



Board Policy
Chapter 7 – Human Resources

BP 7100 COMMITMENT TO DIVERSITY

The Santa Monica Community College District is committed to building an inclusive and diverse environment and maintains a comprehensive program to ensure that practice reflects these principles. Diversity within the college environment provides opportunity to foster mutual awareness, knowledge, and sensitivity, to challenge ingrained stereotypes, and to promote mutual understanding and respect. The District is committed to a work and learning environment conducive to open discussion and the free exchange of ideas. Global awareness and exploring the diversity of the local communities served by the college are both important components of the College's commitment to diversity. Embodying, promoting and celebrating diversity inspires innovative ideas, practical solutions, and team-building in achieving the District's goal of professional and educational excellence.

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

Also see BP/AR 3410 Nondiscrimination and BP/AR 3420 Equal Employment Opportunity

References: Education Code Sections 87100 et seq.;
Title 5 Sections 53000 et seq.

Adopted: August 3, 2010

Revised:

(Replaces SMC BP 3121)



BP 7110

Board Policy
Chapter 7 – Human Resources

BP 7110 DELEGATION OF AUTHORITY, HUMAN RESOURCES

The Board of Trustees delegates authority to the Superintendent/President to offer employment, fix job responsibilities, and perform other personnel actions provided that all federal and state laws and regulations and board policies and administrative regulations have been followed.

Also see BP/AR 3410 Nondiscrimination, BP/AR 7100 Commitment to Diversity, and BP/AR 7120 Recruitment and Hiring.

Reference: Education Code Section 70902(d)

Adopted:



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BP 7120 RECRUITMENT AND SELECTION

The Superintendent/President shall establish administrative regulations for the recruitment and hiring of employees including, but not limited to, the following criteria:

- An Equal Employment Opportunity Plan shall be implemented according to Title 5 and BP 3420 Equal Employment Opportunity.
- Academic employees shall possess the minimum qualifications prescribed for their positions by the Board of Governors.
- The criteria and procedures for hiring academic employees shall be established and implemented in accordance with board policies and administrative regulations regarding the Academic Senate's role in local decision-making.

Recruitment and Selection of Faculty (Also see BP/AR 7210 Academic Employees)

The actual employment of personnel is a discretionary function of the Board of Trustees according to State law and cannot be delegated. The Board, however, recognizes and embraces its further legal responsibility under Education Code Section 87360 to adopt hiring criteria, policies, and procedures for faculty which have been jointly developed and agreed upon with the Academic Senate.

Procedures and guidelines set forth in AR 7120 Recruitment and Selection ~~AR 3211~~ are established to employ highly qualified college faculty who are experts in their subject areas, who are skilled in teaching and serving the needs of a varied student population, who can foster overall college effectiveness, and who are sensitive to and represent the diversity of the District community.

The Superintendent/President and the Academic Senate shall jointly develop and agree upon Administrative Regulations governing specific procedures for the hiring of faculty.

All offers of contract regular academic employment are official only when approved by the Board of Trustees and issued in contract form from the Office of Human Resources.

Official employment begins on the date specified by the Board of Trustees consistent with the academic calendar.

Recruitment and Selection - Academic Administrators (Also see BP/AR 7250 Educational Administrators)

The selection of academic administrative personnel shall be accomplished in compliance with applicable provisions of the Education Code, Title 5, and the District's equal employment opportunity policy.

The Board of Trustees reserves the right to select the Superintendent/President. All other academic administrative positions may be filled by the Superintendent/President subject to final approval by the Board of Trustees.

All academic administrative employees shall serve at the pleasure of the Board of Trustees unless the administrator and the District have entered into an employment contract. In such cases, the terms of employment shall be those set forth in the employment contract and any applicable Board policy and Administrative Regulation.

Also see BP/AR 3410 Nondiscrimination, BP/AR Equal Employment Opportunity, BP/AR 7100 Commitment to Diversity, and AR 7120 Recruitment and Selection.

References: Education Code Sections 70901.2, 70902(b)(7) & (d), 87100 et seq., and 87458;
Title 5 Sections 53000 et seq. and 51023.5;
ACCJC Accreditation Standard III.A.1

Adopted: July 9, 2001

Revised:

(Replaces SMC BP 3211 and BP 3431)



Board Policy
Chapter 7 – Human Resources

BP 7130 COMPENSATION

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

The Board of Trustees, after negotiations with the representatives of the bargaining unit, shall adopt salaries and related benefits for members of the unit.

The Board of Trustees shall adopt salaries and related benefits for non-unit academic employees

Academic Administrators

The Academic Administration Salary schedule shall be adopted annually by the Board of Trustees.

Classified Administrators and Managers

The appropriate salary schedules shall annually be adopted by the Board of Trustees for all classified administrator and manager positions.

Confidential

The confidential salary schedule shall be annually adopted by the Board of Trustees.

Remuneration for Faculty Tutoring

It shall be considered unethical for a faculty member to receive remuneration above his/her regular salary to tutor or coach any student who is at the same time a student in the faculty member's classes, or who may be making up a deficiency arising from his/her having been a student in the faculty member's class.

Prohibition of Incentive Compensation

Except as applicable to foreign students residing in foreign countries who are not eligible to receive federal student assistance, the District shall not provide any commission, bonus, or other incentive payment based, directly or indirectly, on the success in securing enrollments or financial aid, to any person or entity engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance.

Also refer to the applicable collective bargaining agreements for specific compensation-related details.

References: Education Code Sections 70902(b)(4), 72411, 87801, and 88160;
Government Code Section 53200;
34 Code of Federal Regulations 668 (U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended)

Adopted: July 9, 2001

Revised:

(Replaces SMC BP 3213, BP 3214, and BP 3433)



BP 7140

Board Policy
Chapter 7 – Human Resources

BP 7140 COLLECTIVE BARGAINING

The District will meet and negotiate in good faith on matters within the scope of bargaining as defined by law with the exclusive representative of an appropriate unit of employees under the provision of the Educational Employment Relations Act, Government Code Sections 3540 et. seq.

Also see BP/AR 2610 Presentation of Initial Collective Bargaining Proposals.

References: Government Code Sections 3540 et seq.

Adopted:



BP 7145

Board Policy
Chapter 7 – Human Resources

BP 7145 PERSONNEL FILES

Materials in personnel files of employees which may serve as a basis for affecting the status of their employment shall be made available for the inspection of the person involved. Such material shall not include ratings, reports, or other records which (1) were obtained prior to the employment of the person involved, (2) were prepared by identifiable examination committee members, or (3) were obtained in connection with a promotional examination or interview.

The collective bargaining agreements with the Faculty Association, CSEA Chapter #36, and the Santa Monica College Police Officers Association include provisions about access to personnel files.

An employee's official personnel file shall be maintained by the District's Office of Human Resources.

References: Education Code Section 87031;
Labor Code Section 1198.5

Adopted: July 9, 2001
Revised:
(Replaces SMC BP 3131)



Board Policy
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BP 7150 EVALUATION

The Board of Trustees is committed to the evaluation of the performance of the administrative and management personnel. The Superintendent/President shall be responsible for implementing those procedures required for an evaluation process which assures continued excellent performances of administrative and management staff.

The procedure for the evaluation of academic administrators is set forth in AR 7150 Evaluation. The procedure for the evaluation of classified administrators and managers and confidential employees shall be in accordance with applicable provisions of the Personnel Commission Rules.

The collective bargaining agreements with the Faculty Association, CSEA Chapter #36, and the Santa Monica College Police Officers Association include provisions on evaluation.

Reference: ACCJC Accreditation Standard III.A.5

Adopted: July 9, 2001

Revised:

(Replaces SMC BP 3212 and BP 3435)



BP 7160

Board Policy
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BP 7160 PROFESSIONAL DEVELOPMENT

The District supports and promotes professional development for its employees and has incorporated provisions to that effect in collective bargaining agreements. The District plans for and provides all personnel with appropriate opportunities for continued professional development, consistent with the institutional mission and based on evolving pedagogy, technology, and learning needs. The District systematically evaluates professional development programs and uses the results of these evaluations as the basis for improvement.

Reference: ACCJC Accreditation Standard III.A.14

Adopted:



Board Policy
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BP 7210 ACADEMIC EMPLOYEES

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

Faculty members are those employees who are employed by the District in academic positions that are not designated as supervisory or management. Faculty employees include, but are not limited to, instructors, librarians, counselors, and professionals in health services, DSPS, and EOPS.

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

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

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

References: Education Code Sections 87001, 87003, 87400 et seq., 87419.1, 87482.8, and 87600 et seq.;
 Title 5 Section 51025

Adopted: July 9, 2001
Revised:
(Replaces SMC BP 3210)



Board Policy
Chapter 7 – Human Resources

BP 7212 TEMPORARY FACULTY

Definition

The term “temporary faculty” refers to all faculty with an hourly assignment. The term “temporary faculty” may be referred to in board policy or administrative regulations as either “hourly” or “part-time” faculty.

Recruitment and Selection

The actual employment of personnel is a discretionary function of the Board of Trustees according to State law and cannot be delegated. The Board, however, recognizes and embraces its further legal responsibility under Education Code Section 87360 to adopt hiring criteria, policies, and procedures for faculty which have been jointly developed and agreed upon with the Academic Senate.

Procedures and guidelines are established to employ highly qualified college faculty who are experts in their subject areas, who are skilled in teaching and serving the needs of a varied student population, who can foster overall college effectiveness, and who are sensitive to and themselves represent the diversity of the District community.

The Superintendent/President and the Academic Senate shall jointly develop and agree upon Administrative Regulations governing specific procedures for the hiring of faculty.

All offers of temporary employment are official only when approved by the Board of Trustees and issued from the Office of Human Resources.

Official employment begins on the date specified by the Board of Trustees at the election of an applicant.

Substitutes

Faculty substitutes with minimum qualifications, other than tenured and probationary academic personnel, may be employed on either an hourly or daily basis at the discretion of the Superintendent/ President or designee.

Dismissal

The Board of Trustees, in accordance with applicable provision of the Education Code, may terminate the employment of a temporary employee at its discretion at the end of a day or week, whichever is appropriate.

References: Education Code Sections 87481, 87482, 87482.5, and 87482.8

Adopted: July 9, 2001

Revised:

(Replaces SMC BP 3230)



Board Policy
Chapter 7 – Human Resources

BP 7230 CLASSIFIED EMPLOYEES

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

The classified service does not include:

- Substitute and short-term employees who are employed and paid for less than 75 percent of the fiscal year.
- Part-time apprentices and professional experts employed on a temporary basis for a specific project, regardless of length of employment.
- Full-time students employed part-time, and part-time students employed part-time in any college work-study program or in a work experience education program conducted by the District.

The Board of Trustees shall fix and prescribe the duties of the members of the classified service. (See BP 7110 Delegation of Authority, Human Resources)

Before a short-term employee is employed, the Board of Trustees, at a regularly scheduled meeting, shall specify the service required to be performed and certify the ending date of the service. The Board may later act to shorten or extend the ending date, but shall not extend it beyond 75 percent of an academic year.

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

The terms and conditions of employment for classified employees are set forth in the collective bargaining agreement between the District and CSEA, Chapter 36.

Merit System/Personnel Commission

Provisions related to the hiring process and employment status are set forth in the Personnel Commission Rules and Regulations. The Personnel Commission Rules and Regulations shall apply to all bargaining unit employees, except where the subject of any Personnel Commission Rule and Regulation is addressed in the collective bargaining unit. In such cases, the provisions of the collective bargaining agreement shall be applicable.

The Personnel Commission shall be composed of five members who meet the requirements defined by statute. Members of the Personnel Commission receive compensation in the amount of \$50 per meeting, not to exceed \$250 per month.

Also see BP/AR 7120 Recruitment and Selection as well as the applicable collective bargaining agreement.

References: Education Code Sections 88003, 88004, 88009, 88013, 88051, 88052, 88060, 88064-88068, 88070 and 88076

Adopted: July 9, 2001

Revised:

(Replaces SMC BP 3310 and BP 3320)



BP 7240

Board Policy
Chapter 7 – Human Resources

BP 7240 CLASSIFIED CONFIDENTIAL EMPLOYEES

Classified confidential employees are those who are required to develop or represent management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. The fact that an employee has access to confidential or sensitive information shall not in and of itself make the employee a confidential employee.

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

Confidential employees are not eligible for inclusion in a collective bargaining unit that represents the District's classified non-confidential employees.

Classified confidential employees are employed in the same manner as the other members of the classified service. Employment shall be consistent with provisions of the District Merit System regarding employment of classified employees.

Reference: Government Code Section 3540.1(c)

Adopted: May 4, 2010

Revised:

(Replaces SMC BP 3410)



Board Policy
Chapter 7 – Human Resources

BP 7250 ACADEMIC ADMINISTRATORS

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

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

Academic administrators shall be compensated in the manner provided for by the appointment or contract of employment. Compensation shall be set by the Board upon recommendation by the Superintendent/President. Educational Administrators shall further be entitled to health and welfare benefits made available by action of the Board upon recommendation by the Superintendent/President.

Academic administrators shall be entitled to vacation leave, sick leave, and other leaves as provided by law, these policies, and administrative procedures adopted by the Superintendent/President.

Every academic administrator shall be employed by contract. The contract will specify the terms of employment.

If the Board determines that the administrator is not to be reemployed when their contract expires, notice to an administrator shall be in accordance with the terms of the existing contract. If the contract is silent, notice shall be in accordance with Education Code Section 72411.

Retreat Rights - Academic Administrators

Academic administrators shall have retreat rights to a faculty position consistent with applicable provisions of the Education Code and Administrative Regulation 3429.

Also see BP/AR 7120 Recruitment and Selection and BP/AR 7260 Classified Supervisors and Managers.

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

Adopted: July 9, 2001 (for BP 3432) and May 4, 2010 (for BP 3430)

Revised:

(Replaces SMC BP 3430 and BP 3432)



Board Policy
Chapter 7 – Human Resources

BP 7260 CLASSIFIED MANAGERS

Classified Managers are managers who are not employed as academic administrators. Classified managers have responsibilities for formulating District policies or administering District programs other than the educational programs of the District. Classified managers have responsibility to assign work to and direct other classified employees.

Classified managers are not eligible for inclusion in a collective bargaining unit that represents the District's classified non-management employees.

Classified managers are employed in the same manner as the other members of the classified service. Employment shall be consistent with provisions of the District Merit System regarding employment of classified employees.

Also see BP/AR 7120 Recruitment and Selection, BP/AR 7240 Confidential Employees, and BP/AR 7250 Educational Administrators.

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

Adopted: May 4, 2010
Revised:
(Replaces SMC BP 3420)



Board Policy
Chapter 7 – Human Resources

BP 7310 NEPOTISM

The Santa Monica Community College District's standards for employment decisions such as hiring, promoting, reappointing, evaluating, awarding salary, disciplining, and terminating employees are based upon an individual's qualifications for the position, ability, and performance. The District attempts to avoid favoritism, the appearance of favoritism, and conflicts of interest in employment, and reserves the right to take action in accordance with existing employee collective bargaining agreements when relationships or associations of employees negatively affect the District's mission and goals.

The District does not prohibit the employment of relatives or domestic partners as defined by Family Code Sections 297 et seq. in the same department or division, with the exception that they shall not be assigned to a regular position within the same department, division, or site that has an immediate family member who is in a position to recommend or influence personnel decisions. Personnel decisions include appointment, retention, evaluation, tenure, work assignment, promotion, discipline, demotion, or salary of the relative or domestic partner as defined by Family Code Sections 297 et seq. The District will make reasonable efforts to assign job duties to minimize the potential for creating an adverse impact on supervision, safety, security, or morale, or creating other potential conflicts of interest.

No person shall be employed, promoted, or transferred to a position in a department where he/she would be the immediate supervisor of or receive direct supervision from a:

- spouse, domestic partner, or co-habitant;
- child, including adopted, in-laws and step- or half-parent;
- grandchild, including adopted, in-laws and step- or half-grandparent;
- sibling, including in-laws and step- or half-; or
- any other member of the employee's household whether or not related by blood or marriage;
- children and family members of siblings and spouses.

A person serving in a supervisory position may not participate in decisions regarding hiring, reappointment, placement, scheduling, evaluation, rate of pay, salary increases, promotion, monetary awards, or other personal interest for a relative or household member employed by the District, even when the supervisor is not in the direct line of authority. For purposes of this policy, an elected position such as department chair, faculty leader, or faculty coordinator shall be considered a "supervisory position." To avoid the appearance of impropriety, employees shall not be allowed to retain supervisory responsibilities over subordinate employees with whom they have an ongoing intimate relationship.

A supervisor who becomes involved in a relationship covered by this policy shall notify the Superintendent/President or designee within 10 working days after the start of this relationship. Upon receiving notification of such a relationship, the Superintendent/President or Designee shall take action to remedy the situation. Such action may include reassignment, transfer or acceptance of voluntary resignation for one of the parties.

References: Government Code Sections 1090 et seq. and 12940 et seq.;
Education Code Section 70902;
SMC Rules and Regulations of Classified Service Merit Rule 7.1.4

Adopted: July 7, 2009
Revised:
(Replaces SMC BP 3125)



BP 7330

Board Policy
Chapter 7 – Human Resources

BP 7330 TUBERCULOSIS RISK ASSESSMENT

All newly hired academic or classified employees must show that within the past 60 days they have submitted to a tuberculosis risk assessment and, if risk factors are present, been examined to determine that they are free from active tuberculosis. If risk factors were present at the tuberculosis risk assessment, and an examination occurs, after the examination the employee shall provide the District with a certificate from the employee's examining physician showing that the employee was examined and found to be free from active tuberculosis.

All employees shall be required to undergo a tuberculosis risk assessment within four years of employment and every four years thereafter, to determine if they are free from tuberculosis.

References: Education Code Sections 87408, 87408.6, and 88021
 AR 7336 Certification of Freedom from Tuberculosis

Adopted: July 9, 2001

Revised:

(Replaces SMC BP 3110 and BP 3114)



Board Policy
Chapter 7 – Human Resources

BP 7335 HEALTH EXAMINATIONS

In compliance with all applicable state and federal laws, the District may request a health or physical examination of District personnel:

- 1) after an offer of permanent appointment has been presented to an applicant,
- 2) when an employee returns to work following a medical leave of absence, or
- 3) to determine that the employee will not pose a “direct threat” to the health and safety of self or others.

References: Government Code Section 12940;
 42 U.S. Code Section 12112(d);
 29 Code of Federal Regulations, Part 1630
 AR 7335 Health Examinations and AR 7336 Certification of Freedom from Tuberculosis

Adopted: July 9, 2001
Revised:
(Replaces SMC BP 3116)



Board Policy
Chapter 7 – Human Resources

BP 7340 LEAVES

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

- illness or injury leaves for all classes of permanent employees (Education Code Sections 87781 and 88192);
- paid sick leave (Labor Code Section 246);
- vacation leave
- leave for service as an elected official of a community college District public employee organization, or of any statewide or national employee organization with which the local organization is affiliated or leave for a reasonable number of unelected classified employees for the purpose of enabling an employee to attend important organizational activities authorized by the public employee organization (Education Code Sections 87768.5 and 88210);
- leave of absence to serve as an elected member of the legislature (Education Code Section 87701);
- pregnancy leave (Education Code Sections 87766 and 88193; Government Code Section 12945);
- leave to bond with a new child (Education Code Sections 87780.1, 87784.5, 88196.1, and 88207.5);
- use of illness leave for personal necessity (Education Code Sections 87784 and 88207);
- industrial accident and illness leave (Education Code Sections 87787 and 88192);
- bereavement leave (Education Code Sections 87788 and 88194);
- jury service or appearance as a witness in court (Education Code Sections 87035 and 87036);
- military service (Education Code Section 87700); and
- sabbatical leaves

Vacation leave for academic administrators shall not be accumulated beyond 30 days of paid leave. Employees shall be permitted to take vacation in a timely manner to avoid accumulation of excess vacation.

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

Also see AR 7340 Leaves, AR 7341 Sabbaticals, AR 7342 Holidays, AR 7344 Industrial Accident and Illness Leave, AR 7344 Notifying the District of Illness, BP/AR 7345 Catastrophic Leave Program, AR 7346 Employees Called to Military Duty, and AR 7347 titled Paid Family Leave.

References: Education Code Sections 87763 et seq. and 88190 et seq. and cites listed above;
 Labor Code Sections 245 et seq.

Adopted: July 9, 2001
Revised:
(Replaces SMC BP 3434)



BP 7341

Board Policy
Chapter 7 – Human Resources

BP 7341 SABBATICALS

The District shall offer sabbatical leaves consistent with the terms of the collective bargaining agreement. Sabbaticals are intended to improve instruction; therefore, a wide variety of sabbatical programs will be considered, such as, institutional research, travel, independent study, and industrial research.

References: Education Code Sections 87767 et seq.

Adopted: July 9, 2001

Revised:

(Replaces SMC BP 3215)



BP 7343

Board Policy
Chapter 7 – Human Resources

BP 7343 INDUSTRIAL ACCIDENT AND ILLNESS LEAVE

The District is committed to providing a safe and healthful workplace for all of its employees and to providing a safe and healthful facility for students as well as visitors. To accomplish this, and also to comply with the requirements of SB 198, the administration shall maintain an Injury and Illness Prevention Program as part of the administrative regulations.

References: Education Code Sections 87787 and 88192

Adopted: July 9, 2001

Revised:

(Replaces SMC BP 3113)



BP 7345

Board Policy
Chapter 7 – Human Resources

BP 7345 CATASTROPHIC LEAVE PROGRAM

A catastrophic leave program has been established and implemented to permit employees of the District to donate eligible leave credits to an employee when that employee suffers from a catastrophic illness or injury.

The purpose of catastrophic leave is to ensure that an employee with a catastrophic illness or injury continues to receive medical benefits during the recovery period and continues to receive their regular salary to the extent possible. This will be accomplished through the establishment of a program for leave donations which may be made to a specific individual or to a District-wide Leave Bank.

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

Reference: Education Code Section 87045
 AR 3114 Catastrophic Leave Program

Adopted: No date

Revised:

(Replaces SMC BP 3115)



BP 7350

Board Policy
Chapter 7 – Human Resources

BP 7350 RESIGNATIONS

The Board of Trustees shall accept the resignation of any employee and shall fix the time when the resignation takes effect.

The Board of Trustees hereby delegates to the Superintendent/President the authority to accept resignations on its behalf at any time. Resignations shall be deemed accepted by the Board when accepted in writing by the Superintendent/President. All such resignations shall be forwarded to the Board for ratification.

References: Education Code Sections 87730 and 88201

Adopted: July 9, 2001

Revised:

(Replaces SMC BP 3223)



BP 7355

Board Policy
Chapter 7 – Human Resources

BP 7355 RETIREMENT

Personnel may retire as provided for in applicable law and AR 7355 Retirement.

Reduced Workload Program

The Board of Trustees shall offer qualified faculty the reduced workload program as set forth in Article 19 of the collective bargaining contract with the SMC Faculty Association.

References: No specific references

Adopted: July 9, 2001

Revised:

(Replaces SMC BP 3220, BP 3221, and BP 3222)



Board Policy
Chapter 7 – Human Resources

BP 7360 DISCIPLINE AND DISMISSAL, ACADEMIC EMPLOYEES

The Board of Trustees, in accordance with applicable provisions of the Education Code, may suspend or dismiss any regular or contract (tenure-track) employee during the academic year.

Disciplinary action will be imposed consistent with applicable provisions of the Education Code and AR 7360 Discipline and Dismissal, Academic Employees.

At the end of a contract employee's first (year one) or second (year two) contract, the Board of Trustees may elect not to enter into a contract for the following academic year. At the end of a contract employee's third contract (years three and four), the Board of Trustees may elect not to employ the employee as a tenured employee.

A contract or regular employee may be disciplined or dismissed for one or more of the grounds set forth in Education Code Section 87732. If the Board decides to dismiss or discipline a contract or regular employee, it shall assure that each of the following has been satisfied:

- The employee has been evaluated in accordance with standards and procedures established in accordance with the provisions of Education Code Sections 87660 et seq., and any administrative procedure for evaluation contained in a collective bargaining agreement;
- The Board has received all statements of evaluation which considers the events for which suspension or discipline may be imposed;
- The Board of Trustees has received a recommendation from the Superintendent/President; and
- The Board of Trustees has considered the statements of evaluation and the recommendations in a lawful meeting.

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

References: Education Code Sections 87666 et seq. and 87732

Adopted: July 9, 2001

Revised:

(Replaces SMC BP 3225)



BP 7365

Board Policy
Chapter 7 – Human Resources

BP 7365 DISCIPLINE AND DISMISSAL, CLASSIFIED EMPLOYEES

The Superintendent/President shall enact procedures for the disciplinary proceedings applicable to permanent classified employees of the District. Such procedures shall conform to the requirements of the Education Code, the Personnel Commission Merit Rules, and applicable collective bargaining agreements.

References: Education Code Section 88013;
 Government Code Sections 3300 et seq.

Adopted:



BP 7370

Board Policy
Chapter 7 – Human Resources

BP 7370 POLITICAL ACTIVITY

Employees shall not use District funds, services, supplies, equipment, or working hours for the purpose of urging the support or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the governing board of the District. District employees should not urge the support or defeat of a ballot measure or candidate during working hours.

Also see BP 2716 Political Activity.

References: Education Code Sections 7054-and 7056;
 Government Code Sections 8314

Adopted: March 2, 2009

Revised:

(Replaces SMC BP 2470)



BP 7371

Board Policy
Chapter 7 – Human Resources

BP 7371 PERSONAL USE OF PUBLIC RESOURCES

District property, including vehicles, tools, equipment, materials, supplies and recyclable/discardable items, may not be used for personal use. Incidental personal use of telephones, copiers, fax machines and related equipment is permitted so long as it is kept to a minimum. Use of District computers is addressed in Board Policy Section 2512, Administrative Regulation 2515, and the Faculty Association collective bargaining agreement.

No District employee shall use the District or College names, facilities, property or staff position in selling a commercial product or in promoting service to gain financial or material advantage.

The use of District facilities or property for the sale of any publications or merchandise, or for the conduct of business ventures of any kind to the benefit of any individual, group, or organization not under direct control of the College, shall be prohibited unless specifically authorized by the Board of Trustees.

District property shall not be loaned to persons not employed by, contracted with, or enrolled in the District.

District property shall only be removed from District premises with proper authorization.

Also see BP 2717 Personal Use of Public Resources.

References: Government Code Section 8314;
 Penal Code Section 424

Adopted: April 6, 2009
Revised:
(Replaces SMC BP 6223)



Board Policy
Chapter 7 – Human Resources

BP 7380 RETIREE HEALTH BENEFITS

Eligible retirees and their eligible dependents and survivors have the right to participate in retiree health benefit plans (medical, dental and/or vision benefits) available to active employees who retire under the CalPERS or CalSTRS retirement system. The eligibility requirement for retiree health benefits is pursuant to the following provisions in the collective bargaining agreements and/or District policies for the respective groups:

Full-Time Faculty

SMC Faculty Association Collective Bargaining Agreement

Classified Employees

California School Employee Association-Chapter 36 Collective Bargaining Agreement

Classified Confidential Employees

SMC Merit Rules

Classified Managers

SMC Merit Rules

SMC Police Officers

SMC Police Officers Association Collective Bargaining Agreement

Academic Administrators

SMC Administrative Regulation and/or SMC Merit Rules

Board of Trustees

Board Policy 2730

References: **Education Code Sections 7000 et seq.**

Adopted:



BP 7381

Board Policy
Chapter 7 – Human Resources

BP 7381 HEALTH AND WELFARE BENEFITS FOR NON-COLLECTIVE BARGAINING UNIT EMPLOYEES

The following non-collective bargaining unit regular and contract employees have the right to participate in District's health and welfare benefit plans.

Academic Managers
Classified Managers
Classified Confidential Employees

Reference: Government Code Section 53200

Adopted: July 9, 2001

Revised:

(Replaces SMC BP 3231)



BP 7385

Board Policy
Chapter 7 – Human Resources

BP 7385 SALARY DEDUCTIONS

The Superintendent/President shall permit the making of legally authorized monthly deductions from employees' salary payments for the convenience of the employees when such action shall not be of serious disadvantage to the District.

An employee may request reduction of their salary in any amount for any District-established payroll deduction program. The request provided for above shall be revocable by the employee.

References: Education Code Sections 87040, 87833, 87834, and 88167

Adopted: July 9, 2001

Revised:

(Replaces SMC BP 3216)



Board Policy
Chapter 7 – Human Resources

BP 7400 TRAVEL, CONFERENCE, WORKSHOPS AND MEETING ATTENDANCE

Travel, Meetings, and Conferences

The Board of Trustees under the provisions of Education Code Section 87032 hereby delegates authorization to the Superintendent/President or designee to approve or deny requests for travel, meetings, and conferences. Guidelines for conferences and travel expenses shall be set forth in administrative regulations.

Conferences, Workshops and Meeting Attendance

Conferences, workshops, meetings and college visitations are conducted to enable employees to keep in touch with developments and trends in college administration, college operations, curriculum instruction, business management, and advancing student success.

The primary purpose of attendance at conferences, workshops, and meetings is to assist the staff to better serve the students and the District through sharing information and experience with board members and staff from other districts.

The Superintendent/President is authorized to attend conferences, meetings, and other activities that are appropriate to the functions of the District.

The Superintendent/President shall establish administrative regulations regarding the attendance of other employees at conferences, meetings, or activities. The regulations shall include authorized expenses, advance of funds, and reimbursement.

Mileage Reimbursement

This District will provide transportation for staff or pay mileage whenever staff members are approved to use their vehicle for approved District business. The mileage rate shall be the current Federal rate as published by the U.S. Internal Revenue Service. Guidelines for employee driver license and insurance requirements shall be set forth in administrative regulations.

Also see BP/AR 2735 Board Member Travel, BP/AR 4300 Field Trips and Excursions, BP/AR 6530 District Vehicles, and AR 7400 Travel.

Reference: Education Code Section 87032

Adopted: August 7, 2000 (for BP 6235 and BP 6236) and July 9, 2001 (for BP 3133)

Revised:

(Replaces SMC BP 3133, BP 6235, and BP 6236)



BP 7510

Board Policy
Chapter 7 – Human Resources

BP 7510 DOMESTIC PARTNERS

Domestic partners registered with the California Secretary of State shall have all of the same rights, protections, and benefits, as well as the same obligations, responsibilities, and duties of married persons (spouses) under state law. Former domestic partners shall have all of the rights and obligations of former spouses. Surviving domestic partners shall have the same rights, protections, and benefits as are granted to a surviving spouse of a decedent.

Therefore, all references to “spouses” in the District’s policies or procedures shall be read to include registered domestic partners.

References: Family Code Sections 297, 298, 298.5, 297.5, 299, 299.2, and 299.3

Adopted:



Board Policy
Chapter 7 – Human Resources

BP 7600 SMC POLICE DEPARTMENT

The Board of Trustees has established a police department under the supervision of one Chief of Police, who shall report directly to the Superintendent/President or designee. The purpose of the department is to enforce the law on or near the campus and other grounds or properties owned, operated, controlled, or administered by the District.

District police officers shall be employed as members of the classified service but shall, when duly sworn, be peace officers as defined by law. Prior to employment, they shall satisfy the training requirements set out in Penal Code Sections 830 et seq.

The District shall establish minimum qualifications of employment for the Chief of Police including, but not limited to, prior employment as a peace officer or completion of a peace officer training course approved by the Commission on Peace Officers' Standards and Training.

The District shall ensure that every member of the police department first employed before July 1, 1999 satisfies the requirements of state law regarding qualifications for continued employment.

Every member of the police department shall be issued a suitable identification card and badge bearing words "Santa Monica Community College Police."

The SMC Chief of Police shall regularly review and update "Manual."

The Superintendent/President or designee, in cooperation with the Chief of Police, shall issue such other regulations as may be necessary for the administration of the police department.

References: Education Code Sections 72330 et seq.;
 Government Code Sections 3300 et seq.

Adopted: No adoption date
Revised:
(Replaces SMC BP 2420)



Board Policy
Chapter 7 – Human Resources

BP 7700 REPORTING FRAUD, WASTE, OR ABUSE

Santa Monica College is committed to the responsible stewardship of its resources and supports an internal appraisal function that includes the investigation of alleged fraud, irregularities, abuse, illegal acts, and suspected misconduct of college employees. Managers, faculty, staff, students or interested citizens are encouraged to report known or suspected dishonest acts by employees, outside contractors, or vendors.

Dishonest acts, either known or suspected, such as those listed below, should be reported:

- Theft or misappropriation of funds, supplies, property, or other college resources
- Forgery or alteration of documents
- Unauthorized alteration or manipulation of computer files
- Improper and/or wasteful activity
- Falsification of reports to management or external agencies
- Pursuit of a benefit or advantage in violation of the college's conflicts of interests policy
- Authorization or receipt of compensation for hours not worked

To facilitate the reporting of waste, fraud, or abuse the District shall maintain an anonymous system for reporting with multiple reporting methods such as, but not limited to, telephone, website, and mail.

Employees reporting suspected wrongdoing are protected under Federal and State law from retaliation by management and other employees.

Allegations are reviewed to determine the probability that the alleged act(s) could have occurred. This review will be conducted under the direction of the Executive Vice President and/or the Vice President of Human Resources, or their designee, and will include identification of losses, prevention of additional losses, application of appropriate personnel procedures, recovery of assets, and assistance with criminal investigation or prosecution. All reviews and investigations shall be conducted confidentially.

AR 7700 Reporting Fraud, Waste, or Abuse includes specific provisions for regular reporting of fraud, waste, and abuse to the Board of Trustees.

Whistleblower Protection

The Superintendent/President shall establish administrative regulations regarding the reporting and investigation of suspected improper activities by District employees and the protection from retaliation of those who make such reports in good faith and/or participate in the investigation of such reports. Good faith is a sincere and reasonable belief or motive that is not characterized by malice or foreknowledge that the report is false.

For the purposes of this policy and any implementing regulations, "improper activity" refers to any activity by the District or one of its employees that (a) violates a state or federal law or regulation, including but not limited to corruption, malfeasance, bribery, theft of government property, fraudulent claims, fraud, coercion, conversion, malicious prosecution, misuse of government property, or willful omission to perform duty, or (b) is economically wasteful or involves gross misconduct, incompetency, or inefficiency.

The regulations established by the Superintendent/President shall provide for the following:

1. Individuals may report suspected incidents of improper activities without fear of retaliation.
2. Reports are investigated thoroughly and promptly.
3. Remedies are applied when allegations regarding improper activities are verified.
4. Protections are provided to and retaliation is prohibited against employees or applicants for employment who, in good faith, report suspected improper activities or participate in the investigation of such reports.
5. Protections are provided to and retaliation is prohibited against employees who refuse to obey an illegal order.
6. District employees shall not directly or indirectly use or attempt to use the official authority or influence of his/ ~~or~~ her position for the purpose of interfering with the right of an individual or entity to make a report of a suspected improper activity to the District or to other non-District authorities.
7. Employees who violate this policy shall be subject to discipline up to and including termination.

Also see AR 7700 Reporting Fraud, Waste, or Abuse

References: Education Code Sections 87160-87164;
Labor Code Section 1102.5;
Government Code Section 53296;
Private Attorney General Act of 2004 (Labor Code Section 2698)

Adopted: February 2, 2009 (for BP 6117) and March 4, 2014 (for BP 2116)

Revised:

(Replaces SMC BP 2116 and BP 6117)



BP 7800

Board Policy
Chapter 7 – Human Resources

BP 7800 CITIZEN COMPLAINTS AGAINST DISTRICT PERSONNEL

The normal procedure for complaints by citizens concerning District personnel shall be to encourage the complainant to begin with a discussion with the employee in an attempt to resolve the complaint. In the event that the complaint is not resolved at this informal level, the citizen may file a formal complaint as set forth in AR 7800 Citizen Complaints Against District Personnel.

References: No specific references

Adopted: July 9, 2001

Revised:

(Replaces SMC BP 3130)