education Code, Section 72400  
Title 5, Section 53200  
Accreditation Standard 10B.3

## **BUSINESS POLICY**

**Final Approval  
Consensus to Move to Board for 1<sup>st</sup> Read**

# **BUSINESS PROCEDURES**

**Final Approval**

**SCHEDULING DISTRICT VANS AND BUSES  
FOR PASSENGER TRANSPORTATION  
OPERATION OF DISTRICT VEHICLES FOR TRANSPORTATION**

To ensure the safety of students, faculty and staff that are transported to various college and District programs and events, the following outlines the procedure for operating District vehicles and complies with the California Vehicle Code and Title 13 (Motor Carrier Safety).

1. State law defines a "bus" as any motor vehicle designed to carry more than 10 persons including the driver, and used or maintained for the transportation of passengers. District vans with a seating capacity of 9 or more passengers plus the driver are covered under licensing requirements for buses.
2. Employees will be authorized to drive District-owned vans and buses only if verification of their qualifications is on file with the respective college Business Services and Police Offices.

All drivers of District-owned or leased vehicles both on and off campus must have a current license appropriate for the vehicle to be driven.

All drivers of District-owned or leased vehicles that are manufactured to carry fifteen or more persons including the driver must have a current Class B license, a current medical certificate and a current First Aid Certificate.

The offices listed below Each of the colleges and the District Office (District Administrative Services Office) will be individually responsible for verifying driver qualifications, scheduling vehicle use, verifying vehicle rentals, and distributing keys and credit cards at their respective sites.

- Contra Costa College — Police Services
- Diable Valley College — Business Services
- Los Medanos College — Police Services

3. The Building and Grounds Department at Each college and the District Office (District Administrative Services Office) will perform daily safety/mechanical inspections and handle repair of the their respective vans and buses annually or as needed.

All District vehicles with equipment for transporting the disabled must comply with all applicable laws and regulations regarding such vehicles.

4. A single party user (driver only) may use a van if he/she possesses a valid Class C license.
5. An employee may use a van to transport no more than 9 other employees if he/she possesses a valid Class C license and the seats for more than 9 passengers are removed. The seating capacity dictates the type of license for drivers of vans for non-student passengers, not the number of employees actually being transported.
6. A vehicle manufactured to be a 15-passenger van shall not be operated unless the driver holds a valid Class B drivers license and is endorsed on the District's insurance policy for operating a passenger transportation vehicle.
7. An employee is required to possess a valid Class B Commercial Drivers License and a valid medical certificate to use a bus or to use a van to transport more than 10 students.

8. Applicants for the Class B license will have to take the following tests
  - a. General Knowledge Test
  - b. Passenger Transport Test
  - c. Pre-trip Inspection Test
  - d. Basic Control Skills Test
  - e. Road Test

Applicants will be required to be physically examined by a U.S. licensed doctor of medicine or osteopathy. The medical report must be on a form approved by the DMV or on the DMV form DL51.

9. The doctor will complete and sign a medical certificate (DL 51A) which must be carried when operating a bus, or a van with student passengers, or a van with more than 9 employee passengers. Medical certificates are valid for two years.



## STUDENT GROUP EXPENSE CLAIM GUIDELINES

District funds may be used for expenses of students participating in the following cocurricular activities only when the events or activities are within the State of California: athletics, dramatics, musical, forensics and journalism conferences, activities, field trips, excursions and events in connection with courses of instruction or college-related social, educational, cultural, athletic, dramatic, forensic, or musical activities to and from places in California, or any other state, the District of Columbia, or a foreign country for students in accordance with Board Policy 3002.

1. Meal expense may be reimbursed advanced as follows: Breakfast, \$5.00-7.50; Lunch, \$8.00-12.50; Dinner, \$12.00-20.00.
2. Lodging expense must be supported by receipts. The hotel/motel transient occupancy tax waiver form should be utilized whenever possible.
3. Transportation fees for local field trips using BART or other public carriers where receipts are not available may be obtained as outlined in paragraphs 4 and 6 below should be supported by print-outs showing applicable fare.

Other guidelines as outlined in Business Procedure 9.22 "Employee Reimbursement" may also apply. Upon approval of the college President, or designee, individual students may submit receipts for meal reimbursement consistent with Business Procedure 9.22 "Employee Reimbursement". In these cases, cash advances will not be given and students will be required to fill out a W-9 "Request for Taxpayer Identification Number and Certification" form.

### Direct Payment of Expenses

5. Whenever possible, arrangements should be made for direct payment of expenses by the District. Examples are as follows include car rentals, air fare, and train fare. Whenever possible, reservations should be made with vendors who have direct billing with the District.
  - a. Car rental. Obtain the Hertz credit card from the college office.
  - b. Air or train fare. Obtain tickets through a local travel agency with billing to the District.
  - c. Lodging. When arranging lodging reservations, secure approval for the billing of lodging costs. Prepare a purchase requisition to obtain a purchase order which will be written on a "not to exceed a stated amount" basis. For lodging expenses greater than \$1,000, a purchase requisition should be prepared by the initiator, approved by the location Business Officer and submitted to the District Purchasing Office at least five ten working days in advance of departure. Appropriate supporting documentation showing amount due should accompany the paperwork. The District Office Purchasing Department will process the purchase order and the District Accounting Office will issue a check. The check will then be forwarded to the vendor. For reservations requiring a credit card, it is required that a District procurement card be used. The original copy of the order will be forwarded to the employee in charge for hand delivery.

**Cash Advances**

4. The employee in charge may request a cash advance to cover anticipated expenses. The request for the advance should be forwarded to the College Business Office no ~~earlier~~ later than five working days ~~before the money is required~~ prior to the trip (use Request for Cash Advance, form ~~4cd-261~~). Cash cannot be picked up until the day before the trip.

**Procedure for Claiming Expense Reimbursements**

6. The employee in charge of the event shall fill out ~~Reimbursement for expenses which are not direct payments shall be claimed on~~ the Student Group Expense Claim, form ~~4cd-198~~ (see Exhibit A) to request reimbursement for expenses which are not direct payments. Two copies of each claim are to be forwarded to the College Business Office. When a cash advance has been received, the claim must be filed within three working days after return to duty.
7. Expense reimbursements for employees accompanying student groups are governed by Business Procedures ~~9.21 and~~ 9.22.

Contra Costa Community College District

STUDENT GROUP EXPENSE CLAIM

Employee in Charge \_\_\_\_\_

College \_\_\_\_\_ Location of Event \_\_\_\_\_

Time and Date of Event \_\_\_\_\_ Meal Expenses Covered: \_\_ Breakfast \_\_ Lunch \_\_ Dinner

Charge to Budget Account \_\_\_\_\_ Local Transportation Fee of \$ \_\_\_\_\_ per Person Covered

This list represents the official student roster for the above event. Each person has received \$ \_\_\_\_\_ and has indicated receipt of such by his/her signature below.

NAME	AMOUNT	NAME	AMOUNT
1.		13.	
2.		14.	
3.		15.	
4.		16.	
5.		17.	
6.		18.	
7.		19.	
8.		20.	
9.		21.	
10.		22.	
11.		23.	
12.		24.	

(Attach supplemental list if needed.)

	NUMBER	AMOUNT PER PERSON	TOTAL AMOUNT
Meals		\$	\$
Lodging (attach receipt)		\$	\$
Other (specify)			\$

Total Amount Claimed	\$
Less Advance Received	\$
Balance Due	\$
Balance Refundable (attached)	\$

I hereby certify that the monies in the amount listed have been distributed to the students signing above and that the services or items purchased were duly authorized expenses.

Signature of Employee Distributing Funds \_\_\_\_\_ Date \_\_\_\_\_

Authorized by \_\_\_\_\_

~~Division Chairperson~~ Departmental Supervisor

Location Business Officer

**DELETE THIS PROCEDURE  
SUBJECT MATTER MERGED WITH BUSNIESS 9.24**

**STUDENT CONFERENCE EXPENSE CLAIM**

A student may be authorized by the College President to attend a journalism, CCJCA or student government conference on behalf of the District in accordance with Board Policy 3002. Reimbursement of expenses for students attending conferences at locations determined by the sponsoring organization will be made from District funds in accordance with provisions applicable to employee expense reimbursement.

1. Funds to cover expenses may be advanced to the employee (advisor) responsible for the activity.
2. Requests for such advances should be submitted to the College Business Office on the Request for Cash Advance, form 4cd-261, at least three working days before the money is required.
3. Advances will be made based on estimated needs, not to exceed the following amounts per day:

Breakfast	\$7.50
Lunch	12.50
Dinner	20.00
Miscellaneous Expenses	5.00
Lodging	Actual Cost

The amount to be advanced will be determined by the manager or employee (advisor) responsible based on projected costs at the conference location.

4. The advance check will be issued to the named employee who will be responsible for obtaining and filing the Student Group Expense Claim, form 4cd-198, with required receipts (such as, for lodging, car rental, transportation).