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**ARTICLE 3200: ACADEMIC PERSONNEL**

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ARTICLE 3100  GENERAL PROVISIONS ALL PERSONNEL

AR 3110  AIDS Education Implementation

1. AIDS Prevention Advisory Steering Committee
   A. The composition of the committee will be:
      Vice President, Human Resources
      District Physician
      Coordinator, Health Services
      College Psychologist
      Director, Risk Management
      Three classified employees
      Three faculty members recommended by the Academic Senate President
      Three students recommended by the Associated Students President
   B. The committee will be chaired by the Vice President, Human Resources or designee.
   C. The committee will meet once in the fall and once in the spring, and other times as called by the chair.

2. Responsibility
   A. To review, evaluate, and generally keep abreast of new information or changes in the information regarding AIDS.
   B. To explore and determine methods of dissemination of written information to college community.
   C. To develop an informational distribution plan for written material to college community.
   D. To develop and encourage campus presentations of educational programs or workshops on AIDS.
   E. To prepare a brief annual report on the committee activities for the Superintendent/President.

Reviewed and/or Updated 9/2003
ARTICLE 3100  GENERAL PROVISIONS ALL PERSONNEL

AR 3111  Drug and Alcohol Free Workplace

1. The Superintendent/President or his/her designee shall post at each college site and provide each employee with a notice that unlawful manufacturing, distributing, dispensing, possessing, using or being under the influence of controlled substances is prohibited in the workplace. This notice shall also:

A. Include a statement of possible disciplinary actions, up to and including discharge, for violation of the policy. The discipline shall be in accordance with Board policies on discipline, the Education Code and applicable collective bargaining agreements;

B. Inform employees of the availability of drug counseling, rehabilitation, and employee assistance programs;

C. Inform employees that as a condition of employment, each employee must abide by the terms of the policy and notify the District within five (5) days of any criminal drug statute conviction for a violation occurring in the workplace;

D. Notify employees annually, with their paychecks, of the District’s policy of maintaining a drug free workplace;

E. Inform employees of the dangers of drug abuse in the workplace, including but not limited to, threats to the health and safety of employees, students, and the public.

2. The Superintendent/President or his/her designee shall notify federal agencies with which contracts are held or from which grants are received, within 10 days of receiving notice that an employee has been convicted of a criminal drug statute for a violation occurring in the workplace.

3. The Superintendent/President or his/her designee shall, within 30 days of notification of the conviction of an employee for a criminal drug violation occurring in the workplace, take appropriate disciplinary action against the employee up to and including discharge.

As used in the policy “drug” and “drugs” refers to controlled substances as defined by State and Federal law.

Reviewed and/or Updated 9/2003
ARTICLE 3100  GENERAL PROVISIONS  ALL PERSONNEL

AR 3112  Injury and Illness Prevention Plan

The Santa Monica Community College 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 an Injury and Illness Prevention Program will be implemented.

The Injury and Illness Prevention Plan includes the following guidelines:

1. **Compliance with established work practices.** A combination of systems will be utilized to ensure that all employees comply with safe work practices.

2. **Communications.** Communication between management and non-management employees regarding safety issues will be accomplished through various methods.

3. **Identifying Workplace Hazards.** A thorough facility inspection will be conducted annually.

4. **Incident Investigation.** A procedure for investigating all workplace incidents involving injury or illness will be developed.

5. **Correction of Unsafe Conditions.** A procedure for correcting unsafe conditions, emergency and less serious situations, will be developed.

6. **Training.** The District will provide general safety information to all new employees. Where necessary, employees will be given safety training specific to their job assignment.

*Reviewed and/or Updated: 9/2003*

AR 3113  Bloodborne Pathogens Standard Plan

The administration shall maintain an Exposure Control Plan to establish procedures to protect employees of the Santa Monica Community College District from occupational exposure to bloodborne pathogens.

The Exposure Control Plan will describe the college's methods for complying with both the Federal and State Occupational Safety and Health Administration Standards regarding Occupational Exposure to Bloodborne Pathogens. The Plan applies to district employees who can be reasonably expected to have occupational exposure to blood or other potential infectious materials (OPIM).

*Reviewed and/or Updated 9/2003*
ARTICLE 3100 GENERAL PROVISIONS ALL PERSONNEL

AR 3114 Catastrophic Leave

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 for the employee because he or she has exhausted all of his or her sick leave and other paid time off. Examples include, but are not limited to, life threatening injury or illness; cancer; AIDS; heart surgery; stroke; etc.

Leave Bank

1. Any employee may donate accumulated leave but MUST retain no fewer than twenty (20) days or 160 hours of sick leave in his/her personal account. An employee who is retiring or terminating and wishes to donate unused sick leave may do so with no limitation; 50% of their donation will be credited to the Leave Bank.

2. Accumulated vacation days/hours may be donated with no restriction.

3. All donated days/hours are irrevocable.

4. Unused donated days will revert to the Leave Bank for use by other catastrophically ill or injured employees who request and are approved to use days/hours from the bank.

5. Donated sick leave or vacation days/hours are credited and charged on the basis of day-for-day regardless of the classification and/or salary of either the donee or the donor.

6. Leave may be donated either to an individual account or to the District-wide Leave Bank at the option of the donee.

Employee Eligibility

1. The employee must be/expected to be incapacitated or absent for an extended period of time of no fewer than 30 consecutive calendar days.

2. The employee or authorized designee must submit a letter to the Vice President, Human Resources requesting either a call for specific donations or donations from the District Leave Bank.

3. The employee must submit medical verification which is subject to verification by the District. The District may require additional medical verification from a physician selected by the District and at the expense of the District.

4. Faculty must use all accumulated/advanced sick leave prior to using any donated leave. Administrators, managers and Classified employees must use all accumulated/advanced sick leave plus all accrued vacation prior to using any donated leave.

5. All donated leave must be used within a 12-month period after the donation and may be used only for the specified catastrophic illness or injury. Leave days will be placed in a special donated account for up to one year. If the employee returns to work and has a reoccurrence of the same or related catastrophic illness or injury, after using any accumulated/advanced sick days, previously donated days may be used.

6. In unusual circumstances, the Catastrophic Illness/Injury Committee may consider and approve a request to extend the period of use of donated days for a period of up to one additional year.
7. **NOT COVERED:** Stress related illness; elective surgery, normal pregnancy, workers compensation claims, disabilities resulting from alcoholism or drug addictions, intentionally self inflicted injuries, or normal illness such as recurring colds, flu, allergies, headaches, etc.

8. Any employee who has omitted relevant or provided falsified information on his/her medical history or other medical documentation may be denied access to the benefits of this plan.

**Catastrophic Illness/Injury Committee**

1. A joint District catastrophic illness/injury committee will oversee the implementation of this plan. This committee will be chaired by the Vice President of Human Resources.

2. The committee will be comprised of one (1) representative appointed by the Faculty Association, CSEA and Management respectively. In addition, either the Faculty Coordinator for Health Services or the Director of Health Sciences will serve as an advisor to the committee. In the event the committee is unable to reach a decision regarding eligibility for donated leave the District will obtain an advisory opinion from an appropriate physician and provide the committee with that information. In the event the committee is still unable to reach a decision the Vice President of Human Resources will make the final decision.

**Miscellaneous**

1. Participation in this plan is voluntary on behalf of the donor or the donee. Participation is not subject to the Grievance process in any bargaining agreement or district policy.

2. Amendments/modifications to the plan shall be mutually agreed to by the Faculty Association, CSEA, Management and the Board of Trustees.

3. The Catastrophic Illness/Injury committee will meet to determine forms and procedures for implementation and appropriate participation by part-time faculty or faculty with overload assignments who accumulate sick leave.

Reference: AB 2007 and Education Code Section 87045

*Reviewed and/or Updated 9/2003*
ARTICLE 3100  GENERAL PROVISIONS ALL PERSONNEL

AR 3115  Health Examinations

Medical Requirements

1. The District may, consistent with applicable federal and state law and consistent with any applicable collective bargaining agreements, request a physical/health 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) at any time it appears to be in the District’s interest to obtain verification of an employee’s fitness for duty.

2. The District will perform a tuberculin skin test for all employees, volunteer aides and when applicable, student employees. Anyone whose skin test is positive, or who has a previously known positive skin test, will be required to submit a statement by a medical doctor or by the Los Angeles County Health Department that she/he is free of the disease, with a substantiating report of a chest X-ray done within the past sixty days. Any expenses will be the employee’s responsibility.

3. A tuberculin skin test will be performed on all employees every four years. Those who show a positive reaction to this skin test will be required to submit a statement by a medical doctor or by the Los Angeles County Health Department that they are free of contagious disease, with a substantiating report of a chest X-ray done within the past sixty days. Any expenses will be the employee’s responsibility. For those paid employees who are known positive reactors a skin test will not be done, but the district will furnish a chest X-ray at Santa Monica Hospital.

4. All probationary faculty and newly hired administrators must successfully demonstrate the functional physical and mental capacity to perform the essential functions of employment with or without reasonable accommodations. Failure to perform the essential functions of employment with or without reasonable accommodations shall be sufficient cause for dismissal.

Tuberculosis-Requirements

1. An approved intradermal tuberculin test within 60 days prior to initial employment in the District and every four years thereafter.

2. A skin test will be accepted in lieu of a chest X-ray if an employee is not a known positive reactor to a skin test. An employee may go to the District’s Health Office for a tuberculin skin test.

3. An X-ray shall be required if an employee has a positive reaction to a skin test. New employees will be required to obtain an X-ray, at their own expense. Current employees, at the time of renewal, may make arrangements through the District’s Health Office for District paid X-rays.

4. The report of the X-ray or skin test is to be sent to the Health Services Office, Santa Monica College, 1900 Pico Blvd., Santa Monica, California, 90405. Failure to comply with this requirement may result in disciplinary action.

Reference: Education Code Sections 87408, 87408.6
Reviewed and/or Updated 9/2003
ARTICLE 3100  GENERAL PROVISIONS ALL PERSONNEL

AR 3116  Drug and Alcohol Testing for Transportation Employees

This regulation is adopted to implement the drug and alcohol testing requirements of the Omnibus Transportation Employee Testing Act of 1991 as fully adopted by the Santa Monica Community College District pursuant to Board Policy Number 3112.

1. Definitions
   A. Driver
      Any employee employed in a classification in which they are required to possess a commercial driver's license or who, as part of their duties performed for the District, drive any vehicle which is designed to seat 16 or more passengers including the driver. This definition shall apply to all such employees regardless of whether such employee is employed on a part-time or substitute basis. Currently employees employed in the following classifications are subject to the provision of this regulation:
      Van Driver
      Van Driver Substitute
      Transportation Assistant
      In addition, any employee who operates a District van with a total seating capacity of 16 or more persons.
   B. Safety Sensitive Function
      A driver is considered to be performing a safety sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform all driving related job functions. Driving related functions shall include waiting to be dispatched, inspecting and servicing equipment, supervising, performing or assisting in loading and unloading, repairing or obtaining and waiting for help with a disabled vehicle, and performing any other work for the District.

2. Prohibited Conduct
   A. Alcohol Use
      No driver shall report to work or remain at work while having an alcohol concentration of 0.04 or greater. If the District has actual knowledge that a driver has an alcohol concentration of 0.04 or greater, such driver will not be permitted to perform or continue to perform his/her job duties.

      No driver shall report for duty or remain on duty while under the influence of or impaired by alcohol as shown by behavioral, speech, and performance indicators of alcohol misuse. The District shall not knowingly permit a driver under the influence of or impaired by alcohol to perform his/her job duties until the driver has been tested for alcohol and such test shows an alcohol concentration of less than 0.02 or at least twenty-four (24) hours have elapsed from the time the District reached a determination that the driver was under the influence of or impaired by alcohol.

      No driver shall possess alcohol while on duty. If the District has actual knowledge that a driver is in possession of alcohol while on duty, the District will not permit the driver to perform or continue to perform his/her job duties.
No driver shall use alcohol while performing safety sensitive functions. If the District has actual knowledge that a driver is using alcohol while on duty, the District will not permit the driver to perform or continue to perform his/her job duties.

No driver shall perform safety-sensitive functions within four (4) hours after using alcohol. If the District has actual knowledge that a driver has consumed alcohol within four hours prior to performing any safety-sensitive function, the District will not permit the driver to perform or continue to perform his/her job duties.

No driver who is tested for alcohol and found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall be permitted to perform any of his/her job duties for at least twenty-four (24) hours from the time of the test.

No driver who is tested for alcohol and found to have an alcohol concentration of 0.04 or greater shall be permitted to perform any of his/her job duties.

No driver who has been required to take a post-accident alcohol test, as set forth below, shall use alcohol for eight hours following the accident or until he/she has completed the required alcohol test, whichever occurs first.

No driver shall refuse to submit to a alcohol test as required under this policy and administrative regulation.

No driver who violates this section (B.1) shall be permitted to return to work until such time he/she submits to a return to duty alcohol test and such test result shows an alcohol concentration of 0.002 or less.

B. Controlled Substance (Drug) Use

No driver shall report for duty or remain on duty when the driver uses any controlled substance, except when the use of such controlled substance is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to operate a commercial vehicle.

If the District has actual knowledge that a driver has used a controlled substance, the District will not permit such driver to perform his/her job duties.

Drivers must immediately inform the District of any therapeutic drugs that they are currently taking.

No driver who tests positive for a controlled substance(s) shall perform his/her job duties. If the District has actual knowledge that a driver has tested positive for a controlled substance, the District will not permit such driver to perform his/her job duties.

Any driver who violates any portion of this regulation may be subject to discipline, up to and including dismissal. Disciplinary action for violation of this regulation shall be implemented in accordance with AR 3225, the applicable collective bargaining agreement and/or applicable law.

No driver who violates this section (B.2) shall be permitted to return to work until such time he/she submits to a return to duty controlled substance test and such test indicates a negative test result for controlled substances.
3. **Required Alcohol and Controlled Substance Testing**

All testing required by this policy and procedure shall be performed by appropriately certified laboratories and in compliance with 49 C.F.R. part 40 et seq.

Before performing an alcohol or controlled substance test, as set forth below, the District shall notify a driver that the alcohol and/or controlled substance test is required pursuant to 49 C.F.R. part 382 et seq.

A. **Pre-Employment Testing**

An applicant for any classification that constitutes a driver as defined above, shall be tested for alcohol and controlled substances. Such testing will not be conducted until after the individual has been offered employment. Such testing shall be carried out in compliance with applicable provisions of the California Fair Employment and Housing Act and the Americans With Disabilities Act.

Any driver who tests positive for alcohol and/or a controlled substance as a result of a pre-employment test, may be disciplined or discharged pursuant to District policy, any applicable collective bargaining agreement and/or applicable law.

B. **Post-accident Testing**

Any driver involved in an accident involving the loss of life or resulting in the driver receiving a citation under State or Local law for a moving traffic violation arising from the accident, shall be tested for alcohol and controlled substances.

1. **Alcohol Test**: Post-accident alcohol testing shall be conducted within two (2) hours of the accident. No test shall be given if the test may not be administered within eight hours from the time of the accident. If an alcohol test cannot be administered as a result of a delay in administering the test, the District shall prepare a file record indicating the reason(s) why the test could not be administered within the required time period for such testing.

2. **Controlled Substances**: Post-accident controlled substance testing shall be conducted within thirty-two (32) hours following the accident. If the test cannot be administered within thirty-two (32) hours from the time of the accident, no controlled substance test shall be administered to the driver. If a controlled substance test cannot be administered within the prescribed period of time, the District shall prepare a file record indicating the reason(s) why the test could not be administered within the required period of time for such testing.

Absent need for immediate medical attention for any driver who is subject to post-accident testing shall remain readily available for such testing or he/she shall be deemed to have refused to submit to such testing.

No driver who is subject to post-accident testing shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

Any alcohol or controlled substance test administered following an accident conducted by Federal, State, or Local officials (e.g., Highway Patrol or local police/sheriff department) will fulfill the testing requirements for post-accident testing if the District obtains the results of such testing.
C. Random Testing

All drivers shall be subject to random alcohol and controlled substance testing throughout the driver's work year.

Such random testing shall be conducted at least on a quarterly basis for drivers employed for twelve months per year and at least four times throughout the year for drivers employed for ten or fewer months per year. The month for such testing shall be randomly selected by the District. The dates for such testing shall not be pre-announced.

A minimum of twenty-five percent (25%) of all drivers shall be tested for alcohol annually.

A minimum of fifty percent (50%) of all drivers shall be tested for controlled substances annually.

The percentages listed above are based upon the entire eligibility pool in the event the District joins a consortium of agencies.

The drivers to be tested on each randomly determined test date shall be randomly selected utilizing a scientific valid method of random selection [eg. using a computer random number generator, employees could be selected by assigning each driver a number, such as an employee identification number or social security number]. Under the selection procedure used, each driver shall have an equal chance of being tested each time selections are made.

Any driver selected for alcohol and/or controlled substance testing shall immediately report to the test site.

All testing for alcohol shall be administered during the driver's work shift, just before the beginning of the driver's work shift, or just after the driver's work shift.

D. Reasonable Suspicion Testing

Whenever a supervisor or District official, who has been trained in accordance with law, has a reasonable suspicion that a driver is in violation of the prohibitions set forth in this regulation, the driver shall be required to submit to an alcohol and/or controlled substance test. Such reasonable suspicion must be based on the supervisor or District official's specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech or body odors made either just prior to the driver beginning his/her work shift, or during the driver's work shift, or just after the driver's completion of his/her work shift.

All alcohol tests should be conducted within two (2) hours from the time a reasonable suspicion finding is made. In no event shall such alcohol testing be conducted after eight (8) hours from the time a reasonable suspicion finding is made. In the event that such an alcohol test cannot be administered within two hours or after eight hours, the District shall prepare a file record indicating the reason(s) why the testing could not be timely administered.
After making a determination that there is a reasonable suspicion that a driver is in violation of this regulation, the supervisor or District official who made the determination shall prepare a written report setting forth the observations made which led to the reasonable suspicion. This report must be prepared within twenty-four (24) hours from the time of the observations.

E. Return-To-Duty Testing

An alcohol and/or controlled substance test shall be administered to a driver who has been found to be in violation of this policy and regulation prior to permitting the employee to return to work.

A driver whose conduct involves violations of the alcohol provisions of this policy and regulation shall not be permitted to return to duty until he/she submits to an alcohol test and such test result shows an alcohol concentration of 0.02 or less.

A driver whose conduct involves violations of the controlled substance provisions of this policy and regulation shall not be permitted to return to duty until he/she submits to a controlled substance test and that such test results in a negative result for controlled substances.

F. Follow-Up Testing

A driver who violates the provisions of this policy and regulation and is subsequently identified by a substance abuse professional as needing assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, shall be subject to unannounced alcohol and/or controlled substance testing. Such testing shall be conducted only when the driver is on duty, just before the beginning of the driver's work shift, or just after the completion of the driver's work shift.

G. Employee Notification

The District shall notify applicants of the result of their controlled substance test if within 60 days from the offer of employment, the applicant requests to be notified of the test results.

For all other testing, as described above, the District shall notify a driver if his/her test result for controlled substances is positive. In the event of a positive controlled substance test, the District shall notify the driver which controlled substance or substances were verified.

4. Records

The District shall maintain all records as required pursuant to 49 C.F.R. part 382, 401.

Except as required by law, the District shall not release information relating to alcohol and controlled substance testing performed in accordance with this policy and regulation or any records kept as required by law.
A driver is entitled, upon written request to the District, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substance tests.

The District shall make a driver's record available to a subsequent employer only upon the receipt of a written request from the driver and only to the extent expressly authorized by the terms of the driver's request.

5. Notifications

The District shall provide all drivers with educational materials that explain the requirements of 49 C.F.R. part 382 and this policy and regulation with respect to meeting the requirements of these regulations.

The District shall also provide this information to any and all affected employee organizations.

This information shall include the following:

A. The person or persons designated by the District to answer driver questions about this policy and regulation.

B. A listing of all classifications covered by this policy and administrative regulation.

C. A statement as to what portion of the work day for each classification is covered under this policy and administrative regulation.

D. Information as to what specific conduct is prohibited by law.

E. Information as to the required testing.

F. Information as to the process to be used for the required testing.

G. The requirement that a driver submit to all tests required pursuant to this policy and administrative regulation.

H. An explanation of what constitutes a refusal to submit to required testing.

I. Information as to the consequences for drivers who violate the provisions of this policy and administrative regulation.

J. Information relating to the effects of alcohol and controlled substance use on an individual's health, work, and personal life; signs and symptoms of an alcohol or controlled substance problem; and available methods of intervening when an alcohol or a controlled substance problem is suspected, including confrontation, referral to any employee assistance program and/or referral to the District.

Each driver shall sign a statement certifying that he/she has received a copy of these materials.

6. Training for supervisors

The District shall ensure that each supervisor or other appropriate District official responsible for determining whether reasonable suspicion exists to require a driver to undergo testing shall receive at least 60 minutes of training on the misuse of alcohol and 60 minutes of training on the use of controlled substances.
7. **Driver referrals**

The District shall advise drivers of the resources available to drivers in evaluating and resolving problems associated with the misuse of alcohol and the use of controlled substances.

Any driver who violates the prohibitions set forth in this policy and administrative regulation shall, as a condition to any return to duty, be evaluated by a substance abuse professional who shall determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse or controlled substance use. The driver shall be responsible for any cost associated with such professional assistance. This provision shall in no way interfere with the District's authority to discipline drivers found to be in violation of this policy and administrative regulation.

*Reviewed and/or Updated 9/2003*
ARTICLE 3100   GENERAL PROVISIONS ALL PERSONNEL

AR 3120   Equal Employment Opportunity Program and Discrimination Complaint Procedure

1. General Provisions:

   The Office of Human Resources shall be responsible for overseeing the District’s equal employment opportunity program. The Dean, Human Resources shall oversee the day-to-day implementation of the District’s equal employment opportunity program. The District’s policy and administrative regulations concerning equal employment and the discrimination complaint procedure shall be disseminated to all employees.

2. Equal Employment Opportunity Responsibilities:

   The Office of Human Resources through the Dean, Human Resources shall:

   A. Oversee the District’s equal employment opportunity program and work with appropriate staff in ensuring that the District’s program receives the broadest possible commitment from staff and students.

   B. Work closely with district personnel and appropriate committees to ensure achievement of equal employment opportunities.

      1. PREPARE AND PUBLISH a workforce analysis to ensure the District meets its equal employment opportunity requirements.

      2. REVIEW JOB ANNOUNCEMENTS, job descriptions, job specifications and other job related statements in cooperation with appropriate staff to ensure compliance with equal employment opportunity requirements.

      3. REVIEW SELECTION, retention, tenure, and promotion criteria to ensure that neither qualified nor qualifiable candidates are excluded from consideration.

      4. HELP INCREASE APPLICANT POOL by assisting with recruitment and devising ways and means of helping the District to increase the number of qualified members of historically underrepresented groups.

      5. ASSIST IN DEVELOPING IN-SERVICE AND EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS for administration, faculty, staff and students.

      6. RECEIVE AND SEEK RESOLUTION OF UNLAWFUL DISCRIMINATION COMPLAINTS. Publicize complaint procedures, receive, investigate and seek resolution of affirmative action and unlawful discrimination complaints, working with appropriate staff.

   C. RECOMMEND REVISION: The Affirmative Action Officer shall recommend revision of the District Equal employment opportunity program as needed.
D. ASSIST IN MAINTAINING LIAISON WITH AGENCIES at the county, state, and federal levels, as well as organizations concerned with the promotion of fair employment practices, and work with appropriate agencies in ascertaining current population characteristics for the District.

E. ATTEND MEETINGS AND CONFERENCES pertaining to equal employment opportunity.

F. CHAIR MEETINGS of the Equal employment opportunity Advisory Committee and communicate committee concerns and recommendations to appropriate staff.

G. ASSUME OTHER DUTIES related to equal employment opportunity responsibilities.

H. Work with faculty, staff, and students in developing programs and activities that foster upward mobility for historically underrepresented group members. Such activities include, but are not limited to, mentorships and internships.

3. EQUAL EMPLOYMENT OPPORTUNITY ADVISORY COMMITTEE:

The District shall maintain an Equal Employment Opportunity advisory committee which shall be a Faculty Senate, Classified Senate and District joint committee. The committee shall assist and advise the District in implementing the District’s equal employment opportunity program.

A. The Advisory Committee shall recommend and participate in in-service training on Equal employment opportunity.

B. The Advisory Committee shall assist in efforts to recruit applicants from historically underrepresented groups for administrative, faculty and classified positions.

D. The Advisory Committee shall assist in dissemination of equal employment opportunity reports.

Education Code Section 87151

4. EMPLOYMENT PROCEDURES:

The following provisions shall apply to the hiring process for faculty, classified and all administrative/management positions.

A. Minimum Qualifications: Minimum qualifications shall be described in terms of skills, knowledge, abilities, and personal characteristics required for successful performance of the positions’ duties and classification. Training, education, and experience requirements shall reasonably relate to the skills, knowledge, abilities, and personal characteristics required to perform successfully the duties and classification of the position.
B. JOB DESCRIPTION: The job description shall be developed on the basis of job analyses that describe bona fide minimum job requirements for all positions, both full-time and part-time. In addition to providing a general statement of job duties, responsibilities, and detailed job specifications, job descriptions shall also include a requirement that applicants demonstrate sensitivity to and understanding of the diverse academic, socio-economic, cultural, disability, and ethnic backgrounds of community college students, faculty, and staff.

C. JOB ANNOUNCEMENTS: Job announcements shall provide prospective applicants with information that parallels the job description as well as information about the District, salary range, application deadline, contact person, and the District’s commitment to equal employment opportunity.

D. JOB APPLICATION AND SELECTION/TESTING INSTRUMENTS: Application forms and selection/testing instruments shall be designed to obtain general information about a candidate's qualifications for a position, as well as to obtain, fairly and objectively, specific knowledge about a candidate's expertise in the subject matter of the position.

E. PERMANENT POSITIONS: All positions shall be advertised by the Office of Human Resources or when applicable, the Personnel Commission and numerous sources shall be contacted to assist in developing a diverse applicant pool. Vacancies shall be posted for a minimum of thirty (30) days for faculty and administrative positions, and a reasonable length of time for classified positions, such period to be determined by the Personnel Commission. The recruitment procedure may include the following:

1. Advertisements in publications with wide circulation among historically underrepresented groups, in addition to the usual publication outlets.

2. A current mailing list of organizations and contact persons with ties to historically underrepresented groups.

3. Monitoring of all recruiting sources and make necessary adjustments.

4. Consultation with four-year and secondary institutions, especially to identify potential faculty from among historically underrepresented groups and seek to establish professional internships for such individuals.

5. A partnership program with selected secondary schools to provide for student and staff enrichment and exchange.

6. A commitment to the importance of diversity as an essential ingredient of the learning environment in all its publicity, publications, and services.
5. SELECTION PROCESS:

A. APPLICANT POOL: Each applicant shall be given an opportunity to identify himself/herself as a member of an historically underrepresented group when his/her application is submitted. This information shall be kept confidential and may be used only in research, validation, monitoring and evaluating the effectiveness of the District’s affirmative action program. This information shall be used to assure that the applicant pool is reflective of the availability of historically underrepresented groups in the workforce.

When the applicant pool does not include qualified members of historically underrepresented groups in numbers reflective of the available workforce, the employment process may be extended or suspended pending additional recruitment efforts.

B. SELECTION, TESTING, INTERVIEWING:

1. PROCESSES: Processes for applicant selection, testing, and interviewing shall conform to principles of equal employment opportunity. For classified positions refer to the Rules and Regulations of the Personnel Commission (Personnel Commission Rules) and for academic positions refer to Administrative Regulation 3211.

C. SELECTION COMMITTEES:

1. INCLUSION OF UNDERREPRESENTED MEMBERS: To the extent qualified individuals are available, every committee formed for selecting and interviewing candidates for employment shall include at least one member of an underrepresented group.

2. EMPLOYMENT AUDIT: An employment audit report shall be completed for each position filled through the faculty, administration, and classified hiring processes and reviewed by the Superintendent and President or designee. A file shall be maintained to provide a summary of affirmative actions in filling vacancies. All materials related to the employment process shall be maintained for at least three years or for three years after audit, whichever comes first. If a complaint is filed or pending, materials shall be maintained indefinitely.

6. DISTRICT EVALUATION REPORT: The District shall prepare an annual summary of district employment practices and an evaluation of progress in ensuring equal employment opportunity. The report shall be reviewed by the Equal Employment Opportunity Advisory Committee and forwarded to the Superintendent and President for review and distribution to the Board of Trustees, District employees, the public, including appropriate community organizations, and the Chancellor's Office. The report shall include a request from the District for assistance from the community in identifying qualified members of historically underrepresented groups.

7. AFFIRMATIVE ACTION AND ACCOMMODATION FOR PERSONS WITH DISABILITIES: The District shall, consistent with applicable provisionson of Title 5, affirmatively recruit and hire individuals with disabilities. Toward this end the District shall do the following:
Section 3000: Human Resources

A. REVIEW PERSONNEL PRACTICES and policies to determine whether any discriminatory practices exist and move to correct all such practices.

B. REVIEW SELECTION DECISIONS and/or offers of employment to be certain that they are not governed by unverified assumptions about any individual's willingness or ability to perform the job. All interview committees shall be informed that it is the District's medical doctor, not the committee, who determines whether applicants are physically or mentally able to do the job, or whether they have physical limitations that would disqualify them from doing the job.

C. DISTRIBUTE JOB VACANCY ANNOUNCEMENTS to appropriate service organizations and vocational rehabilitation agencies, and maintain contact with these agencies for purposes of advice and

D. MAKE REASONABLE ACCOMMODATION to the physical and mental limitations of employees and applicants. This might include improving access to District facilities and adapting equipment. It might also include hiring a reader or an interpreter for an employee or student.

E. REVIEW DISTRICT REQUIREMENTS for preemployment physical requirements to ensure their job relatedness.

F. APPOINT A COORDINATOR to handle compliance and complaints. Complaints may be filed with the Coordinator or the Affirmative Action Officer, using procedures for affirmative action or unlawful discrimination complaints outlined in this document.

Title IX Implementation

Title IX is a part of the overall equal employment opportunity plan for the Santa Monica Community College District. The Higher Education Guidelines based on Executive Order 11246 embody two important concepts: nondiscrimination and affirmative action.

Title IX of the Education Amendment of 1972 prohibits discrimination on the basis of sex in all federally funded education programs. The regulation, which became effective on July 21, 1975, specifies a number of actions that educational institutions receiving federal funds, as well as other recipients of federal education funds, must take in order to be in compliance with the law. Basically, the regulations fall into five categories: general matters related to discrimination on the basis of sex, admissions, treatment of students once they are admitted, employment, and procedures.

TITLE IX FACILITATOR

The Dean, Human Resources shall be responsible for coordination of efforts to ensure that District policies and practices concerning faculty, staff and students are in compliance with Title IX regulations.
Discrimination Complaint Procedure for Job Applicants, Employees and Students

It shall be the District objective to provide all job applicants, employees and students with an expeditious and effective procedure for resolution of complaints alleging unlawful. Investigations shall be conducted in a manner which seeks to balance issues of confidentiality and privacy with the need to conduct thorough, objective investigations of all complaints. Rights of complainants to freedom from retribution shall be protected. All complaints shall 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.

1. INFORMAL COMPLAINT PROCEDURE:
Filing an informal complaint shall be a prerequisite to filing formal complaints. The District encourages the resolution of complaints through the informal process.

   A. FILING COMPLAINT: An informal complaint alleging unlawful discrimination and/or failure to comply with approved equal employment opportunity selection procedures shall be filed in person with the Dean, Human Resources or the employee's immediate supervisor as soon as possible following the occurrence which gave rise to the complaint.

   B. INVESTIGATION OF COMPLAINT: The complaint shall be investigated by the Dean, Human Resources or designee(s) or the employee's immediate supervisor. If a prima facie case supporting the complaint is determined to exist, appropriate steps shall be taken to safeguard the right(s) of the complainant to fair consideration until final determination of the complaint has been made.

   C. TIMELINES FOR DETERMINATION: An informal investigation shall be conducted and the complainant notified of the disposition of the complaint including the recommended remedies, if any, within thirty (30) days.

   D. REPORTS OF INFORMAL COMPLAINTS: The Dean, Human Resources shall be notified of all informal complaints and their resolution in order to monitor the scope and success of the District's equal opportunity program.

2. FORMAL COMPLAINT PROCEDURE:
When a complaint cannot be resolved through the informal procedure, the complainant may submit a formal complaint.

   A. FILING COMPLAINT: A formal complaint alleging unlawful discrimination and/or failure to comply with approved District equal opportunity and/or affirmative action requirements shall be filed in writing with the Dean, Human Resources or the Chancellor of the California Community Colleges on the District approved complaint form within ten (10) days following the determination of an informal complaint.
B. INVESTIGATION OF COMPLAINT: The complaint shall be investigated by the Dean, Human Resources or designee(s). Upon filing of the complaint, the Dean, Human Resources or designee(s) shall take the steps necessary to safeguard the right(s) of the complainant to fair consideration until final determination of the complaint has been reached. The results of the investigation shall be set forth in a written report which shall include at least all of the following:

1. a description of the circumstances giving rise to the complaint;
2. a summary of the testimony provided by each witness, including the complainant and any witnesses identified by the complainant in the complaint;
3. an analysis of any relevant data or other evidence collected during the course of the investigation;
4. a specific finding as to whether discrimination did or did not occur with respect to each allegation in the complaint; and
5. any other information deemed appropriate by the District.

C. REVIEW WITH EQUAL EMPLOYMENT OPPORTUNITY COMMITTEE: The Dean, Human Resources shall review with the Equal Employment Opportunity Committee the results of any complaints that do not name a specific individual, but allege that the District, through its policies or practices discriminates unlawfully or violates approved District affirmative action requirements. The Committee may make an advisory recommendation to the Dean, Human Resources regarding such complaints.

D. TIMELINE FOR DETERMINATION: Within ninety (90) days of receiving a formal complaint, the District shall complete its investigation and forward all of the following to the complainant:

1. a copy or summary of the investigative report required pursuant to Section 2.B of the complaint procedures.
2. a written notice setting forth:
   a. the determination of the Chief Executive Officer or his/her designee(s) as to whether discrimination 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;
   c. the proposed resolution of the complaint; and
   d. the complainant’s right to appeal to the District Board of Trustees and the Chancellor.
E. COMPLAINT TO COMPLIANCE AGENCIES: The filing of a formal unlawful discrimination complaint with the District shall in no way prevent the complainant from filing a complaint with California DFEH (Department of Fair Employment and Housing), United States EEOC (Equal Employment Opportunities Commission), Federal OCR (Office of Civil Rights) or the Director, Civil Rights (CRC), U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-4123, Washington, D.D. 20210, or the Chancellor's Office of the California Community Colleges.

F. PERSONNEL COMMISSION'S JURISDICTION: Matters that are appealable to the Personnel Commission will continue to operate pursuant to Chapter XIV of the merit rules "Disciplinary Action and Appeals". Other allegations of discrimination involving matters which are within the exclusive jurisdiction of the Commission, including, but not limited to, recruitment, examination, classification, etc., shall be investigated jointly by the Dean, Human Resources and the Personnel Commission Director. Their findings and recommendations shall be submitted to the Personnel Commission for review and final determination.

3. APPEAL OF DECISION

A. If the complainant is not satisfied with the results of the administrative determination, the complainant may, within fifteen (15) days, submit a written appeal to the Board of Trustees. The Board of Trustees shall review the original complaint, the investigative report, the administrative determination and the appeal, and issue a final District decision in the matter within forty-five (45) days after receiving the appeal. A copy of the final District decision rendered by the Board of Trustees shall be forwarded to the complainant and to the Chancellor of the California Community Colleges. The complainant shall also be notified of his or her right to appeal this decision. If the Board of Trustees does not act within forty-five (45) days, the administrative determination shall be deemed approved and shall become the final District decision in the matter.

B. In any case not involving employment discrimination, the complainant shall have the right to file a written appeal with the Chancellor of the California Community Colleges within thirty (30) days after the Board of Trustees issues the final District decision or permits the administrative determination to become final.

C. 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. In addition, in such cases, the complainant may file a petition for review with the Chancellor of the California Community Colleges within thirty (30) days after the Board of Trustees issues the final District decision or permits the administrative determination to become final. The Chancellor shall have discretion to accept or reject any such petition for review in employment discrimination cases. If the Chancellor agrees to accept the case, he/she may:

1. attempt to informally resolve the matter;
2. where applicable, treat the complaint as an allegation that the District has violated the approved regulations and guidelines for handling discrimination complaints;
3. take any other action deemed appropriate by the Chancellor.
3. **FORWARD TO CHANCELLOR**

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

A. the original complaint;
B. the report required describing the nature and extent of the investigation conducted by the District;
C. a copy of the notice sent to the complainant;
D. a copy of the final District decision rendered by the Board of Trustees or a statement indicating the date on which the administrative determination became final;
E. a copy of the required notice to the complainant; and
F. such other information as the Chancellor may require.

5. **EXTENSIONS: FAILURE TO COMPLY**

A. If a District, for reasons beyond its control, is unable to comply with the 150 day deadline for submission of material to the Chancellor of the California Community Colleges, the District may file a written request that the Chancellor grant an extension of the deadline. The request shall be submitted not later than ten (10) days prior to the expiration of the deadline and shall set the reasons for the request and the date by which the District expects to be able to submit the required materials.
B. A copy of the request for an extension shall be sent to the complainant who may file written objections with the Chancellor within five (5) days of receipt.
C. The Chancellor may grant the request unless delay would be prejudicial to the complainant.
D. If the District fails to comply by the required deadline, including any extension granted pursuant to this section, the Chancellor may proceed to review the case based on the original complaint and any other relevant information then available.

6. **STUDENT COMPLAINTS:**

The procedure for student affirmative action and unlawful discrimination complaints shall be the same as for job applicants and employees except that students may file informal complaints with the Assistant Dean, Equal Employment Opportunity/Diversity or the Dean, Student Life.

7. **TITLE IX, SEX DISCRIMINATION AND SEXUAL HARASSMENT COMPLAINT PROCEDURES FOR JOB APPLICANTS, EMPLOYEES AND STUDENTS:**

The procedures for Title IX, complaints shall be the same as for affirmative action or unlawful discrimination complaints except that job applicants, employees and students may file informal complaints with the Dean, Human Resources or the Title IX Facilitator.

8. **LEGAL ACTION:**

If a complainant does not agree with the District’s decision or Chancellor’s review, and if the complainant feels that a state or federal law has been violated, the complainant may pursue the complaint through legal action.

*Reviewed and/or Updated 9/2003*
AR 3121  Sexual Harassment Prevention

1. PURPOSE

The Santa Monica Community College District is committed to providing an academic and work environment free of sexual harassment and retaliation. This Administrative Regulation defines sexual harassment and sets forth a procedure for the investigation and resolution of complaints of sexual harassment by or against any employee1 or student within the District.

Sexual harassment and retaliation violate state and federal laws, as well as this regulation, and will not be tolerated. It is also illegal to retaliate against any individual for filing a complaint of sexual harassment or for participating in a sexual harassment investigation. Retaliation constitutes a violation of this regulation.

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

Employees who violate this Administrative Regulation may, in accordance with all applicable laws and collective bargaining agreements, be subject to disciplinary action up to and including dismissal. Students who violate this Administrative Regulation may, in accordance with applicable laws and district administrative regulations, be subject to disciplinary measures up to and including expulsion.

2. DEFINITION

A. Sexual harassment is a form of sex or gender2 discrimination that violates Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972 and applicable provisions of the California Education Code and Code of Regulations. It consists of unwelcome sexual advances, requests for sexual favors and other conduct of a sexual nature when:

1. submission to the conduct is made a term or condition of an individual’s employment, academic status or progress;
2. rejection of the conduct by the individual is used as a basis of employment or academic decisions affecting the individuals;
3. the conduct has the purpose or effect of having a negative impact upon the individual’s work or academic performance or of creating an intimidating, hostile or offensive work or education environment; or
4. submission to or rejection of the conduct by the individual is used as the basis for decisions affecting the individual regarding benefits and services, honors, programs or activities available at or through the college district.

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1 The term “employee(s)” as used in this section refers to all faculty, staff, administrators and managers.
2 The phrase “sex or gender” as used in this section is inclusive of sexual orientation.
5. There are two (2) types of sexual harassment:
   
a. “Quid pro quo” (this for that) sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual’s willingness to engage in or tolerate unwanted sexual conduct.

   b. “Hostile environment” sexual harassment occurs when unwelcome conduct based on sex/gender is sufficiently severe or pervasive so as to alter the conditions of an individual’s learning or work environment, unreasonably interfere with an individual’s academic or work performance or create an intimidating, hostile or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile.

6. Sexual harassment can consist of virtually any form or combination of verbal, physical, visual or environmental conduct. It need not be explicit or specifically directed at the individual who is offended. 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 complainant/victim would perceive the conduct as harassment based on sex/gender.

3. EXAMPLES

A. Sexual harassment includes but is not limited to the following misconduct:

1. **Verbal**: Inappropriate or offensive remarks, slurs, jokes or innuendoes based on sex/gender. 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 of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.

2. **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, leering, staring, unnecessarily brushing against, blocking another person, whistling or sexual gestures.

3. **Visual/Written**: The display or circulation of offensive sexually oriented visual or written material. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

4. **Environmental**: An academic or work environment that is permeated with sexually-oriented talk, innuendo, insults or abuse not relevant to the subject matter of the class. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. An environment may be hostile if unwelcome sexual behavior is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his or her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency or severity of the conduct, and whether the conduct is humiliating or physically threatening or unreasonably interferes with an individual’s academic or work performance.
4. COMPLAINT PROCEDURE

A. The Superintendent/President shall assign the Dean, Human Resources to serve as the District’s compliance officer. The Dean, Human Resources, or designee is responsible for receiving complaints of sexual harassment and coordinating investigations. Investigations may be assigned to other trained staff or to outside persons or organizations under contract with the District and this shall occur if the, Dean, Human Resources, or designee, is named in the complaint or implicated by the allegations in the complaint.

B. A student who believes he or she has been sexually harassed may make a complaint orally or in writing within one (1) year of the date of the alleged harassment to any of the following:
   1. the Dean, Human Resources;
   2. the Dean, Student Services or any other academic manager/advisor;
   3. the Dean, Student Life; or
   4. the Superintendent/President;

C. An employee who believes he or she has been sexually harassed may make a complaint orally or in writing within one (1) year of the date of the alleged harassment to any of the following:
   1. the Dean, Human Resources;
   2. any District manager;
   3. the Vice President of Human Resources
   4. the Superintendent/President;

D. Upon receiving notification of a harassment complaint, the Dean, Human Resources shall:
   1. Undertake efforts, where appropriate, to resolve the complaint informally. Any efforts at an informal resolution shall not serve to extend the timelines for completion of an investigation.
   2. Advise the complainant that he/she need not participate in an informal resolution and he/she may file a complaint with the Equal Employment Opportunity Commission, the California Department of Fair Employment and Housing, or for students the Office of Civil Rights of the United States Department of Education. The Dean, Human Resources shall also notify the Chancellor of the California Community Colleges of the complaint.
   3. Within ten days of receipt of a complaint or the beginning of an investigation, provide Respondent a written notice setting forth:
      a. the allegation(s) set forth in the complaint;
      b. whether an investigation has been started;
      c. the estimated time to complete the investigation, which normally will be completed within ninety (90) days;
      d. who will be conducting the investigation;
      e. statement advising the Respondent that he/she is not to conduct his/her own investigation and are in no way to discuss the matter with students and/or potential witnesses;
      f. the Respondent may be represented by a person of his/her own choice during any investigatory process.
      g. The potential consequences for employees of not complying with the investigation or of impeding the investigation in any manner, including but not limited to retaliation against students and/or employees.
      h. The right of the Respondent to meet with the investigator and provide the investigator with any documents/information.
4. In the event that the investigation will not be completed within the initial estimate of time, the Respondent will receive a subsequent notice advising of the new anticipated date of completion of the investigation. Upon completion of the investigation, the Respondent shall receive a written summary of the investigation. Documents generated during the course of an investigation shall be maintained in a file separate from an employee’s personnel file. Documents from an investigation may only be placed in an employee’s personnel file after the investigation has been completed and in compliance with applicable provisions of the appropriate collective bargaining agreement.

5. Authorize the investigation of the complaint and supervise and/or conduct a thorough, prompt and impartial investigation of the complaint. The investigation will include interviews with the complainant, Respondent and any other persons who may have relevant knowledge concerning the complaint. This may include victims of similar conduct. The person or persons conducting the investigation shall keep the name of the Respondent as confidential as possible but may use the Respondent’s name as necessary in conducting the investigation. If it is determined that the allegations warrant the placement of the Respondent on a paid administrative leave, the Respondent will be so notified in writing. Such notice will specify the anticipated duration of the leave and shall clearly inform the employee that such action does not constitute disciplinary action. An employee placed on an administrative leave under this section may request a meeting with the Vice President, Human Resources to discuss the reason(s) for the administrative leave. In the event that an employee is placed on an administrative leave pending the completion of an investigation, the District shall complete the investigation within sixty (60) days. In the event that the investigation may not be completed within sixty (60) days, the Vice President, Human Resources shall meet with the employee to discuss whether the administrative leave shall continue beyond sixty (60) days.

6. Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct and the context in which the alleged incidents occurred.

7. Set forth the results of the investigation in a written report. The written report shall include a description of the circumstances giving rise to the complaint, a summary of the testimony of each witness, an analysis of any relevant data or other evidence collected during the investigation, a specific finding as to whether discrimination did or did not occur with respect to each allegation in the complaint and any other appropriate information.
8. Provide the complainant with a copy or summary of the investigative report within ninety (90) days from the date the District received the complaint. The complainant shall also be provided with a written notice setting forth the determination of the Superintendent/President or his/her designee as to whether sexual harassment did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and notice of the complainant’s right to appeal to the District’s Board of Trustees and the Chancellor of the California Community Colleges. The results of the investigation and the determination as to whether harassment occurred shall also be reported to the Respondent and any appropriate academic or administrative official.

9. Anyone who files a complaint in which he/she knowingly makes a false accusation may be subject to appropriate discipline.

E. If sexual harassment occurred, the District may take remedial or disciplinary action against the Respondent. The action will be prompt, effective and commensurate with the severity of the offense. Disciplinary actions against employees and students will conform to all relevant statutes, regulations, personnel policies and procedure, including the provision of any applicable collective bargaining agreements.

1. The District shall also take reasonable steps to protect the complainant from further harassment and retaliation as a result of communicating the complaint.

2. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties.

3. If the complainant is not satisfied with the results of the administrative determination, he/she may, within fifteen (15) days, submit a written appeal to the District’s Board of Trustees. The Board of Trustees shall review the original complaint, investigative report, administrative decision and the appeal. The Board of Trustees shall issue a final decision in the matter within 45 days after receiving the appeal. A copy of the final decision rendered by the Board of Trustees shall be forwarded to the complainant and to the Chancellor of the California Community Colleges. The complainant shall also be notified of his/her right to appeal this decision. If the Board of Trustees does not act within 45 days the administrative determination shall be deemed approved and shall become the final decision of the District in the matter.

4. The complainant shall have the right to file a written appeal with the Chancellor of the California Community Colleges within thirty (30) days after the Board of Trustees issues the final District decision or permits the administrative decision to become final. Such appeals shall be processed pursuant to Section 59350 of Title 5 of the California Code of Regulations.

5. Within 150 days of receiving a complaint, the District shall forward all required documents to the Chancellor of the California Community Colleges. If, due to circumstances beyond its control, the District is unable to comply with the 150 day deadline for submission of materials, it may file a written request for an extension of time no later than ten (10) days prior to the expiration date.
5. ENVIRONMENT

Academic Freedom and Sexual Harassment Issues in the Learning Environment:

A. The District is committed to creating an environment where there is the full and free discussion of ideas and where students are free from a hostile learning environment.

B. In general, works of art and literature, readings and other written, auditory, or visual course materials, including lectures and discussions, which are used in a learning context or which are a part of academic or cultural programs, would not violate the prohibition against creating a hostile learning environment for students.

C. In all circumstances, sexual harassment of individuals is inconsistent with the maintenance of academic freedom.

Reviewed and/or Updated 3/2004
ARTICLE 3100 GENERAL PROVISIONS ALL PERSONNEL

AR 3123 Workplace/Campus Violence and Anti-Bullying

The Santa Monica Community College District requires that there be procedures that ensure appropriate consequences for acts of violence or bullying, and remedial responses to persons who commit such acts. Corrective and appropriate remedial actions may range from positive behavioral interventions to disciplinary action or expulsion.

1. Corrective and/or remedial measures shall be designed to:
   a. protect the victim of the act;
   b. correct the problem behavior; and
   c. prevent recurrence of the behavior.

2. The Superintendent/President or designee is responsible for receiving complaints of workplace violence and bullying as defined by Board Policy 3123.

3. Reports of such acts shall be made to the Office of Human Resources or to Campus Police. A complaint may be submitted orally or in writing using the approved complaint form. If the complaint is taken orally, the official complaint form shall be used and the complainant will be asked to sign it.

4. Employee witnesses to acts of bullying must take responsible action to report such acts to the District and other witnesses should take action to report such violence.

5. A determination will be made with each complaint as to whether further investigation is warranted.

6. When warranted, investigations will be prompt and thorough. An investigation shall be completed within 15 business days after the report or complaint is received. This time period may be extended if necessary to complete the investigation.

7. If an emergency situation exists, Campus Police should immediately be contacted at 310-434-4300 or extension 4300.

8. The Santa Monica Community College District prohibits any person from engaging in acts of reprisal or retaliation against those who report acts of violence or bullying.

9. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by an appropriate administrator after consideration of the nature, severity, and circumstances of the act of reprisal or retaliation.

10. Consequences and appropriate remedial action for employees or students found to have falsely accused another shall be subject to disciplinary action in accordance with District Board Policies, Administrative Regulations, Personnel Commission Rules and Regulations, collective bargaining agreements, Educational Code 87732, and/or the SMCCD Code of Student Conduct, as appropriate.

References:
   SMCCD Code of Student Conduct
   Educational Code 87732
   SMC Merit Rules, Article 14

Approved by Personnel Policies Committee 12/10/09
Approved: 12/18/10
ARTICLE 3100  GENERAL PROVISIONS ALL PERSONNEL

AR 3130  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.

If the problem is not resolved to the satisfaction of the complainant, informal discussion is encouraged with the employee's immediate supervisor in an attempt to resolve the complaint.

If the problem is not resolved to the satisfaction of the complainant through discussion with the employee or the employee's immediate supervisor, a written complaint may be submitted to the administrator above the employee's immediate supervisor. A copy of the written complaint shall be given to the District employee involved. Established District complaint procedures may be used to resolve the problem.

If the problem is not resolved to the satisfaction of the complainant through this procedure, an appeal may be made to the Board of Trustees. The decision of the Board of Trustees shall be final and binding.

Reviewed and/or Updated 9/2003

AR 3131  Personnel Records

This regulation pertains only to those employees not covered by an applicable collective bargaining agreement.

1. The official record of all college District personnel are kept in the Office of Human Resources.

2. Every employee shall have the right to inspect his/her personnel folder upon written request to the Dean of Human Resources, with the exception of material and references that were obtained prior to the employment of the person involved.

3. Information of a derogatory nature, except material mentioned in the second paragraph of this section, shall not be entered or filed unless and until the employee is given notice and an opportunity to review and comment thereon. An employee shall have the right to enter, and have attached to any such derogatory statement, his/her own comments. Such review shall take place during normal business hours, and the employee shall be released from duty for this purpose without salary reduction.

4. Appointments for employees to inspect their personnel folders must be made with the Office of Human Resources.

5. Only those persons who have responsibility in reaching a decision on the future status of an individual may see the complete contents of any personnel folders.

Reference: Education Code Section 87031

Reviewed and/or Updated 9/2003
ARTICLE 3100  GENERAL PROVISIONS ALL PERSONNEL

AR 3133  Conferences, Workshops and Meetings Attendance

Necessary expenses for attendance at conferences, workshops, meetings and college visitations include expenses incurred for substitutes, hotel, motel, porterage fees, meals, registration fees, taxi, bus, airport limousine, baggage transfer, bus or airport lockers, telephone, instructional materials and conference materials (such as tapes or publications), car rentals, and parking fees. Necessary expenses for the following types of meetings, conventions and conferences will be paid by the District when such plans have been approved by the Superintendent/President and/or Board of Trustees.

1.  Within the State of California
   A.  Meetings called by the Chancellor's Office of the Board of Governors, California Community Colleges.
   B.  Regular or committee meetings of Legislature.
   C.  Meetings or conferences of any society, association or organization for which the District has approved membership.
   D.  Meetings of accreditations, councils or commissions of California public agencies or related Federal agencies.
   E.  Visitations to California colleges for the discussion of any college matter of interest to the District.
   F.  Any meeting within the State deemed by the Superintendent/President or the Board of Trustees to relate to public college matters.
   G.  Conferences or visitations may be approved by the Superintendent/President. Such approved absences from the college shall be for official District purposes only.

2.  Out of State
   A.  Meetings with representatives of the United States Government to discuss college district business.
   B.  Meetings concerned with educational legislation or Federal appropriations to public colleges.
   C.  Visitations of colleges for the purpose of observing different kinds of college organization or instructional methods.
   D.  Any meetings out of the state deemed by the Superintendent/President or the Board of Trustees to relate to public college matters.
3. Limitations of advances and time period in which subsequent claim is to be filed:
   A. The limitation on an advance is 90% of the total estimated cost.
   B. Upon employee's return from a conference for which an advance of funds has been authorized, a claim for reimbursement reflecting actual expenses must be filed within 30 days.

4. Reimbursement for stopover and general visitations to other colleges or agencies enroute to and from conferences is authorized.

5. Mileage by private automobile inside and outside of Los Angeles County shall be at the current Internal Revenue Service mileage rate except for employees receiving a mileage allowance. They shall not include mileage for conferences or meeting within 100 miles of Santa Monica College.

6. Reimbursement
   A. Expense reports will be reviewed for unusual cost items and for items not reimbursable under the law.
   B. Reimbursement for travel and conference expenses may be made from either the Revolving Cash Fund or by "B" warrant.

7. Use of District automobile outside of the District is authorized where cost is not more than other means of transportation.

8. Reimbursement for expenses for conference attendance during a non-pay summer period is limited to necessary conference expenses as defined unless additional expenses are authorized by the Superintendent/President.

9. Budget control will be the responsibility of the Associated Vice-President, Business Services.

Reviewed and/or Updated 9/2003
ARTICLE 3100  GENERAL PROVISIONS ALL PERSONNEL

AR 3134   Initial Collective Bargaining Proposals

The initial proposal of an exclusive representative or of the District, which relates to matters within the scope of representation, shall be presented at a public meeting of the Board of Trustees.

After an initial proposal has been presented at a public meeting of the Board of Trustees, it shall be a public record.

After the public has been given a reasonable time within which to become informed of the contents of the proposal, the Board of Trustees shall schedule a public hearing for the purpose of receiving comments from the public on any initial proposal. The public hearing shall be scheduled to be held at a regular or special meeting.

After the public has had the opportunity to express itself, the District shall, during public session, adopt its initial proposal.

Reviewed and/or Updated 9/2003
ARTICLE 3200 ACADEMIC PERSONNEL

AR 3210 Classification of Academic Personnel

Academic Position
Includes every type of service, excluding paraprofessional service, for which minimum qualifications have been established by the Board of governors.

Academic Employee
Refers to a person employed by the District in an academic position.

Certificated Employee
Whenever this term may be used it shall reference an academic employee.

1. Regular - All academic personnel who have obtained tenure as prescribe by the relevant sections of the Education Code. Normally, a full-time academic employee becomes tenured after serving a four year probationary period.

2. Contract - A full-time academic employee who is in a probationary status. Contract employees normally are employed for three probationary contracts. The first contract is for a period of one year of service, the second contract is for a period of one year of service and the third and final contract is for a period of no more than two years of service.

3. Temporary Employees - All academic employees who are not contract, regular faculty or administrators are temporary employees, as follows:
   A. Daily Substitute - Academic personnel employed on a day-to-day basis for the purpose of replacing a regularly employed person who is absent from service are classified as daily substitute.
   B. Long Term Substitute - Those academic personnel who are employed after September 1 of any college year who assume the full assignment of contract regular employees who are absent from service for more than 20 duty days, or to fill positions which are less than one year, or less than one semester, and for which no regular employee is available are classified as long term substitutes.
   C. Hourly - Academic personnel who are employed on an hourly basis are classified as hourly personnel. Hourly temporary employees are normally referred to as part-time or adjunct faculty.

Reviewed and/or Updated 9/2003
ARTICLE 3200  ACADEMIC PERSONNEL
AR 3211  Recruitment and Selection-Permanent Faculty

AR 3211.1  Procedure for Hiring Full-Time Contract Faculty

1. Position Identification

A. Each department shall conduct a new contract faculty needs assessment and shall submit a prioritized list of requested new faculty positions along with its assessment and justification for these requests to the Academic Senate Joint Committee on New Contract Faculty Position Ranking.

B. The Academic Senate’s Joint Committee on New Contract Faculty Position Ranking, chaired by the Academic Senate President, or designee, shall review department requests, assessments, and justifications in light of budgetary, enrollment, and program review information provided by the Vice Presidents of Academic Affairs and Student Affairs, who are both non-voting members of the committee.

C. The Academic Senate’s Joint Committee on New Contract Faculty Position Ranking shall consist of 12 voting faculty members named by the Academic Senate President and six voting administrators named by the Superintendent/President. The Committee’s Vice Chair will be named by the Superintendent/President.

D. The Academic Senate’s Joint Committee on New Contract Faculty Position Ranking shall prepare a prioritized list of recommended new contract faculty positions to be submitted to the Superintendent/President. Department Chairs and Faculty Leaders shall also receive the Committee’s list of recommended new contract faculty positions.

E. The Superintendent/President shall review the Committee’s recommendations and prepare a preliminary recommendation for the Board of Trustees. The preliminary recommendation shall be distributed to members of the Academic Senate’s Joint Committee on New Contract Faculty Position Ranking and all Department Chairs and Faculty Leaders. The Superintendent/President shall review the recommendations with the Academic Senate President and submit a list of new faculty positions to the Board of Trustees for its final determination. The Superintendent/President shall also send the recommendations to the District Planning and Advisory Council (DPAC) and Department Chairs and Faculty Leaders as an information item.

2. Search Procedures

A. The Department Chair and/or Faculty Leader or designee, appropriate area Vice President, and Office of Human Resources shall mutually develop clear and complete job descriptions, including all job-related skill requirements and any additional qualifications recommended by the faculty for each position.

B. The Office of Human Resources shall ensure conformity with the District’s equal employment opportunity and non-discrimination commitments before each position is advertised.

C. It is the intent of the District that approval of open positions and initiation of the hiring process be early enough in the year to allow for all procedures to be undertaken in a thorough and thoughtful manner, ensuring that the hiring process is completed during the academic year, whenever possible, and well in advance of employment. The length of the advertising period shall allow for adequate distribution to obtain larger diversified pools of applicants consistent with the District’s equal employment opportunity plan.
D. The dates and deadlines associated with the hiring process shall be developed by the Office of Human Resources after consultation with the appropriate Department Chair and/or Faculty Leader or designee.

E. Applications shall be distributed by and returned to the Office of Human Resources.

F. Candidate applications must include at least the following: a completed SMC academic application form; a cover letter; a minimum of two recommendation letters; a curriculum vitae or resume; and unofficial college transcripts. Other supporting materials may be required.

3. Screening Committee

A. The screening committee shall consist of no fewer than four (when possible) and no more than six full-time faculty members from the discipline of the position to be filled. One of the faculty members may be a retired faculty volunteer. In cases where there are fewer than four faculty members from the relevant discipline available or willing to serve, faculty members from a reasonably related discipline may serve to fill the screening committee. Faculty committee members shall be appointed by the Department Chair or Faculty Leader in consultation with the Office of Human Resources.

B. Two designated administrators shall also be members of the committee; one shall serve as Secretary (responsible for recording results of paper screening votes, preparing lists of questions and information for candidates, and checking lists of candidates for accuracy) and the other as Human Resources representative to the committee (responsible for ensuring compliance with the District’s personnel policies and procedures, bringing applications to and from committee meetings, and preparing lists of candidates).

C. In addition, an equal employment opportunity representative shall be assigned by the Office of Human Resources to each screening committee. The equal employment opportunity representative shall be a full-time faculty member from outside the department recommended by the Academic Senate President to the Office of Human Resources. The equal employment opportunity representative shall be responsible, in cooperation with the Human Resources representative on the committee, for ensuring that the screening process is conducted in a manner consistent with the District’s commitment and regulations relating to equal employment opportunity. The equal employment representative shall be a non-voting member of the screening committee. In order to serve as an equal employment opportunity representative, the faculty member must complete a training program presented by the Office of Human Resources.

D. The screening committee may supplement its membership with other persons whose expertise is needed to make an appropriate selection. These additional persons shall be non-voting.

E. The Department Chair or Faculty Leader, or their designee, shall be one of the faculty members on the committee and shall chair the committee.

F. The committee shall be composed of diverse membership in compliance with the District’s equal employment opportunity plan.

G. Individual committee members are expected to be present for each committee meeting and to be fully prepared by having read the appropriate materials. The chair of the committee shall have the authority to exclude members who fail to regularly attend.
H. Individual committee members are expected to be present for each committee meeting and to be fully prepared by having read the appropriate materials. The chair of the committee shall have the authority to exclude members who fail to regularly attend. Committee members may choose to submit letters of recommendation provided that there is no potential conflict of interest or breach of confidentiality.

4. Review of Applications

A. The Office of Human Resources will forward all complete applications to the screening committee. All screening committee members shall review the applications in a timely manner and shall select those applicants for an interview who best meet the qualifications listed on the job description, as measured by evidence of professional qualifications, including experience and educational background. All relevant academic information shall be submitted to the screening committee.

B. The screening committee shall review all applications, transcripts, and other materials submitted by candidates for the position to determine whether each candidate selected for a committee interview has met the minimum qualifications for hire in that discipline; or, have qualifications at least equivalent to the minimum qualifications determined by the Board of Governors. Committee members, in making their determination as to which candidates will be selected for an interview, may not review or rely on any material that is not part of the screening committee file and available to all members of the screening committee.

C. In determining equivalency, the screening committee shall use the Guidelines for Determining Minimum Qualifications specified in Administrative Regulation AR 3211.9 in consultation with the Office of Human Resources.

5. Evaluation of Candidates

A. The screening committee, in accordance with the District's equal opportunity plan, shall evaluate candidates in regard to subject area knowledge and competence, teaching and communication skills, commitment to professional growth and service, potential for overall college effectiveness, and sensitivity to and understanding of the diverse academic, socioeconomic, cultural, and ethnic backgrounds of the students.

B. The screening committee shall formulate interview questions and a range of appropriate responses (including a follow-up question procedure) to ensure a thorough assessment of the candidate's qualifications. The committee may also provide for appropriate teaching/student services demonstrations, writing samples, and/or other performance indicators related to the subject area. The committee shall develop a procedure for formulating their recommendations on the selection of the final applicants.

C. The screening committee chair shall lead the committee discussion regarding strengths and weaknesses of the candidates and summarize the final committee findings. Committee votes for candidates to be interviewed and candidates to be recommended to the Superintendent/President shall be secret at the request of any committee member. The decision as to whether a candidate is to be recommended for a final interview shall be based exclusively on information obtained by a committee member from the selection file and the committee interview of the candidate. As a condition to retaining the right to serve on the selection committee or future selection committees, each committee member agrees to maintain as confidential, all information obtained about a candidate from the selection committee file or an interview and all discussion during a selection committee meeting to evaluate the candidates.
6. Recommendation for Final Interview

A. Unless specifically approved by the Superintendent/President, the screening committee shall recommend no more than three and not less than two candidates per position to the Superintendent/President for final consideration. Reference checks on the final candidates shall be conducted by the Human Resources administrator or designee and the screening committee chair and shared with the screening committee before names are forwarded to the Superintendent/President. Reference checks shall include academic background, professional experience, and personal qualities relevant to performance in the faculty position.

B. If a candidate selected for a final interview with the Superintendent/President has qualified for the position through the equivalency process, the screening committee shall include the Equivalency Certification form. This form shall be forwarded to the Superintendent/President before the final interview and filed with the Office of Human Resources.

7. Selection of the Final Candidate

A. The Superintendent/President shall review the screening committee’s recommendations and the qualifications and reference checks on the final candidates. The Superintendent/President or designee(s), in the presence of the equal employment opportunity representative or designee, shall interview the finalists and may conduct additional reference checks. The Superintendent/President may invite the Faculty Chair of the screening committee and/or other members of the college community to participate in the final interview.

B. Final selection decisions by the Superintendent/President are made, whenever reasonably possible, during the regular academic year and the selection of the finalist to be recommended to the Board of Trustees shall be made by the Superintendent/President after informing the screening committee chair.

8. Special Circumstances in the Hiring Process

A. In instances where the Vice President, Human Resources, in consultation with the equal employment opportunity representative, determines that the position's applicant pool does not provide sufficient diversity or that violations of the District’s equal employment regulations have occurred, or in the event the screening committee is unable to identify at least two candidates to be recommended to the Superintendent/President, or in the event that the Superintendent/President decides not to recommend a final candidate to the Board of Trustees for its election, the Superintendent/President shall consult with the screening committee chair and the Academic Senate President before determining whether:
   1. to extend the hiring process;
   2. to fill the position with a long-term substitute, or
   3. to take other appropriate action.

B. When the Superintendent/President has determined to recommend to the Board of Trustees an increase in the number of authorized positions, the Superintendent/President shall consult with the screening committee chair and the Academic Senate President before placing the item on the Board’s agenda for action.

Reference: Education Code Sections 71000, 72000, 87355, 87356, 87357, 87358, 87359.5, 87360, 87400, 87426, 87454, 87457, 87458, 87482.6, 87600-87615

Reviewed and Updated: 07/22/08
ARTICLE 3200  ACADEMIC PERSONNEL

AR 3211.2  Duties and Responsibilities of Faculty Members

See Article 6, Faculty Assignment and Load, of the District/Faculty Collective Bargaining Agreement.

11/6/09
ARTICLE 3200 ACADEMIC PERSONNEL

AR 3211.3 Department Chairperson - Tenure and Selection

1. The Superintendent/President appoints department chairs. A chairperson serves a four-year term and may be reelected.

2. All full-time tenured and full-time probationary faculty who are members of a department and are in paid status are eligible to vote for department chairperson. (see AR 3210).

3. A term of office begins at the start of a summer session, except in circumstances described in paragraphs 8 and 9 below. During the preceding fall semester or when a chairperson is unable to fulfill his or her term of office, the Vice-President of Academic Affairs or Student Affairs, as appropriate, in conjunction with the Academic Senate, will conduct an election for a chairperson.

4. No later than the fifth week of the fall semester, the appropriate Vice-President will notify the department’s eligible voters of the upcoming chairperson election and of the date of the election. A tenured faculty member of the department who wishes to run for the office of chairperson must submit his or her name to the appropriate Vice-President at least three weeks prior to the election for inclusion on the ballot.

5. Ballots will be distributed electronically. At an individual faculty member’s request, a paper ballot may be used. A web-based voting system may be used. If web-based system is used, no ballot validation rules shall be established. At least one week or five business days will be allocated for the collection of marked ballots. A cutoff time will be set and stated clearly by the Elections and Rules Committee. Any votes received after the posted cutoff time will not be counted. Ballots shall be designed so that voters can chose to abstain. Ballots shall be designed so that once cast, ballots cannot be changed. Naming or identifying voters and/or non-voters is prohibited.

6. If no department member receives a majority of votes cast, the appropriate Vice-President will select the two names receiving the greatest number of votes and a runoff election will be held.

7. Guided by the results of the election, or in the case in which no faculty member submits his or her name for the office of chairperson, the appropriate Vice-President will forward a name to the Superintendent/President. If a person other than the one chosen by departmental vote is recommended, it should be done only after discussion and consultation with department members and the President of the Academic Senate. The Superintendent/President or designee will notify the department of the appointment.

8. Upon petition of fifty-percent or more of department members who are full-time tenured or full-time probationary faculty or upon request of the appropriate Vice-President, a special election may be called. Such elections will follow procedures outlined for the selection of a new chairperson.

9. If a chairperson becomes temporarily unable to serve, he/she will consult with the appropriate Vice-President, who will recommend a replacement to the Superintendent/President. If a chairperson is not able to serve for a full term, the appropriate Vice-President may conduct an election for the acting chair position. Such elections will follow procedures outlined for the selection of a new chairperson.

Reviewed and/or Updated 9/2003, 5/22/06, 5/2009
ARTICLE 3200  ACADEMIC PERSONNEL

AR 3211.4  Duties and Responsibilities of Department Chairs:

See Article 22 of the faculty collective bargaining agreement.

AR 3211.5  Faculty Responsibilities as Student Activity Advisers

Regular and contract faculty, when assigned to supervise extracurricular student activities, have a responsibility to:

1. Attend all on- and off-campus meetings and events of clubs or organizations to ensure observation of college policies and regulations.

2. Advise students in planning, executing, and evaluating their programs and projects.

3. Ensure that all appropriate forms are filed in the office of the Dean of Student Life.

4. Approve budget and requisition forms when appropriate.

5. Evaluate and approve, when appropriate, speakers for club or organization meetings.

6. Approve all letters written on college stationery.

7. Notify the Dean of Student Life when radio, television, or other media are expected to cover a meeting or event.

8. Notify the Dean of Student Life of their anticipated absence and arrange for a substitute to attend the meeting or event.

Reviewed and/or Updated 9/2003
### ARTICLE 3200  ACADEMIC PERSONNEL

**AR 3211.6  Academic Rank**

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<th>Years Teaching College</th>
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<th>Group II</th>
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- **I** - Instructor
- **A.P.** - Assistant Professor
- **Assoc.** - Associate Professor
- **Prof.** - Professor

*Reviewed and/or Updated 9/2003*
ARTICLE 3200   ACADEMIC PERSONNEL

AR 3211.7 Equivalency Process for Full-Time Faculty Positions

1. Announcements for full-time faculty positions shall include as required qualifications that the candidate must possess one of the following:
   
   Qualification that are at least equivalent to the minimum qualifications determined by the Board of Governors, or
   
   An appropriate valid California Community College Credential.
   
   Announcements shall also contain a statement encouraging potential applicants who feel they possess qualifications at least equivalent to the minimum qualifications determined by the Board of Governors to apply.

2. The selection committee shall review all applications, transcripts, and other materials submitted by candidates for the position to determine that each candidate selected for a committee interview has met the minimum qualifications for hire in that discipline; or, possesses an appropriate valid credential.

3. In determining equivalency, the committee shall use the Guidelines for Determining the Minimum Qualifications for Faculty Positions (AR-3211.9) in reviewing evidence submitted by the applicant to decide whether or not the candidate possess qualifications at least equivalent to the minimum qualifications for the discipline.

4. If a candidate selected for a final interview with the Superintendent and President has qualified for the position through the equivalency process, the selection committee shall certify the equivalency by preparing a detailed statement describing the basis for the equivalency and what evidence was used in making this determination. This statement shall be forwarded to the Superintendent and President before the final interview and filed with the joint Personnel Policies Committee.

Reference: Education Code Section 87355, 87356, 87359

Reviewed and/or Updated 9/2003
ARTICLE 3200  ACADEMIC PERSONNEL

AR 3211.8  Equivalency Process in Reassignment

1. Faculty members being considered for reassignment to a discipline other than that for which they were originally hired or academic (instructional or student services administrators being considered for reassignment to faculty status must possess an appropriate valid credential or meet the minimum qualifications for the discipline(s) of the proposed new assignment or be certified by a majority vote of the faculty members in the department(s) affected by the new assignment as possessing qualifications at least equivalent to the minimum qualifications for the discipline(s) of the new assignment according to the Guidelines for Determining the Minimum Qualifications for Faculty Positions (AR-3211.8).

2. A detailed statement describing the basis for the equivalency and what evidence was used in making this determination shall be forwarded to the division dean for review. If the division dean approves the department's recommendation for the reassignment through the equivalency process, the department's certification of equivalency statement along with a record of the department vote shall be filed with the joint Personnel Policies Committee.

Reference: Education Code Section 87355, 87356, 87359

Reviewed and/or Updated 9/2003
ARTICLE 3200  ACADEMIC PERSONNEL

AR 3211.9  Guidelines for Determining the Minimum Qualifications for Faculty Positions

1. For Disciplines Requiring the Master's Degree:

Master's degree in any discipline and 24 units of course work in the discipline of the assignment. At least 12 of these units must be graduate or upper division (The 24 units may have been either included in or taken in addition to the Master's degree).

Master's degree in any discipline, plus two years of professional experience related to the discipline of the assignment or two years of teaching experience in the discipline of the Assignment.*

Bachelor's degree in the discipline of the assignment, plus at least 12 units of graduate course work in the discipline of the assignment.

Bachelor's degree in any discipline, plus six years of professional experience related to the discipline of the assignment or six years of teaching experience in the discipline of the Assignment.*

Recognized accomplishments which demonstrate expertise and skill in the field of study beyond that normally achieved through formal education.

2. For Disciplines Not Requiring the Master's Degree:

Bachelor's degree in a discipline reasonably related to the discipline of the assignment, plus two years of teaching experience in the discipline of the assignment, plus appropriate certification to practice or licensure or its equivalent if available.

Bachelor's degree in any discipline and course work equivalent to a major in the discipline of the assignment, plus two years of occupational experience related to the discipline of the assignment or two years of teaching experience in the discipline of the assignment, plus appropriate certification to practice or licensure or its equivalent, if available.* (The course work may have been either included in or taken in addition to the Bachelor's degree.)

Associate degree in any discipline and course work equivalent to a major in the discipline of the assignment, plus six years of occupational experience related to the discipline of the assignment or six years of teaching experience in the discipline of the assignment, plus appropriate certification to practice or licensure or its equivalent, if available.* (The course work may have been either included in or taken in additional to the Associate degree.)

High School Diploma, plus college course work equivalent to an Associate degree major in the discipline of the assignment, plus eight years of occupational experience related to the discipline of the assignment or eight years of teaching experience in the discipline of the assignment, plus appropriate certification to practice or licensure or its equivalent, if available.*

High School Diploma, plus ten years of occupational experience related to the discipline of the assignment or ten years of teaching experience in the discipline of the assignment, plus appropriate certification to practice or licensure or its equivalent, if available.*

Recognized accomplishments which demonstrate expertise and skill in the field of study beyond that normally achieved through formal education.

* Teaching and occupation experience may be combined to total the required number of years.

Reviewed and/or Updated 9/2003
ARTICLE 3200  ACADEMIC PERSONNEL

AR 3212  Permanent Personnel - Evaluation
AR 3212.1  Procedure for Evaluating Probationary and Temporary Contract Faculty

Santa Monica College will utilize a four-year tenure track process, described below, for probationary and temporary contract faculty. This process will ensure that the College faculty sustains its outstanding record of achievement and promotes academic excellence. In evaluating probationary and temporary contract faculty, Santa Monica College expects all faculty to meet the following specific standards in the performance of their duties (§87664):

1. Practice effective instruction and student services, as measured by rates of retention, student satisfaction, and student success;
2. Observe all state, local, and College laws, regulations, and policies and District contractual obligations;
3. Participate in professional and College activities;

This process is designed to accomplish the following goals in each of the four years:

Year One: Validate the initial hiring decision, evaluate the probationary and temporary contract employees’ performance, and establish a Plan for Professional Development.

Year Two: Implement, evaluate, and revise the Plan for Professional Development

Year Three: Implement and evaluate the revised Plan for Professional Development

Year Four: Evaluate total performance and award tenure.

These goals are described in greater detail below.

Tenure evaluation procedures at Santa Monica College are collectively bargained pursuant to Section 3543 of the Government Code. Consequently, this administrative regulation and the rules, procedures, rights, and responsibilities contained herein will not substitute for agreements reached between Santa Monica College and the faculty’s exclusive bargaining agent.

I. Year One (First Contract)
   A. The Evaluation Committee
   A joint faculty-administrative committee will evaluate all first-year probationary and temporary contract faculty. Committee members will be representative of and sensitive to the diversity of California without compromising quality and excellence in teaching (§87663(d)). The members of the committee will be:

   1. The senior administrator of Human Resources or designee, who will chair the Evaluation Committee, maintain the Evaluation File (below), and take care to record the minutes, decisions, and recommendations of all Evaluation Committee meetings.
2. The chair or an elected faculty representative of the department to which the Evaluatee is assigned. With the concurrence of the department, the department chair or elected representative may designate another faculty member from the department to serve on the committee instead of the chair, provided that the chair's or representative's designee possesses the minimum qualifications or equivalent qualifications of the position for which the probationary or temporary contract faculty is being evaluated.

3. Another faculty member who possesses the minimum qualifications or equivalent qualifications of the position for which the probationary or temporary contract faculty is being evaluated.

4. A faculty peer from a different College department. The outside faculty member will be selected from among all tenured full-time faculty members by the senior administrator for Human Resources after consultation with the president of the Academic Senate and the department chair or designee.

Human Resources will provide all Evaluation Committee members with orientation to the College's evaluation policies and procedures prior to their service on the committee. Committee members must attend all committee meetings and fulfill their responsibilities faithfully. The College will provide substitutes for faculty who are unable to meet their classes or deliver student services because of duties required by this policy. The senior administrator for Human Resources, after consultation with the president of the Academic Senate, may discharge from the committee any member who fails to perform his/her duties. Should a faculty member be unable to serve on the Evaluation Committee because of a reclassification in position, the faculty member may continue on the committee with the written agreement of the Evaluatee and the president of the Faculty Association or designee. Should a vacancy on the Evaluation Committee occur for any other reason, the committee chair will fill the vacancy within five business days using the guidelines specified above.

All decisions and recommendations of the Evaluation Committee require the affirmative vote of three members, except for a Recommendation to Hire as a Regular Contract Employee or a Recommendation Not to Rehire, which will require the affirmative vote of four members. In case that the Evaluation Committee is unable to make a decision or recommendation, the Superintendent/President and the president of the Academic Senate will confer and make the decision or recommendation.

B. The Evaluation File

The Evaluation File will contain all materials used by the committee to make its decisions and recommendations. The Evaluation File will include the following:

1. Reports of Classroom or Service Observations

Each member of the Evaluation Committee will conduct a classroom or service evaluation before the end of the fourteenth week of the Evaluatee's first Fall Semester. The Evaluation Committee will decide to conduct announced or unannounced observations.
2. **Reports of Conferences between the Evaluatee and Members of the Evaluation Committee**
Each Evaluation Committee member will complete an Observation Form and hold a conference with the Evaluatee within one week of the observation to review the observation and discuss plans for Professional Development, if appropriate.

3. **Reports of Other Professional or College Activities**
The Evaluatee may submit to the Evaluation Committee a report of any additional professional activities that the Evaluatee wishes to include in the Evaluation File. Such activities may include shared governance, faculty representation, research, publications, student mentoring, or community service activities.

4. **Student Evaluations**
The evaluations normally administered to the students of all tenured faculty will be administered to the students of first-year probationary or temporary contract faculty. Summaries of those evaluations will be placed in the Evaluation File along with any other student evaluations selected by the Evaluatee.

5. **Course Syllabi**
These materials should conform to the guidelines established by the Academic Senate and should include student evaluation policies and statements of learning objectives.

6. **A Self-evaluation**
The Self-evaluation may include but need not be limited to the following materials:
   a. A description of professional growth activities in which the faculty member has been involved.
   b. Plans for improving the faculty member’s effectiveness. Such plans may be based on:
      1. Self-assessment of teaching methods and/or student services;
      2. Review of curriculum and course content;
      3. Student and peer evaluations;
      4. Review of the faculty member’s relationships with students and colleagues;
      5. Self-evaluation of current level of knowledge and skills required for the assignment;
      6. Student achievement and retention; and,
      7. Other relevant factors suggested by the Evaluation Committee.

7. **Other Materials**
The Evaluation Committee will clearly describe in writing the other materials it decides are relevant and necessary for a complete, effective, and fair evaluation. The Evaluation Committee will provide the Evaluatee a reasonable time but no less than two weeks to assemble those materials for which the Evaluatee is responsible.

The Evaluation Committee will rely solely on materials contained in the Evaluation File to make its decisions and recommendations concerning the Evaluatee. The first-year Evaluation File will be maintained intact by the senior administrator for Human Resources or designee for a period of no less than five years.
C. **The Evaluation Process**

Each of the following procedures and/or meetings will be completed no later than the time specified below for probationary faculty whose first semester of employment begins with Fall Semester. The District and Faculty Association will mutually agree to appropriate, alternative evaluation timelines for probationary faculty whose employment does not start at the beginning of the Fall Semester.

**First Fall Semester of Employment:**

1. **End of Week Three:** The Evaluation Committee Chair will convene the committee and determine that all members have received appropriate orientation. At its first meeting, the Evaluation Committee will review the timetable and procedures for the evaluation. The Evaluation Committee will also decide what, if any, other materials beyond those specified for inclusion in the Evaluation File are relevant and necessary to a complete, effective, and fair evaluation and should therefore be included in the Evaluation File. At this meeting the Evaluation Committee will also decide whether observations will be announced or unannounced.

2. **End of Week Five:** The Evaluation Committee or Committee Chair will meet with the Evaluatee to describe the Evaluation Process, disclose the membership of the Evaluation Committee, and notify the Evaluatee in writing of the other materials, noted above in section I.B.7 of this regulation, that will be included in the Evaluation File.

3. **End of Week Fourteen:** Deadline for completing and filing of all Evaluation File materials with the Chair of the Evaluation Committee.

4. **End of Week Fifteen:** The Evaluation Committee will meet with the Evaluatee and review all materials in the Evaluation File. The committee chair will prepare and the Evaluation Committee members and Evaluatee will sign the First Contract Year Statement of Evaluation form, which will state all reasons for the recommendation of the Evaluation Committee. The Evaluation Committee will recommend one of the following (§87608):

5. **End of Week Fifteen:** The Evaluation Committee will meet with the Evaluatee and review all materials in the Evaluation File. The committee chair will prepare and the Evaluation Committee members and Evaluatee will sign the First Contract Year Statement of Evaluation form, which will state all reasons for the recommendation of the Evaluation Committee. The Evaluation Committee will recommend one of the following (§87608):

- Not Enter into a Contract for the Following Academic Year
- Enter into a Contract for the Following Academic Year
- Employ the Probationary Employee as a Regular Employee for all Subsequent Years
For Temporary Contract Positions
- Satisfactory
- Unsatisfactory

First Spring Semester of Employment:

1. End of Week One: The Evaluatee may appeal the recommendation of the Evaluation Committee by submitting a written request and statement of reasons to the Superintendent/President.

2. End of Week Three: The Superintendent/President will review the recommendation of the Evaluation Committee, make a final determination, and submit a recommendation and the reasons therefore to the Board of Trustees. The Superintendent/President may decline to accept the recommendation of the Evaluation Committee after consultation with the president of the Academic Senate. The Superintendent/President will also review any appeals submitted by the Evaluatee and, after consultation with the president of the Academic Senate, render a determination and recommendation on the appeal.

The senior administrator for Human Resources will give written notice of the District's decision and the reasons therefore to the Evaluatee on or before March 15 of the academic year covered by the First Contract. The notice will be by registered or certified mail to the most recent address on file with the Human Resources office. Failure to give notice as required to the Evaluatee will be deemed an extension of the First Contract without change for the following academic year (§87610(a)).

3. End of Week Seven: If awarded a Second Contract, the Evaluatee will meet with the Evaluation Committee, which will review the materials in the Evaluation File and suggest goals and objectives that the Evaluatee might wish to include in the Plan of Professional Development. The Evaluation Committee may decide to conduct additional observations and will inform the Evaluatee of its decision.

4. End of Week Twelve: Taking into account the Evaluation Committee's suggestions, the Evaluatee will submit a Plan of Professional Development to the chair of the Evaluation Committee. This Plan will be included in the Evaluation File and constitute one basis for the faculty member's second year evaluation.

II. Year Two (Second Contract)

A. The Evaluation Committee
The Evaluation Committee for the second-year probationary faculty member will be the same as that for the first year. The Evaluation Committee Chair will convene committee meetings and maintain the Evaluation File and Evaluation Committee minutes. Should a vacancy occur on the committee for any reason, the Committee Chair will fill the vacancy using the procedure described above no later than the third week of the second Fall Semester of employment.

B. The Evaluation File
In addition to materials collected in the Year One evaluation, the following materials will be placed into the Evaluation File:

1. Reports of classroom or service observations
   Each member of the Evaluation Committee will conduct a classroom or service evaluation before the end of the fourteenth week of the Evaluatee's second Fall Semester. The Evaluation Committee will decide to conduct announced or unannounced observations.
2. Reports of conferences between the Evaluatee and members of the Evaluation Committee
Each Evaluation Committee member will complete an Observation Form and hold a conference with the Evaluatee within one week of the observation to review the observation and discuss plans for Professional Development, if appropriate.

3. Reports of other professional or community activities
The Evaluatee may update their report to include any additional activities undertaken or completed since their last report.

4. Student Evaluations
Any summaries of new student evaluations administered to the Evaluatee’s students will be added to the Evaluation File.

5. Course Syllabi
Syllabi for any new courses not previously taught by the Evaluatee will be included in the Evaluation File.

6. Self-evaluation
The Evaluatee will submit to the Evaluation Committee Chair a self-evaluation that will include the Evaluatee’s report on progress toward achieving the goals set forth in the Plan of Professional Development.

7. Other Materials
The Evaluation Committee will clearly describe in writing the other materials it decides are relevant and necessary to a complete, effective, and fair evaluation. The Evaluation Committee will provide the Evaluatee a reasonable time but no less than two weeks to assemble those materials for which the Evaluatee is responsible.

C. The Evaluation Process
Each of the following procedures and/or meetings will be completed no later than the time specified below:

Second Fall Semester of Employment:
1. End of Week Three: The Evaluation Committee Chair will convene the Evaluation Committee, which will review the timetable and procedures for the evaluation, decide and state in writing what, if any, other materials should be included in the Evaluation File, and decide whether members will conduct announced or unannounced observations.

2. End of Week Five: The Evaluation Committee or Committee Chair will meet with the Evaluatee to describe the Evaluation Process and notify the Evaluatee of any other materials that the committee will include in the Evaluation File.

3. End of Week Fourteen: Deadline for filing of Observation Forms with the Chair of the Evaluation Committee.

4. End of Week Fifteen: The Evaluation Committee will meet with the Evaluatee and review all material in the Evaluation File. The Committee Chair will prepare and the Evaluation Committee members and Evaluatee will sign the Second Fall Semester Evaluation Form, which will state all reasons for the recommendation of the Evaluation Committee.
The Evaluation Committee will recommend one of the following (§87608.5):

For Probationary Employees:
- Not Enter into a Contract for the Following Year
- Enter into a Contract for the Following Two Years
- Employ the Probationary Employee as a Regular Employee for All Subsequent Years

Second Spring Semester of Employment:

1. End of Week One: The Evaluatee may appeal the recommendation of the Evaluation Committee by submitting a written request and statement of reasons to the Superintendent/President.

2. End of Week Three: The Superintendent/President will review the recommendation of the Evaluation Committee, make a final determination, and submit a recommendation and the reasons therefore to the Board of Trustees. The Superintendent/President may decline to accept the recommendation of the Evaluation Committee after consultation with the president of the Academic Senate. The Superintendent/President will also review any appeals submitted by the Evaluatee and, after consultation with the president of the Academic Senate, render a determination and recommendation on the appeal.

The senior administrator for Human Resources will give written notice of the District's decision and the reasons therefore to the Evaluatee on or before March 15 of the academic year covered by the Second Contract. The notice will be by registered or certified mail to the most recent address on file with the Human Resources office. Failure to give notice as required to the Evaluatee will be deemed an extension of the Second Contract without change for the following academic year (§87610(a)).

3. End of Week Seven: If awarded a Third Contract, the Evaluatee will meet with the Evaluation Committee, which will review the materials in the Evaluation File and suggest a revised Plan of Professional Development, if appropriate. The Evaluation Committee may decide to conduct additional observations and will inform the Evaluatee of its decision.

4. End of Week Twelve: Taking into account the Evaluation Committee's suggestions, the Evaluatee will submit a revised Plan of Performance Improvement to the chair of the Evaluation Committee. This revised Plan will be included in the Evaluation File and constitute one basis for the faculty member's third and fourth years of evaluation.

III. Year Three (Third Contract, First Year)

A. The Evaluation Panel

An all-faculty Evaluation Panel will evaluate third and fourth year probationary faculty. Panel members will be representative of and sensitive to the diversity of California without compromising quality and excellence in teaching (§87663(d)).

Instead of an Evaluation Panel and with the permission of the senior administrator of Human Resources, the Evaluatee may request the chair of the department to which the Evaluatee is assigned or an elected faculty representative of that department to act as the Sole Evaluator, provided that the elected faculty representative possesses the same or equivalent minimum qualifications for the position for which the Evaluatee is being evaluated.
The members of the Evaluation Panel, if chosen, will include the following:

1. The department chair or designee or an elected faculty representative will chair the Evaluation Panel, provided that the chair's designee or elected faculty representative possesses the minimum qualifications or equivalent qualifications of the position for which the probationary faculty member is being evaluated.

2. An additional faculty member appointed by the senior Human Resources administrator who possesses the same minimum qualifications or equivalent qualifications for the position for which the probationary employee is being evaluated, and;

3. Another faculty member appointed by the senior Human Resources administrator from a list of three candidates submitted by the Evaluatee.

All decisions and recommendations of an Evaluation Panel will require an affirmative vote of two members, except a recommendation Not to Employ the Contract Employee as a Regular Employee, which requires an affirmative vote of three members.

If the Evaluation Panel, department chair, designee, or elected faculty representative is unable to make a decision or recommendation, the senior Human Resources administrator and the president of the Academic Senate will confer and make the recommendation to the Superintendent/President.

B. The Evaluation File
The Evaluation File will include the same materials as those specified in Years One and Two. In addition, the Evaluatee will include in the Self-evaluation a report on progress toward achieving the goals set forth in the revised Plan of Professional Development.

C. The Evaluation Process
The Evaluation Process will be the same as that for Years One and Two. Before the end of week fifteen of the third Fall Semester, the Evaluation Panel may recommend one of the following:

- Require a Panel Evaluation for the Second Year of the Probationary Employee's Third Contract
- Permit a Sole Evaluation for the Second Year of the Probationary Employee's Third Contract
- Recommend to Employ the Probationary Employee as a Regular Employee for All Subsequent Semesters

Alternatively, a department chair, designee, or elected faculty representative serving as a sole evaluator will recommend one of the following:

- Require a Panel Evaluation for the Second Year of the Probationary Employee's Third Contract
- Permit a Sole Evaluation for the Second Year of the Probationary Employee's Third Contract

The Evaluatee will have the same right to appeal the decisions and recommendations made in Year Three as in Years One and Two. The Superintendent/President may decline to accept decisions and recommendations made in Year Three after consultation with the president of the Academic Senate. The Superintendent/President will also review any appeals and, after consultation with the president of the Academic Senate, render a determination and recommendation on the appeal.
The senior administrator for Human Resources will give written notice of the District's decision and the reasons therefore to the Evaluatee on or before March 15 of the first academic year covered by the Third Contract. The notice will be by registered or certified mail to the most recent address on file with the Human Resources office. Failure to give notice as required to the Evaluatee will be deemed an extension of the Third Contract without change for the following academic year (§87610(b)).

IV. Year Four (Third Contract, Second Year)

A. The Evaluation Panel
If an Evaluation Panel is required for the second year of the Third Contract, the members of the panel will be representative of and sensitive to the diversity of California without compromising quality and excellence in teaching (§87663(d)) and will include the following:

1. The department chair or designee or an elected faculty representative will chair the Evaluation Panel, provided that the chair's designee or elected faculty representative possesses the minimum qualifications or equivalent qualifications of the position for which the probationary faculty member is being evaluated.

2. An additional faculty member appointed by the senior Human Resources administrator who possesses the same minimum qualifications or equivalent qualifications for the position for which the probationary employee is being evaluated, and;

3. Another faculty member appointed by the senior Human Resources administrator from a list of three candidates submitted by the Evaluatee.

If permitted by the senior Human Resources administrator, the department chair, designee, or elected faculty representative serving as Sole Evaluator, provided that the designee or elected faculty representative possesses the same or equivalent qualifications for the position for which the Evaluatee is being evaluated.

B. The Evaluation File
The Evaluation File will include the same materials as those specified in previous years. In addition, the Evaluatee will include in the Self-evaluation Report a statement on progress toward achieving the goals set forth in the revised Plan of Performance Improvement.

C. The Evaluation Process
The Evaluation Process will be the same as that for Years One and Two. Before the end of week fifteen of the fourth Fall Semester, the Evaluation Panel will recommend one of the following:

- Not Employ the Probationary Employee as a Regular Employee
- Recommend to Employ the Probationary Employee as a Regular Employee for All Subsequent Semesters

Alternatively, a department chair, designee, or elected faculty representative serving as a sole evaluator will recommend the following:

- Recommend to Employ the Probationary Employee as a Regular Employee for All Subsequent Semesters
The Evaluatee will have the same right to appeal the decisions and recommendations made in Year Four as in previous years. The Superintendent/President may decline to accept decisions and recommendations made in Year Four after consultation with the president of the Academic Senate. The Superintendent/President will also review any appeals and, after consultation with the president of the Academic Senate, render a determination and recommendation on the appeal.

The senior administrator for Human Resources will give written notice of the District's decision and the reasons therefore to the Evaluatee on or before March 15 of the second academic year covered by the Third Contract. The notice will be by registered or certified mail to the most recent address on file with the Human Resources office. Failure to give notice as required to the Evaluatee will be deemed a decision to employ him or her as a regular employee for all subsequent academic years (§87610(b)).

MEMORANDUM OF UNDERSTANDING

The following sets forth which probationary faculty are currently under the 95-98 version of Appendix M (AR 3212.1) and the revised Appendix M (AR 3212.2).

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*The employee is not required to develop a Plan for Professional Development.

Reviewed and/or Updated 8/2001
ARTICLE 3200  ACADEMIC PERSONNEL

AR 3212.2  Permanent Personnel - Evaluation
Procedure for Evaluating Tenured Faculty

Procedure for Evaluation of Tenured Faculty

The purpose of faculty evaluation is to improve the performance of each faculty member. The faculty evaluation process is designed to transcend legal compliance and to foster meaningful professional growth. Since every professional educator has certain areas in which the improvement of performance is possible, the faculty evaluation process is structured to help each faculty member isolate the relevant areas for his/her performance improvement and develop an appropriate plan to accomplish the desired professional growth.

I. FIRST PHASE EVALUATION

A. Peer Evaluation
Every three years each tenured faculty member will be evaluated by an evaluation panel, or the faculty member, with the concurrence of the appropriate personnel administrator may request evaluation solely by the department chair, or faculty coordinator. Notwithstanding this request, a panel evaluation shall be conducted at least once every nine years. The panel, if chosen, shall be chaired by the department chair or, if in the opinion of the Human Resources administrator it would be in the best interest of the process, by another faculty member appointed by the Human Resources administrator. The panel shall include an additional faculty member appointed by the Human Resources administrator and a faculty member appointed by the Human Resources administrator from a list of three candidates submitted by the Evaluatee. Human Resources shall provide all evaluation committee members with an orientation to the College's evaluation policies and procedures prior to their service on the committee. Throughout this administrative regulation, for departments named in the Agreement Between Santa Monica Community College District and Santa Monica College Faculty Association in which an elected faculty leader is assuming faculty leadership responsibilities, the elected faculty leader will perform the duties mentioned herein as being performed by the department chair.

B. Preliminary Evaluation Conference
A preliminary evaluation conference with the faculty member shall be scheduled by the department chair or faculty coordinator during the month of September of the evaluation year. If a panel is used, all three members must be present at the evaluation conference.

The conference participants will review and discuss with the Evaluatee the evaluation process, including the student, peer, and self-evaluations, classroom or student service evaluations. The panel, department chair, faculty coordinator, or Human Resources administrator shall inform the Evaluatee of any and all other relevant factors that the Evaluatee shall consider in writing the plan and self-evaluation.

C. Student Evaluation
Students will evaluate faculty in the last quarter of each Fall and Spring assignment. The Office of Human Resources will provide faculty with student evaluation forms. The faculty member administers the student evaluation process without knowledge of how any student marks the evaluation form and assigns a student to take the forms to the office of the appropriate personnel administrator.

At the end of each fall semester, summaries of student evaluations will be distributed to faculty and the appropriate department chair or faculty coordinator. Summaries of student evaluations shall not be placed in the faculty member's personnel file unless requested by the faculty member.
In the evaluation year, summaries of student evaluations will be made available to those involved in the evaluation process. Summaries of student evaluations shall not be placed in the faculty member’s personnel file unless requested by the faculty member.

D. **Self-evaluation**

Each faculty member shall prepare a written self-evaluation report and present copies to the department chair by March 1 in the evaluation year. The report may include, but need not be limited to:

1. A description of professional growth activities in which the faculty member has been involved.
2. A statement indicating the extent to which efforts to improve instruction and/or student services have been effective since the faculty member's last report.
3. Plans for improving the faculty member’s effectiveness. Such plans may be based on:
   a. Self-assessment of teaching methods and/or student services;
   b. Review of curriculum and course content;
   c. Student, peer, and self-evaluations;
   d. Review of the faculty member’s relationships with students and colleagues;
   e. Self-evaluation of current level of knowledge and skills required for the assignment;
   f. Student achievement and retention; and,
   g. Other relevant factors.

E. **The Evaluation Conference**

An evaluation conference with the faculty member shall be scheduled by the department chair or faculty coordinator. If a panel is used, all three members must be present at the evaluation conference.

The department chair, faculty coordinator, or panel will review and discuss with the Evaluatee all evaluation materials noted in I.B., above, and the chair’s, faculty coordinator’s, or panel’s proposed recommendations.

F. **The Evaluation Report**

Following the conference, a statement will be prepared by the panel, department chair, or faculty coordinator recommending that the faculty member’s performance is considered “satisfactory” or “needs continued evaluation.”

If a department chair or faculty coordinator acting as sole evaluator, is unable to make a satisfactory recommendation by March 1, the chair or faculty coordinator will convene a Phase I panel by March 15. The panel will review all materials assembled by the department chair or faculty coordinator and each member will conduct classroom visit. At least two members of the panel must agree in order for the report to recommend "needs continued evaluation."

II. **SECOND PHASE EVALUATION**

A. **Second Phase Panel**

If the recommendation made by the Phase I evaluator(s) is "needs continued evaluation," the appropriate administrator will convene a Phase II panel comprising Phase I evaluator(s) and other panel members selected in a manner consistent with the procedures outlined above. The Phase II panel will be convened no later than the fourth
week of the next Fall semester and the convening administrator shall serve as a member and chair of a Phase II panel. The Evaluatee may request the disqualification of the department chair or faculty coordinator but this choice is subject to the approval of the personnel administrator, who will allow the replacement of the department chair or faculty coordinator only if, in the opinion of the personnel administrator, and the vice president of Academic or Student Affairs, as appropriate, it is in the best interest of the process; or the Evaluatee may disqualify one faculty member on the original panel, other than the department chair or faculty coordinator, and the person disqualified will be replaced by the same process by which originally selected. If necessary, the Evaluatee will submit a new list of three candidates from which the new panel member will be selected.

B. Second Phase Activities
The panel will meet with the faculty member within the first 4 weeks of the fall semester. The panel will be responsible for assisting the faculty member over a two semester period to improve the effectiveness of instruction, student services, and other activities. The panel may:
1. conduct observations and surveys;
2. hold conferences with the faculty member;
3. review texts, course materials, and exams;
4. discuss grading practices and classroom management techniques; and
5. conduct any reasonable activities it deems useful in reaching its recommendation.

The panel will meet with the faculty member at the end of the fall semester to assess progress toward goals and to address additional activities for the spring term.

Not later than May 1 of the second year, the panel will meet with the faculty member and shall submit a rating of "satisfactory" or "needs continued evaluation" to the human resources administrator. If three members of the panel agree to a "needs continued evaluation" rating, it shall be the recommendation of the panel. The Evaluatee and the dissenting panel members, if any, may submit written dissenting opinions with the panel rating.

If the faculty member is identified as "needs continued evaluation," a new panel may be selected and the second phase evaluation shall be repeated.

III. THIRD PHASE EVALUATION
A. Third Phase Panel
If, after the second year evaluation by a four-person panel, the regular faculty member is identified as "needs continued evaluation," a new evaluation team will be selected. The team will be chaired by the appropriate vice president and will include the appropriate Human Resources administrator, the department chair or faculty coordinator, and two tenured faculty members. The two faculty members will be appointed by the Academic Senate president from a list of five (at least three of whom are from the Evaluatee's department, if possible) submitted by the vice president. The Evaluatee has the right to disqualify one of the faculty members appointed to the team. The person disqualified will be replaced by a selection from the list of 5 candidates submitted by the vice-president. If it is the opinion of the vice president that it is in the best interest of the process to replace the department chair or faculty leader as a member of the panel, or if the Second Phase panel administrator recommends replacement of the department chair, the vice president may appoint a faculty member to replace the department chair in this phase of the evaluation process.
The team members are not to be informed of their appointment until the Evaluatee has an opportunity to exercise the disqualification option. The five-person evaluation team will read all materials from the Phase I and Phase II panels together with the action plans developed. The team will plan and conduct evaluation procedures they deem helpful in analyzing the faculty member's performance.

B. Third Phase Activities
The panel will meet with the faculty member within the first 4 weeks of the fall semester. The panel will be responsible for assisting the faculty member over a two semester period to improve the effectiveness of instruction, student services, and other activities. The panel may:

1. conduct observations and surveys;
2. hold conferences with the faculty member;
3. review texts, course materials, and exams;
4. discuss grading practices and classroom management techniques; and
5. conduct any reasonable activities it deems useful in reaching its recommendation.

The panel will meet with the faculty member at the end of the fall semester to assess progress toward goals.

C. Third Phase Report
The evaluation team shall prepare a written report which shall be signed by the Evaluatee and each member of the team. If the team concludes that the faculty member has made the necessary improvement, the evaluation will be determined to be "satisfactory."

If at least three members of the team conclude that the faculty member has not made sufficient improvement, the evaluation will be determined to be "unsatisfactory."

Not later than February 1 of the third year, a written report will be submitted to the Superintendent/President, with copies to the Human Resources administrator. All members of the team and the Evaluatee must sign the report. The Evaluatee and any team member may submit a written, signed statement of dissenting opinion which must include specific reasons for disagreement.

D. Appeal to the Superintendent/President
In the case of an "unsatisfactory" rating, the faculty member shall have the right to a conference with the Superintendent/President before any action is taken. All information gathered in the evaluation process, including a report by the vice president, shall be available at this conference. At the conclusion of this conference, the Superintendent/President will make a final evaluation rating with recommendations to the faculty member.

Reviewed and/or Updated 8/2001
ARTICLE 3200  ACADEMIC PERSONNEL

AR 3215  Sabbaticals

1. Sabbaticals are intended to improve instruction; therefore, a wide variety of sabbatical programs will be considered, such as study, institutional research, travel, independent study, and industrial research. One type of leave shall not have greater merit than another.

2. Applicants for sabbatical leaves must have rendered service for six consecutive full-time years to be eligible for a sabbatical leave. A full-time year is defined as 75% of the days in academic year and 100% of the regular assignment.

3. The Board of Trustees reserves the right to determine the financial level of support each year for sabbaticals. The Academic Senate Joint Sabbatical/Fellowship/Awards Committee will determine individual faculty selection and submit to the Superintendent/President and Board of Trustees copies of all approved sabbatical applications. Prior to Board of Trustees confirmation action the Board will have received a copy of the approved sabbatical plan.

4. All faculty approved for sabbatical programs shall receive 100% of their regular contract salary.

5. Salary received in connection with sabbatical leave programs shall not exceed 100% of the faculty member's regular contract salary.

6. Sabbatical leaves shall count toward salary schedule step movement and retirement. Salary deductions shall continue in the usual manner, such as retirement, and additional health and welfare.

7. No sick leave shall be earned while the faculty member is on sabbatical leave.

8. Personnel going on sabbatical leave shall render full-time service for a period twice as long as the period of sabbatical granted and shall guarantee this service by signing a contract to that effect.

9. Any changes in sabbatical programs must be approved by the Academic Senate Joint Professional Development Committee prior to the commencement of the leave. The Professional Development Committee must be notified in writing immediately if substantive changes occur during the leave.

10. All academic personnel going on sabbatical leaves shall be required to sign a contract guaranteeing the completion of their programs as approved by the Academic Senate Joint Sabbatical/Fellowship/Awards Committee.

11. Personnel granted sabbatical leaves shall submit to the personnel office four copies of a summary report of their activities within 60 working days of their return to service. The summary report shall include, but not be limited to, statements concerning the academic merit, relevance, and benefits of the leave.

Distribution of the summary report will be as follows: one copy will be forwarded to the Superintendent/President and Board of Trustees; one copy will be forwarded to the Academic Senate Joint Professional Development Committee and the Joint Sabbatical/Fellowship/Awards Committee; and one copy will be placed in the faculty member's permanent file.

12. Failure to substantially complete any sabbatical program for causes other than verified illness, injury, acts of God, or other reasons beyond the control of the faculty member shall be considered a breach of contract by the Board of Trustees and the faculty member will be required to repay to the District all District funds received while on sabbatical leave.

Reviewed and/or Updated 9/2003, 7/2008
ARTICLE 3200  ACADEMIC PERSONNEL

AR 3220  Limited Retirement Program

See Article 19, Reduced Workload Program, of the District/Faculty Collective Bargaining Agreement.

11/6/09
ARTICLE 3200  ACADEMIC PERSONNEL

AR 3221  Retirement Incentive Program

Academic Personnel Retirement Incentive Program Eligibility

Academic employees must be officially retired under provision of the State Teachers' Retirement System law.

1. For purposes of defining 10 years or more of consecutive, contract and regular, satisfactory employment/service, a year of service is defined as 75% of the full-time assignment.

   A. Paid leaves of absence will not disqualify an employee from eligibility, providing the full-time service in the District totals 10 consecutive full-time years.

   B. A sabbatical leave of absence will be allowed toward the compilation of the 10 years of consecutive full-time years of employment.

   C. An opportunity leave will be allowed toward the compilation of the 10 years of consecutive full-time years of employment if the leave involves performing a faculty assignment on a full-time basis for at least 75% of the days that the institution is in regular session.

Retirement Incentive Program Benefits

1. Academic employees recommended by the Superintendent/President and approved by the Board of Trustees for inclusion in this program may be employed as consultants with the District under the following conditions:

   A. Participants shall have an annual option to participate for from one to five years or until the age of 68, whichever comes first. (See chart) However, the District may terminate the consultant agreement for the causes as enumerated in Section 87732 of the California Education Code.

   B. Academic employees shall receive an annual stipend of $4,500 for a minimum of 25 days service. The dates of service of these 25 days shall be mutually decided by the participant and the District. (See Procedures-3)

   C. The District will provide the same health and dental benefits provided other retired employees.

2. Consultant services provided by academic employees may include, but are not limited to:

   A. demonstration teaching;
   B. staff development and in-service programs;
   C. assistance in testing and follow-up analysis including the preparation of reports;
   D. compiling test data as it applies to instruction or student personnel services;
   E. assistance in orienting, evaluating and supporting new faculty members;
   F. updating curriculum and writing new supplementary instructional material;
   G. preparation of brochures, schedules, catalogs and other college publications;
   H. any activity or assignment acceptable to the Superintendent and President and the Board of Trustees.
Procedures

1. Academic employees desiring to participate in the Retirement Incentive Program must submit a request to participate, a resignation subject to the Superintendent/President's recommendation and Board of Trustees' approval, and a proposal in writing to the Office of Human Resources by February 1.
   
   A. The proposal should describe, in detail, the proposed service to be performed in the program.
   
   B. The faculty proposals will be reviewed by the department chair and appropriate dean, and will include a conference with the Vice-President of Academic Affairs prior to the February 1 submission date. The management proposals will be reviewed by their appropriate supervisors and include a conference with the Vice-President of Academic Affairs.
   
   C. The employee will be notified of the Board's decision prior to April 1 of the year in which the application is made.
   
   D. At the time the Board of Trustees approves participation in the Retirement Incentive Program, the employee's retirement/resignation shall be recommended.

2. The employee approved for inclusion in this program shall sign a written contract to perform the services proposed and file a notice of resignation to STRS.

3. The initial or first year project shall not begin until after the first retirement warrant has been received by the faculty member/manager.

4. The amount due the faculty member who is unable to complete the program due to death or incapacitation shall be paid pro rata for the days completed.

5. ANNUAL OPTIONS

<table>
<thead>
<tr>
<th>Retirement Age</th>
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<tr>
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Reviewed and/or Updated 9/2003
ARTICLE 3200  ACADEMIC PERSONNEL

AR 3225  Release of Employees and Disciplinary Action

Regular (permanent) and contract (probationary) academic personnel may be suspended or dismissed for the following causes:

1. Immoral or unprofessional conduct.
2. Commission, aiding, or advocating the commission of acts of criminal syndicalism, as prohibited by Chapter 188, Statutes of 1919, or in any amendment thereof.
3. Dishonesty.
4. Incompetency.
5. Evident unfitness for service.
6. Physical or mental condition rendering him/her unfit to instruct or associate with students.
7. Persistent violation or refusal to obey the school laws of the state or reasonable regulations prescribed for the government of the public schools by the Board of Governors of the California Community Colleges or by the governing board of the college district employing him/her.
8. Conviction of a felony or any crime involving moral turpitude.
9. It shall be sufficient cause for the dismissal of any public employee when such public employee advocates or is knowingly a member of the Communist Party or of any organization which during the time of his/her membership, he/she knows advocates overthrow of the Government of the United States or of any state by force or violence.
10. Violation of any provision of Education Code 7000-7007, inclusive, which pertains to knowing membership in the Communist Party and to the failure or refusal to appear before legislative committees or the Board, or answer questions under oath propounded by specified public officials, pertaining to knowing membership in the Communist Party or other organizations advocating the forceful or violent overthrow of the government of the United States and state and political subdivisions, and questions pertinent to present personal advocacy of the forceful or violent overthrow of same, or of the support of a foreign government against the United States in the event of hostilities.
11. Knowing membership by the employee in the Communist Party.

The employee shall receive written notice of unprofessional conduct or incompetency, with specific instances, and shall have the opportunity to correct his/her faults.


Reviewed and/or Updated 9/2003
ARTICLE 3200  ACADEMIC PERSONNEL

AR 3230  Recruitment and Selection – Hourly Temporary Faculty

AR 3230.1  Procedure for Hiring Hourly Temporary Faculty

1. Position Identification

To the extent possible, each department shall draft a tentative annual schedule of course offerings projecting summer, fall, winter and spring terms. A staffing proposal for these sessions will be projected to identify areas that may need to be filled with hourly assignments.

2. Establishment of Candidate Pool

Position announcements will be prepared semiannually or as requested by the departments pursuant to the hourly temporary faculty needs analysis and consistent with the District’s Equal Employment Opportunity Plan.

A. Search Procedures

All applications for hourly temporary employment are accepted on an ongoing basis. Every effort will be made to recruit broadly so as to attract a diverse candidate pool. All applications will be received and entered into the application tracking system by the Office of Human Resources.

B. Selection Process

During each academic year, the department chair/faculty leader shall convene a selection committee to identify a pool of candidates qualified to be hired and to screen and interview potential hourly temporary faculty.

The selection committee will consist of at least: the department chair/faculty leader or designee, who will chair the committee; a probationary/tenured faculty member, preferably from the subject area or program area; and an Equal Employment Opportunity representative. Any retired faculty member employed by the District as an hourly temporary faculty may request to serve on the selection committee. The chair may choose to include on the committee other people with expertise in the subject area. Only the Equal Employment Opportunity representative will be non-voting.

If the selection committee selects an applicant whose application has not yet been received by the Office of Human Resources, the selection committee chair shall notify the Office of Human Resources, which will then review the applications for minimum qualifications. The applicant may not be offered the hourly temporary position until his or her application has been properly reviewed by the Office of Human Resources for minimum qualifications.

The selection committee chair may choose to eliminate the interview step in the case of a candidate who has previously taught in the department, received only “Satisfactory” evaluations, and left the District for his/her own reasons. If that person desires to be considered for a future appointment, he/she may be required to submit an updated application.
In an emergency situation, when the applicant pool has been exhausted and consequently the full process cannot be completed before the assignment is to begin, an interview will be conducted by the selection committee chair, and Equal Employment Opportunity representative and, when possible, one other member of the selection committee.


The Equal Employment Opportunity representative, in cooperation with the selection committee chair, shall ensure that the screening process is conducted in a manner consistent with the District’s commitment and regulations relating to equal employment opportunity. In order to serve as an Equal Opportunity Employment representative, the faculty member must complete a training program presented by the Office of Human Resources. The committee shall be composed of diverse membership in compliance with the District’s equal opportunity plan.

3. Assignments

Persons chosen for hourly faculty positions will be recommended to the Board of Trustees at the salary rate determined by the appropriate adopted hourly salary schedule.

All hourly faculty will be given a written offer of employment for each assignment each term. If an offer of employment is not made for the following term, it shall be understood that the employee is not rehired.

The assignment of an hourly faculty member is recommended by the department chair/faculty leader and may be modified at the discretion of the appropriate academic administrator. If a recommendation of hourly temporary faculty assignment is modified, the appropriate academic administrator, upon request of the selection committee chair, shall promptly communicate in writing the reasons to the selection committee chair.

The assignment for hourly temporary faculty will not exceed sixty percent (60%) of the assignment for a full-time faculty member.

Reference: Education Code Sections 87481, 87482(b)

Reviewed and/or Updated 9/2003
Revised: 8/4/08
ARTICLE 3200   ACADEMIC PERSONNEL

AR 3231   Equivalency Process for Part-Time Faculty Positions

1. Announcements for part-time faculty positions shall include as required qualifications that the candidate must possess one of the following:

   Minimum qualifications for hire in that discipline as determined by the Board of Governors, or

   Qualifications that are at least equivalent to the minimum qualifications determined by the Board of Governors, or

   An appropriate valid California Community College Credential.

   Announcements shall also contain a statement encouraging potential applicants who feel they possess qualifications at least equivalent to the minimum qualifications determined by the Board of Governors to apply.

2. The department chair, in consultation with department members, shall review all applications, transcripts, and other materials submitted by candidates for the position to determine that each candidate selected to be interviewed for the position has met the minimum qualifications for hire in that discipline; or, has qualifications at least equivalent to the minimum qualifications determined by the Board of Governors; or, possesses an appropriate valid credential.

3. In determining equivalency, the department shall use the Equivalency Guidelines in reviewing evidence submitted by the applicant to decide whether or not the candidate possesses qualifications at least equivalent to the minimum qualifications for the discipline.

4. If a candidate selected to be interviewed for the position has qualified for the position through the equivalency process, the department shall certify the equivalency by preparing a detailed statement describing the basis for the equivalency and what evidence was used in making this determination. This statement shall be forwarded to the division dean for review before the interview take place.

5. If the division dean approves the department's recommendation to hire a candidate who has qualified for the position through the equivalency process, the department's certification of equivalency statement shall be filed with the joint Personnel Policies Committee.

Reference:    Education Code Section 87355, 87356, 87359

Reviewed and/or Updated 9/2003
ARTICLE 3200  ACADEMIC PERSONNEL

AR 3232  Procedure for Evaluation of Hourly Faculty

The purpose of faculty evaluation is the improvement of professional performance and the fostering of professional growth. The aim of the following processes is to aid faculty members to locate areas of performance which might be improved and develop plans to accomplish the desired improvements.

1. Hourly faculty shall be evaluated at least once during every four semesters of employment. An attempt should be made to evaluate a hourly faculty member during the first semester of service. Each hourly faculty member shall be evaluated by the department chair or by a full-time member of the department designated by the chair.

2. In preparation for the evaluation, the hourly faculty member shall provide the following:

A. A signed self-evaluation report briefly assessing the faculty member's current level of professional performance.

   This report may include consideration of such topics as teaching methods, course contents, grading practices, and working relations with students and colleagues. The division dean or department chair may provide the faculty member with additional topics to be addressed in the report. The faculty member is also encouraged to mention recent professional growth activities (e.g., course work, conference attendance, etc.). The faculty member is encouraged to conclude the self-evaluation with a brief outline of plans for the improvement of professional performance.

B. Copies of course outlines and related materials (as specified by the evaluator) from those performing classroom teaching assignments.

3. The evaluator shall conduct an evaluation which includes consideration of the self-evaluation report and other materials submitted by the faculty member, student evaluation results, and other reasonable evaluation techniques. Evaluators are strongly encouraged to arrange to observe the faculty member at work with students.

4. When the evaluation has been completed, the evaluator shall prepare a written evaluation report and review it with the faculty member. The faculty member may, within five days of receipt of the report, append a written response. The evaluation report, signed by the faculty member, the evaluator, the department chair (if different from the evaluator), and the division dean, along with the signed self-evaluation report, shall be submitted to the Chief Personnel Officer, no later than the end of the eighteenth week of the semester in which the evaluation is conducted.

Reviewed and/or Updated 9/2003
ARTICLE 3300  CLASSIFIED EMPLOYEES

AR 3320  Selection Process for District Appointments to the Personnel Commission

The Santa Monica Community College District Personnel Commission consists of five members, two of which are District positions appointed by the Board of Trustees.

Recruitment of Applicants

All candidates will be requested to provide evidence that they meet the standard of (1) registered voters, (2) residents within the District, and (3) shall be known adherents of the principle of the merit system, meaning a person who by nature of his/her prior public or private service has given evidence that he/she supports the concept of employment, continuance in employment, in service promotional opportunities, and other related matters on the basis of merit and fitness. A background check will be conducted on all applicants prior to the actual interview date.

A marketing effort will be implemented during the recruitment period to increase the number of applicants. At least three weeks will be spent on active recruitment in order to assure a strong pool of applicants. Advertising will include notification of the recruitment to the Santa Monica community, local press, industry, community groups and business organizations.

No member of the governing board of any college district or county board of education will be eligible for appointment as a member of the Commission nor will a Commissioner be an employee of the District during his/her terms of service.

Applications will be sent to the Board of Trustees. The Board may choose to appoint a subcommittee to review and recommend candidates for the Board to consider or bring the candidates directly to the Board.

Reviewed and/or Updated 9/2003
Revised 5/2006
ARTICLE 3400  ACADEMIC ADMINISTRATORS, CLASSIFIED ADMINISTRATORS AND MANAGERS AND CONFIDENTIAL EMPLOYEES

AR 3410  Procedure for Hiring Academic Managers

1. The Superintendent/President will determine that there is a need for an academic manager.

2. The job announcement of the position shall include the name of the position, a job description, the method of applying, the eligibility requirements, the application deadline, and the salary.

3. Applications shall be distributed by and returned to the Office of Human Resources.

4. The Academic Management Screening Committee shall be composed of at least two administrators appointed by the Superintendent/President and at least two faculty representatives appointed by the Academic Senate President in consultation with the Superintendent/President. The chairperson of the committee shall be designated by the Superintendent/President. The Affirmative Action Officer shall be a non-voting committee member unless appointed as a voting committee member.

5. The Academic Management Screening Committee will determine and execute a uniform and consistent examination process which shall include formal interviews, evaluating and screening the applications, and recommending no more than three persons to the Superintendent/President. When appropriate, the committee shall consider both management and non-management experience, including teaching, when making the recommendation to the Superintendent/President.

6. The Office of Personnel Services shall receive from the chair of the committee the names of the committee members, a description of the examination process, a copy of the interview questions, names of the persons interviewed by the Screening Committee, and the names of the persons interviewed by the Superintendent/President.

7. The Superintendent/President shall interview and select a person to fill the position from those presented by the Screening Committee. The selection shall be recommended by the Superintendent/President to act on this recommendation.

Reviewed and/or Updated 9/2003
ARTICLE 3400  ACADEMIC ADMINISTRATORS, CLASSIFIED ADMINISTRATORS AND MANAGERS AND CONFIDENTIAL EMPLOYEES

AR 3415  Compensation

Initial placement will be step 1 of the range to which the manager is assigned with the following exceptions:

1. The Superintendent/President may place promotional faculty members on the step of their range which is at least 3% higher than their prior faculty salary schedule placement times 1.2 (12 month equivalent) + responsibility increments referenced in the District/Faculty Association contract; but no higher than step 6.

2. The Superintendent/President will place promotional managers on the step of their range which is at least 3% higher than their prior placement but no higher than step 6.

3. The Superintendent/President will award a maximum of step 3 experience placement to managers hired from out of the District. One step credit will be granted for every one year of verified full-time employment as a manager to a maximum of step 3 placement.

Reviewed and/or Updated 9/2003
ARTICLE 3400  ACADEMIC ADMINISTRATORS, CLASSIFIED ADMINISTRATORS AND MANAGERS AND CONFIDENTIAL EMPLOYEES

AR 3420  Evaluation - Management Personnel

All management personnel shall be evaluated each year.

Procedure

Each administrator/manager shall be evaluated on an annual basis. The evaluation process shall consist of a self-evaluation, agreed upon objectives and a plan for professional development. The evaluator shall be the administrator responsible for the area in which the administrator/manager is assigned.

Process:

The following process will be used for all evaluations. However, a special evaluation may be conducted as deemed appropriate by the evaluator.

May: The Office of Human Resources will provide each administrator/manager with a self-evaluation form. The self-evaluation will include, but may need not be limited to the following: Accomplishments based on previously established objectives, ability to meet deadlines, management skills, progress toward professional development goals, proposed objectives for the ensuing academic year and a proposed professional development plan. The administrator/manager shall be responsible for completing this form by no later than June 1.

June: The administrator/manager shall meet with his/her evaluator to discuss the administrator/manager’s self-evaluation to establish mutually agreeable objectives for the ensuing academic year and to establish a mutually agreeable plan for professional development. The evaluator shall receive a copy of the administrator/manager’s self-evaluation form and shall also complete an evaluation form stating the evaluator’s comments concerning the self-evaluation as well as setting forth the agreed upon objectives and professional development plan for the ensuing academic year.

July: The evaluator shall submit the self-evaluation and evaluation form to the Office of Human Resources by not later than mid-July.

November: During the month of November, each administrator/manager shall meet with his/her evaluator. The purpose of this meeting is to provide opportunity for a review of progress towards the administrator/manager’s goals and professional development plan. Any agreed upon revision to the established objectives or professional development plan shall be reduced to writing and filed with the Office of Human Resources.
1. **Academic Managers:**

The following process will be used for all evaluations. However, a special evaluation may be conducted as deemed appropriate by the evaluator.

**May:** The Office of Human Resources will provide each administrator with a self-evaluation form. The self-evaluation will include, but may need not be limited to the following: accomplishments based on previously established objectives, ability to meet deadlines, management skills, progress toward professional development goals, proposed objectives for the ensuing academic year and a proposed professional development plan. The administrator shall be responsible for completing this form by no later than June 1.

**June:** The administrator shall meet with his/her evaluator to discuss the administrator self-evaluation to establish mutually agreeable objectives for the ensuing academic year and to establish a mutually agreeable plan for professional development. The evaluator shall receive a copy of the administrator’s self-evaluation form and shall complete an evaluation form stating the evaluator’s comments concerning the self-evaluation as well as setting forth the agreed upon objectives and professional development plan for the ensuing academic year.

**July:** The evaluator shall submit the self-evaluation and evaluation form to the Office of Human Resources by not later than mid-July.

**November:** During the month of November, each administrator/manager shall meet with his/her evaluator. The purpose of this meeting is to provide opportunity for a review of progress towards the administrator’s goals and professional development plan. Any agreed upon revision to the established objectives or professional development plan shall be reduced to writing and filed with the Office of Human Resources.

**February:** During the month of February, the administrator shall meet with his/her evaluator to discuss progress towards the established objectives and professional development plan. The evaluator shall, in writing, report to the office of Human Resources that the administrator is making sufficient progress towards the established objectives and professional development plan or the sufficient progress is not occurring. The evaluator shall also indicate any recommendation that the administrator’s contract not be renewed for the ensuing fiscal year.

2. **Faculty and Staff Input:**

During the month of May, any faculty and/or staff member may provide to an administrator/manager’s evaluator, written comments to be considered in the evaluation of the administrator/manager.

*Reviewed and/or Updated 9/2003*
ARTICLE 3400   ACADEMIC ADMINISTRATORS, CLASSIFIED ADMINISTRATORS AND MANAGERS AND CONFIDENTIAL EMPLOYEES

AR 3425   Leaves and Vacations

1.  Paid Leaves of Absence-Academic Administrators*

   A.  Illness Leave - Full-time academic administrators are entitled to twelve (12) days illness leave based on a twelve month assignment and a prorata share thereof for partial contracts. Unused illness leave may be accumulated and carried forward into subsequent years. The District reserves the right to require verification of any absence related to illness/injury or for any other paid leave of absence.

   B.  Personal Necessity Leave - Six days of illness leave may be used for the following: an extension of the bereavement leave, an accident or compelling emergency involving a member of the immediate family, precipitous illness of a member of the immediate family, appearance in any court or before any administrative tribunal as a litigant or party, or religious holidays. Other types of personal necessity which involve factors beyond the control of the employee and which require immediate absence must be authorized by the Vice President, Human Resources or designee.

   C.  Bereavement Leave - Bereavement leave of three duty days is authorized upon the death of a member of the employee's immediate family: mother, father, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, sister-in-law, brother-in-law, stepmother, stepfather, or any relative living in the immediate household of the employee. Five duty days of bereavement are allowed when out-of-state travel is required.

   D.  Jury Duty and Mandatory Court Appearance - is a third category of authorized paid leave for which academic employees receive pay. Academic administrators absent due to mandatory court appearances, except as a litigant, shall be paid their regular salaries during their absence, and all jury or witness fees shall be signed over to the District. If the jury or witness fees are greater than their regular daily wage, the employee may retain the fees if they request personal leave without pay for the period of absence from duty.


* Academic Administrators employed by contract should refer to their employment contract

Reviewed and/or Updated 9/2003
ARTICLE 3400  ACADEMIC ADMINISTRATORS, CLASSIFIED ADMINISTRATORS AND MANAGERS AND CONFIDENTIAL EMPLOYEES

AR 3426  Vacation – Academic Administrators

1. Number of Vacation Days: Full-time academic administrators shall earn up to 24 days of vacation per fiscal year at the rate of two (2) days for each full month of service during a fiscal year, subject to paragraph 3 below. Part-time academic administrators shall earn prorated days of vacation per each month of service during a fiscal year based on the ratio to fulltime service. The vacations days that an administrator may earn during any month shall be made available as of the beginning of the month.

2. Use of Vacation Days: Vacation days are to be used in the fiscal year earned. For example, if an administrator earns 24 days of vacation for the fiscal year, the administrator is expected to take 24 days of vacation.

3. Vacation Carry over: It is the intent of this Administrative Regulation to ensure that vacation balances for academic administrators shall not exceed thirty (30) days. Effective July 1, 2006, the following procedure will be implemented: Vacation days will no longer be advanced for the fiscal year. All vacation days will be available for use beginning with the month earned. Administrators will not accrue vacation days for any month in which, at the beginning of the month, his/her vacation balance is equal to or exceeds thirty (30) days. In the event that at the beginning of any month, an administrator's vacation balance is equal to or less than twenty-eight (28) days, he/she shall accrue up to two (2) days of vacation for the month, provided the total days of vacation does not exceed thirty (30).

Example A: An administrator has a vacation balance of 40 days as of July 1:

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<tr>
<th>Month</th>
<th>Accrued Vacation Days</th>
<th>Number of Vacation days used in Prior Month</th>
<th>Vacation Balance as of Beginning of Month</th>
<th>Vacation Days Earned for the Month</th>
<th>Total Days of Vacation Available to Use</th>
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<th>Vacation Balance as of Beginning of Month</th>
<th>Vacation Days Earned for the Month</th>
<th>Total Days of Vacation Available to Use</th>
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</thead>
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Academic Administrators, with advanced approval from the Superintendent/President, may request to be advanced days of vacation provided such request does not exceed twenty four (24) days and the administrator submits a vacation usage plan that provides for a vacation balance at the end of the year not to exceed thirty (30) days.

4. **Special Provision for Academic Administrators with a Vacation Balance Exceeding Thirty (30) Days as of July 1, 2006:** In the event that an administrator’s vacation balance exceeds thirty (30) days as of July 1, 2006, he/she shall be required to provide his/her immediate supervisor a vacation plan indicating the days of vacation he/she will take during the fiscal year. This plan must be submitted to the administrator’s immediate supervisor by July 1, 2006 and shall schedule sufficient vacation days to make a good faith effort to reduce the administrator’s vacation balance as of June 30, 2007 to thirty (30) or fewer days. In each subsequent year, academic administrators with a vacation balance exceeding thirty (30) days as of June 30th of each year, must continue to submit a vacation plan as described above. By June 30, 2009 the vacation balance of any administrator must not exceed thirty (30) days.

_Approved: 5/23/06_
ARTICLE 3400  ACADEMIC ADMINISTRATORS, CLASSIFIED ADMINISTRATORS AND MANAGERS AND CONFIDENTIAL EMPLOYEES

AR 3427  Management Professional Development Leave

1. Selection of Replacement

Persons interested in being selected as the replacement for a manager on a professional development leave shall submit a letter to the Superintendent/President. The Superintendent/President will select the replacement from among those showing interest. The selection shall be recommended by the Superintendent/President to the Board of Trustees.

2. Compensation

A person replacing a manager on a professional development leave will be compensated, if the manager is on leave for more than ten working days, in the following way:

A. A person who will not be performing his/her regular duties and who will replace a manager on leave will receive the beginning salary of the manager or their own base salary + 2%, whichever is higher. There may be a substitute for the person selected as the replacement.

B. A manager who will be performing his/her regular duties in addition to the duties of the manager on leave will receive 10% more than his/her existing salary.

Reviewed and/or Updated 9/2003

AR 3428  Retirement Policy-Limited Retirement Program

The limited retirement program specified under AR 3220 shall be applicable to academic administrators.
ARTICLE 3400 ACADEMIC ADMINISTRATORS, CLASSIFIED ADMINISTRATORS AND MANAGERS AND CONFIDENTIAL EMPLOYEES

AR 3429 Administrator Retreat Rights Process

Administrators who have achieved tenure as faculty in the District:
A tenured employee, when reassigned from a faculty position to an administrative position, retains his or her status as a tenured faculty member and, upon making a written request to the Superintendent/President, may retreat to a faculty status. In such cases, the Superintendent/President shall inform the department of retreat and the Academic Senate.

Academic Administrators who have not achieved tenure in the District:
Academic administrators hired after July 1, 1990 can acquire the right to become first-year probationary faculty members in accordance with this administrative regulation.

An academic administrator employed to perform services related to a contract with a public or private agency or a categorically funded position or project shall not be entitled to any of the retreat rights specified in this AR. No employment contract for an administrator employed as stated above shall provide for retreat rights.

1. An academic administrator hired after July 1, 1990 who did not have faculty tenure in the District at the time of hire may be reassigned to a first-year probationary faculty position upon making a written request to the Superintendent/President, and provided that he or she can demonstrate meeting all the following criteria:

   A. The administrative assignment expires or the administrator is terminated for a reason other than dismissal for cause. A voluntary resignation does not constitute an expiration of an administrative assignment.

   B. The administrator has completed at least two years of satisfactory service to the District as a faculty member or administrator, or a longer period as established by contract with the administrator.

   C. The administrator wishes to become a first-year probationary faculty member in a discipline that can support an additional full-time faculty position (i.e. the reassignment would not result in the layoff of any full-time faculty member and the District has available ongoing funding to support the position).

   D. The administrator seeks a position in a discipline in which he or she has a valid credential or meets the minimum qualifications specified by the Board of Governors List of Disciplines or possesses equivalent qualifications deemed sufficient by the department of retreat.

2. Upon determination by the Superintendent/President that reassignment to a first-year probationary faculty position is appropriate, the Superintendent/President shall forward the request to the Academic Senate for review and recommendation.

3. After receiving the recommendations of the department of retreat and the Academic Senate, the Superintendent/President shall, if he or she determines to proceed with the reassignment, forward his or her recommendation to the Board of Trustees. The written record of the Board’s decision on this matter shall include the views of the department of retreat and the Academic Senate, and shall be available for review.

Reference: Education Code Sections 87358, 87458

Reviewed and/or Updated 9/2003
Revised and Approved by Academic Senate: 2/7/2010
Approved by Senior Staff: 12/14/2010