

Antelope Valley Community College District
Administrative Procedures
Chapter 2
Board of Trustees

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AP 2015 Student Trustee

Reference:

Education Code Section 72023.5

The student trustee shall:

- Attend meetings of the Board of Trustees (Absences not to exceed two (2) regular board meetings.)
- Attend at least 2 regular meetings of the Associated Student Organization per month, unless there is a class schedule conflict, and maintain communication with the ASO as needed.
- Meet with the Superintendent/President of the college as needed.
- Represent the Board as well as the college at meetings and special events whenever possible.
- May attend state and other related conferences for Board of Trustee members.
- Meet with the Advisor to the Student Trustee and the Dean of Student Services when necessary.

7/5/05

AP 2105 Election of Student Trustee

Reference:

Education Code Section 72023.5

The following procedures govern the conduct of the election of the Student Trustee to the Board of Trustees.

1. Supervision

The election will be conducted under the supervision of the Dean of Student Services who will prepare the Election Code.

2. Election Rules and Procedures

All candidates must conform to the requirements set forth in Board Policies 2015 and 2105 and all city, county, state and federal laws. The Dean of Student Services whose decision on such matters shall be final will arbitrate all election procedures not covered by this policy.

- a) Each potential candidate must meet with the Dean of Student Services prior to filing a declaration of intent to run for office. At this meeting, the Dean of Student Services will review the Election Code with the candidate and the candidate will sign a statement of acknowledgment.
- b) The Dean of Student Services will determine the voting site(s).
- c) AVC identification will be requested of all students desiring to vote.
- d) There shall be a public count of the ballots within forty-eight hours following closing of the polls by the Office of Student Development and College Activities.

Special Election

Upon notice to the Superintendent/President that a vacancy has occurred for any reason, including recall, the Dean of Student Services shall, within 30 days, call for a special election. No special election will be called if the vacancy occurs within thirty (30) days of a regularly scheduled election for the Student Trustee. The office shall become vacant if the student member becomes ineligible for the office, fails to fulfill responsibilities as listed in AP 2015, resigns, is recalled or dies.

Any AVC student can recall the Student Trustee with a petition signed by 20% of the total number of enrolled students at the time of filing the petition and submitted to the Dean of Student Services. The election will be conducted in the same manner as a special election.

If the Student Trustee fails to fulfill her/his responsibilities, he/she may appeal the decision within 10 days to the Superintendent/President. The appeal must be in writing explaining why the Student Trustee believes he/she should remain in office. The decision of the Superintendent/President is final.

7/5/05

AP 2110 Vacancies on the Board

Reference:

Education Code Section 5090 et seq.; Government Code Section 1770, 6061

When the Board determines to fill the vacancy by appointment, the Superintendent/President shall assure that there is ample publicity to and information for prospective candidates. Publicity shall include posting in three public places in the District and publication in a newspaper of general circulation. *(Note: This publication, which is required by Section 6061 of the Government Code, is only required to be published once. If there is no newspaper of general circulation published in the District, notice need not be published.)*

The posted notice of vacancy shall include directions regarding applications or nominations of legally qualified candidates. Persons applying or nominated must meet the qualifications required by law for members of the Board.

Persons applying for appointment to the Board shall receive a letter from the Superintendent/President containing information about the District and the Board, and including a candidate application to be completed and returned by a specific date.

The Board may request personal interviews with candidates. Interviews will be conducted in a public hearing scheduled for that purpose.

Each Board member will review all candidate applications with final selection made by a majority vote of the Board members at a public meeting called for that purpose.

Whenever a provisional appointment is made, the Board shall, within 10 days of the provisional appointment, post notices of both the actual vacancy or the filing of a deferred resignation and the provisional appointment in three public places in the District. It shall also publish a notice in a newspaper of general circulation. *(Note: This publication, which is required by Section 6061 of the Government Code, is only required to be published once. If there is no newspaper of general circulation published in the District, notice need not be published.)*

The notice shall state the fact of the vacancy or resignation and the date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation. It shall also contain the full name of the provisional appointee to the board, the date of appointment, and a statement that unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the office of county superintendent of schools within 30 days of the date of the provisional appointment, it shall become an effective appointment.

A provisional appointment confers all powers and duties of a governing board member upon the appointee immediately following his or her appointment.

A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for governing board members. An election shall be held to fill the

vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

7/5/05

AP 2320 Special and Emergency Meetings

Reference:

Government Code Sections 54956; 54956.5 Education Code Sections 72023.5; 72129

Whenever a special meeting of the governing board is called, the Superintendent/President shall cause the call and notice to be posted at least 24 hours prior to the meeting in a location freely accessible to the public. The Superintendent/President shall also ensure that the following notices of the meeting are delivered either personally or by other means:

Written notice to each member of the governing board, including any student trustee(s).

Written notice to each local newspaper of general circulation, and each radio or television station that has previously requested in writing to be provided notice of special meetings.

The written notice must be received at least 24 hours before the time of the meeting as set out in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted or discussed. The notice may be waived by members of the governing board in writing either prior to or at the time of the meeting.

Whenever an emergency meeting of the governing board is called, the Superintendent/President shall cause notice to be provided by telephone at least one hour prior to the meeting to each local newspaper of general circulation and each radio or television station that has requested notice of special meetings. If telephone services are not functioning, the Superintendent/President shall provide the newspapers, radio stations and television stations with information regarding the purpose of the meeting and any action taken at the meeting as soon after the meeting as possible.

7/5/05

AP 2340 Agendas

Reference:

Education Code Section 72121

The agenda for Board meetings is compiled by the Superintendent/President. Included in the agenda are: business, educational, operational and professional matters requiring board approval, policy issues, and informational items. The agenda is developed the week prior to Board meetings and distributed to trustees the Thursday before a regularly scheduled meeting. The docket portion of the agenda, listing each of the respective agenda items, is distributed to the news media and staff, and posted in the public area of the District Office the Thursday before a regularly scheduled meeting.

7/5/05

AP 2365 Recording

Reference:

Government Code Section 54953.5

The Superintendent/President's office is responsible for maintaining audio recordings of Board meetings, excluding closed sessions, for a minimum of 180 days following the meeting.

The audio recordings shall be made available to the public and the news media in accordance with the California Public Records Act, Government Code Section 6250.

The agenda for each meeting shall state, in a prominent place, that the meetings are being recorded electronically.

7/5/05

AP 2410 Policy and Administrative Procedures

Reference:

Education Code Section 70902; Accreditation Standard IV.B.1.b & e

1. A recommendation for a change in, or new, policy or administrative procedure from a campus-wide participatory governance committee, recognized campus constituent group, or administrator will be distributed to all faculty, ASO, classified staff and administrators for feedback at least 30 days prior to making a recommendation to the College Coordinating Council (CCC) and College President. The campus-wide committee, recognized constituent group, or administrator initiating the recommendation must review the feedback from the campus constituent groups prior to forwarding a final recommendation to the College Coordinating Council and the College President.
2. The CCC will review recommendations only for the purpose of determining if any part of the recommendation involves an academic and professional matter or a collective bargaining issue. Academic and professional matters and collective bargaining issues will be forwarded to the College President and either the Academic Senate or Collective Bargaining Agent as appropriate. The College President and the appropriate Collective Bargaining Agent or the Academic Senate will determine the most appropriate process for resolution of the issue.
3. If the recommendation does not involve an academic and professional matter or a collective bargaining issue, the College President will either send the recommendation on to the Board, or implement it. If the President rejects all or part of the recommendation, the President will communicate to the appropriate committee and the CCC the reason for the rejection in a written statement. The CCC Chair will communicate the final recommendation to all campus constituent groups.
4. When the Community College League of California (CCLC) recommends new board policies or procedures, or recommends modifications to existing policies or procedures, the CCC will review the CCLC recommendations. If the recommendation is addressing an academic and professional matter or a collective bargaining issue, the College President and the appropriate Collective Bargaining Agent or the Academic Senate will recommend adoption or modification of the proposed CCLC policies and procedures to the Board of Trustees.
5. If the policies and procedures affect all campus constituencies, the CCC will forward the CCLC policies and procedures to all campus constituent groups and relevant committees for review and feedback along with a recommendation to adopt, modify, or reject the policies or procedures and the reasoning for the recommendation. Feedback must be solicited at least 30 days prior to making a final recommendation and the CCC must review the feedback prior to forwarding a final recommendation to the College President.
6. If the recommendation does not involve an academic and professional matter or a collective bargaining issue, the College President will either send the recommendation on to the Board, or implement it. If the President rejects all or part of the recommendation,

the President will communicate to the appropriate committee and the College Coordinating Council the reason for the rejection in a written statement. The CCC Chair will communicate the final recommendation to all campus constituent groups.

7/5/05

AP 2430 Delegation of Authority

Reference:

Education Code Section 70902; Accreditation Standard IV.B.1.J; IV.B.2

Duties of the President

Duties Related to the Board

- (a) As chief executive to the Board, direct, administer, and supervise all divisions and units of the college system, with authority to delegate as may be appropriate.
- (b) As Secretary to the Board, prepare and handle the agenda and minutes for all Board meetings.
- (c) Secure legal interpretations on all issues pertaining to the District.
- (d) Attend meetings of the Board or any committee meeting thereof, as deemed necessary, except when his/her own salary or employment status is being considered.
- (e) Serve as an agent of the Board in communicating Board policies to District employees and the community, and to serve as liaison between District employees and the Board.
- (f) Conduct correspondence on behalf of the District.
- (g) Act as advisor to the board on all matters pertaining to the welfare of the college.
- (h) Organize material, analyze relevant information, compile facts, and make recommendations on matters to be considered by the Board at regular or special meetings.
- (i) Implement and interpret Board policies.
- (j) Formulate all reports required by local, county, state, and federal agencies.

Duties Related to Personnel

- (a) In consultation with the Vice Presidents, nominate and recommend academic and classified personnel to the Board for employment in the District.
- (b) Make temporary emergency appointments to fill existing vacancies and authorize employment of short-term, classified, and confidential/management/ supervisory personnel, subject to Board ratification.
- (c) Assign, subject to Board approval, employees—both classified and academic—with clear definition of duties.
- (d) Recommend to the Board, promotions, transfers, and dismissals as circumstances warrant.
- (e) Promote professional study and improvement, and other forms of in-service professional growth among academic employees.
- (f) Provide for continuous evaluation of academic and classified personnel.
- (g) Evaluate district-level administrators under his/her supervisory jurisdiction.

Duties Related to the Public

- (a) Represent the District in the community by interpreting the educational system and all college activities to organizations, the press, and other civic agencies.
- (b) Coordinate and supervise activities of personnel responsible for release of information concerning college activities to the public.
- (c) Coordinate the endeavors of advisory committees as needed.
- (d) Serve on regional and state committees, and participate in conferences for the development of appropriate county, state, or national educational policies.
- (e) Serve on community-based committees, service clubs, and various community organizations.

Duties Related to Administration and Supervision

- (a) Be responsible for the general organization and administration of the college.
- (b) Define and delegate to administrative and supervisory personnel specific duties and assignments.
- (c) Supervise the Institutional Advancement and Foundation Office and its personnel in the development of an effective community relations, alumni relations, and development program.
- (d) In consultation with the Vice President of Business Services, advise the Director of Facilities Planning and Campus Development in developing new plant facilities, and in the rehabilitation of existing structures, and the supervision, maintenance, and operation of the facilities and grounds.
- (e) Supervise the preparation of the college budget.
- (f) Provide for the supervision of instruction and curriculum development.
- (g) Directly supervise the four Vice Presidents, the Executive Assistant, the Administrative Assistant (President's Office), the Director Information Technology Services, and the Executive Director of Institutional Advancement and Foundation.

Miscellaneous Duties

- (a) In case of emergency or disaster, act in accordance with the gravity of the situation and circumstances created by such emergency, assemble an emergency action team, and submit a report of action taken to the Board.
- (b) Delegate to subordinates any of the authority and duties entrusted to him/her by the Board, but retain responsibility for the execution of authority and powers so delegated.
- (c) Perform other duties characteristically assigned to the chief executive and administrative official of the District and exercise discretionary authority over all matters, within legal limits, not covered by Board policy.

7/5/05

Revised: 2/12/07

AP 2431 Superintendent/President Selection

Reference:

Accreditation Standard IV.B.1, IV.B.1.j.: Title 5, Sections 53000 et seq.

The Board of Trustees shall select a President for a term not to exceed four years. The remuneration and conditions of employment shall be established by contractual provisions with the Board. The search process shall include the following.

1. A District employee will be appointed, or a consultant will be hired, by the Board to coordinate the search process. The presidential search coordinator, or a search committee member if a consultant is hired as the coordinator, will be designated by the Board to chair the Search Committee.
2. The search committee will consist of at least one member from each campus constituent group. Each constituent group will select the person(s) that will represent them on the committee. The College Coordinating Council will determine the number of additional search committee members, if any, from each constituent group.
3. In consultation with the Assistant Superintendent/Vice President of Human Resources and Employee Relations, the Search Committee Chair will be responsible for developing a job announcement, timeline, and recruitment process, as well as the scheduling of search committee meetings, interviews, candidate open forums, and all other aspects of the search process.
4. The search committee will recommend a minimum of three candidates to the Board for consideration.

7/5/05

AP 2435 Evaluation of Superintendent/President

Reference:

Accreditation Standard IV.A

The Board and the Superintendent/President shall meet annually by June 30th, to establish the Superintendent/President's performance goals and objectives for the academic year. These performance goals and objectives shall be reduced to writing and shall be based on the duties and responsibilities set forth in this Agreement and any other criteria identified by the Board. These performance goals and objectives shall be the basis for evaluation of the Superintendent/President as provided in this section.

The Board shall annually devote a portion of at least one meeting during the month of June, unless a different time is mutually agreed to by the parties to this Agreement, to a discussion and evaluation of the performance and working relationships between the Superintendent/President and the Board.

7/5/05

AP 2510 Participation in Local Decision-Making

Reference:

***Education Code Section 70902(b)(7); Title 5, Sections 53200 et seq; 51023.5; 51023.7
Accreditation Standard IV.A.2, IV.A.5***

ADMINISTRATIVE PROCEDURES RELATED TO PARTICIPATORY GOVERNANCE

The faculty, students, staff, and administration of Antelope Valley Community College District have developed the following procedures to fulfill the statutory requirements of Title 5 related to Participatory Governance.

Procedures for Participatory Governance Committees and Academic and Professional Matters:

- A. Procedures related to participatory governance committees:
 1. All collegewide participatory governance committees will abide by the “Participatory Governance Committee Operating Procedures” in Appendix I. Academic Senate committees will operate in accord with Senate guidelines.
 2. To insure “effective participation,” collegewide participatory governance committees shall include representatives from constituencies directly affected by the recommendation and representatives who also have expertise related to the role and purpose of the committee, whenever possible.
 3. The College Coordinating Council (CCC) will determine the role and function of collegewide participatory governance committees and specify the membership and terms of those committees. In addition, the CCC will review the role, function and membership of all collegewide participatory governance committees at least every three years and modify as needed. Participatory governance committees may request that the CCC review their role, function, or membership at any time for possible modification.
 4. Each constituent group represented on the College Coordinating Council will determine the process by which it appoints representatives to collegewide participatory governance committees.
 5. Each collegewide standing committee will determine if any part of an item or issue before it is related to an academic and professional matter, or a collective bargaining issue, using the guidelines listed in Appendix II, and refer that part to the College Superintendent/President and the Academic Senate or Collective Bargaining Agent, as appropriate, for consideration.
- B. Procedures for reaching agreement on Academic and Professional Matters:
 1. Recommendations related to Academic and Professional Matters, where the Board relies primarily on the Academic Senate, will be submitted to the Board of Trustees for consideration, via the Superintendent/President. If the recommendations of the Academic Senate are not accepted, the Board will communicate the “compelling reasons or legal liability” to the Academic Senate in a written statement.
 2. For those Academic and Professional Matters that require mutual agreement, the Mutual Agreement Council will solicit feedback from the Board of Trustees and the

Academic Senate, and may solicit feedback from other college constituent groups if needed. The Mutual Agreement Council will deliberate until mutual agreement is reached between the Board of Trustees, or their designees, and the Academic Senate.

3. If mutual agreement is reached, the Board will put the new policy into effect unless legal liability or substantial fiscal hardship can be demonstrated. If mutual agreement cannot be reached and a policy currently exists, the current policy remains in effect, unless legal liability or substantial fiscal hardship can be demonstrated. Both the Board of Trustees, or their designees, and the Academic Senate will communicate in a joint statement the reasons that agreement cannot be reached.
4. Mutual agreements between the Academic Senate and the Board of Trustees, or their designees, will be placed on the next scheduled Board Agenda as an informative report. Mutual agreements requiring Board approval will be submitted at a subsequent meeting as a communication for approval.
5. The Mutual Agreement Council will also serve as a forum for the President's Executive Council and Senate Executive Committee to share information and discuss concerns about academic and professional matters.

AVCCD Governance Councils and Committees:

- A. College Coordinating Council
- B. Mutual Agreement Council
- C. Strategic Planning & Budget Council
- D. Collegewide Participatory Governance Committees
 1. Staff Development Committee
 2. Information Technology Committee
 3. Matriculation Committee
 4. Equal Employment Opportunity Advisory Committee
 5. Campus Safety Committee
 6. Calendar Committee
 7. Legislative Committee
 8. Enrollment Management Committee
- E. Academic Senate Standing Committees
 1. Academic Policies & Procedures Committee
 2. Faculty Professional Development Committee
 3. Honors Program Committee
 4. Distance Education Committee
 5. Student Learning Outcomes Committee
 6. Equivalency Committee

7. Senate Grant Program Committee

Membership and Functions of Governance Councils:

A. College Coordinating Council

(Membership)

1. Superintendent/President and/or Vice Presidents (one vote) Representing the Board of Trustees
2. Academic Senate President
3. Administrative Council Representative
4. President of Faculty Exclusive Bargaining Unit
5. President of Classified Exclusive Bargaining Unit
6. Confidential/Management/Supervisory Unit Representative
7. Associated Student Organization Representative

(Function)

- a) The College Coordinating Council will serve as the coordinating body for governance issues at Antelope Valley College, except academic and professional matters and collective bargaining issues. The Council will have four main functions: issue management, providing a communication network for distributing information to all college constituent groups, determining the decision-making and recommending authority of collegewide participatory governance committees, and submitting recommendations to the President in areas of “effective participation”.
- b) Issue management means the Council will determine the appropriate governance committee or process to address any new issue or task that is not already assigned to an existing committee or process. When the Council assigns an issue or task to an existing or a newly created committee, the Council will specify in writing the nature and scope of the assignment, if the committee has decision-making or recommending authority, the appropriate reporting process, and a timeline for completion of the assignment.
- c) If an issue before the Council involves an academic and professional matter, it will be referred to the Academic Senate and the-President’s Executive Council for consideration. If an issue before the Council involves collective bargaining matters, it will be referred to the affected Collective Bargaining Unit and the Superintendent/President for deliberation.
- d) When a collegewide participatory governance committee makes a recommendation that only requires “effective participation” of faculty, staff and students, the College Coordinating Council will consider the recommendation and communicate the committee’s recommendation to all college constituent groups.
- e) The Council may address an issue itself, when a recommendation cannot be made in a timely manner by another committee or process, or the Council determines that **not** taking action will expose the district to legal liability or cause substantial fiscal hardship. The Council may also make a recommendation to the Superintendent/President when no existing or new committee or process is deemed

appropriate for handling the issue, or a committee or constituent group requests a recommendation from the Council regarding an issue.

- f) The Council shall seek consensus as the basis for making decisions. However, when consensus cannot be reached, the Council may take action if six out of seven Council members are in agreement. When a resolution before the Council does not have the required “6 out of 7” members in favor, the status quo remains in effect until such time as a mutually acceptable resolution can be negotiated and agreed to by 6 of the 7 members of the Council. The Council will determine, by consensus, criteria and a process for emergency and fast-track decision-making to be used when waiting until the next regular Council meeting would not be in the best interest of the district. All Council members have a single vote and the meetings of the Council shall be open.
- g) The Council will review the purpose/function and scope of decision-making/recommending authority of each college standing committee every three years. Any recommendation for change in purpose or scope of a committee, including the dissolution of the committee, will be presented to college constituent groups for feedback. All feedback will be shared with the affected committee. The Council and the affected committee will discuss the recommendation and the feedback from constituent groups with the goal of reaching consensus. If consensus is reached, the purpose/function and/or decision-making/recommending authority will be changed. If consensus cannot be reached, the Council may still make changes in these areas if six of seven Council members are in agreement with the change.
- h) If a proposed change in purpose/function involves an academic and professional matter, the recommendation and feedback from constituent groups will be forwarded to the Mutual Agreement Council (MAC) for deliberation. If mutual agreement is reached by the MAC, the purpose will be changed. If mutual agreement cannot be reached, the purpose/function of the committee remains the same in accord with the provisions of Title 5.

B. Mutual Agreement Council

(Membership)

- 1. President’s Executive Council
- 2. Senate Executive Committee

(Function)

The Mutual Agreement Council consists of the President’s Executive Council and the Senate Executive Committee and its purpose is to consult and deliberate with the intention of reaching mutual agreement between the Academic Senate and the Board of Trustees on academic and professional matters 6, 7, 9, 10 and 11 of Section 53200 in Title 5. “The governing board, or its designees, and the academic senate shall reach mutual agreement by written resolution, regulation, or policy of the governing board effectuating such recommendations.”

C. Strategic Planning & Budget Council

(Membership)

- 1. Superintendent/President - Ex-Officio

2. Academic Senate President (Co-chair)
3. College Vice Presidents (4) (Designated Co-chair)
4. Faculty Union Representative (1)
5. Student Representatives (2)
6. Faculty Representatives (5 – 1 transfer, 1 student services, 1 instructional resources, 1 vocational, 1 adjunct)
7. Classified Representatives (5)
8. Confidential/Management/Supervisory Representative (1)
9. Deans/Directors Representatives (2)
10. Director of Facilities Planning and Campus Development
11. Director of Information Technology Services
12. Director of Institutional Advancement and Foundation
13. Director of Institutional Research and Planning
14. Director of Public and Governmental Relations
15. Enrollment Management Committee Co-chair
(Function)

The Strategic Planning & Budget Council (SPBC) is a shared governance council that provides oversight and monitoring of the various planning documents within the institution in order to accomplish the mission and goals of the district. SPBC utilizes the Educational Master Plan, which is the district's strategic plan, to review the mission, vision, values, and practices of the institution and to monitor and modify the Strategic Goals and the Institutional Learning Outcomes.

The council reviews the annual budget requests brought forward by the Budget Subcommittee and makes a recommendation to the Superintendent/President to fund those requests that utilize institutional resources most efficiently in accomplishing the district's strategic goals and improving the Institutional Learning Outcomes. SPBC works collegially with the Superintendent/President to recommend budget priorities in a timely fashion. The Superintendent/President may recommend budget expenditures to the Board of Trustees without consensus of the SPBC in those instances of legal and fiscal responsibility, as cited in both Education Code and Title 5. The Superintendent/President submits budget recommendations to the Board of Trustees for approval.

In order to function most efficiently and to support and execute the Educational Master Plan, members of the SPBC are assigned to the following subgroups/subcommittee:

- **Facilities:** Based on the findings of the Educational Master Plan, responsible for developing and evaluating the effectiveness of the Facilities Master Plan, which oversees the district's long-range infrastructure, building, and parking needs.
- **Human Resources:** Responsible for creating a Human Resources Plan that includes a long-range Staffing Plan to support the program needs identified in the Educational Master Plan.

- Finance: Responsible for developing a Finance Plan to analyze and determine the financial impact and necessary resources to implement the Facilities, Human Resources, Technology, and Enrollment Management plans.
- Communications: Responsible for developing, implementing, and evaluating a marketing and communications plan with strategies to increase communications with our internal and external constituents. Responsible for disseminating information to the campus and general community through e-mail, the website, myAVC, and the SPBC Annual Review.
- Educational Master Plan: Responsible for annually reviewing the Educational Master Plan to ensure that the District’s ongoing needs are met.
- Budget Subcommittee: Responsible for evaluating and prioritizing the annual budget requests to most efficiently utilize institutional resources and present those recommendations to the SPBC.

APPENDIX I

“Participatory Governance Committee Operating Procedures”

Each committee will have a statement of purpose/function in accord with the district mission and a membership list, along with the minimum number and frequency of meetings that will be held during the academic year. In addition, each committee will have a statement of reporting responsibilities to individuals, committees or constituent groups and publish this information to all district employees. Committees will make decisions or recommendations through consensus.

Each committee will also circulate a “Call for Agenda Items” five working days prior to a meeting and distribute to members and post an agenda two working days prior to a meeting. Each committee will also distribute to members and post a draft of unapproved minutes within ten working days after a meeting. Minutes will include a brief summary of discussion regarding actions taken, including motions made, seconded, passed or defeated. On an annual basis, each committee will review its activities and submit a year-end report to whichever reporting body it is accountable. In most instances, reports would be made to the College Coordinating Council, Superintendent/President, or appropriate administrator. The year-end report will include accomplishments, preview issues for the coming year, and make recommendations for change in membership or function.

APPENDIX II

“Criteria for Committees to Use in Determining if an Item is an Academic and Professional Matter or a Collective Bargaining Issue”

In doing their work, committees, particularly the chair(s), must recognize which items/issues under discussion are subjects of collective bargaining (CB) or are academic and professional matters (APM). Unless specifically asked to handle a CB item or an APM, the committee should not. In addition, each participatory governance committee should assure effective participation of all parties, as well as effective communication with the College Coordinating Council (CCC). As committees forge recommendations, the committee chair is responsible for assuring the following steps have been completed:

- Verify that the topic is not CB or APM (unless the CB/APM has been assigned to the committee)

- Develop recommendation/policy with input from all representatives
 - if representatives are not attending, committee chair notifies constituency president
 - ask regularly if representatives have consulted with their constituency
 - consult with CCC if stuck, hit controversy or need clarification

- Disseminate to campus via mailbox or email prior to completing last draft of recommendation/policy and give the campus 2 weeks to respond to any issues

- Consider campus input, complete and send to the Superintendent/President and the CCC

- If CB, send to presidents of college and union (s); if APM, send to presidents of college and senate

COLLECTIVE BARGAINING

salaries--steps, columns, merit pay, rate of pay for stipends, bonuses, reassigned time, overtime,

placement & advancement benefits

leaves, vacations, holidays

union & district rights

grievance, arbitration & evaluations

discipline procedures.

academic freedom

committees that deal with CB items, such as calendar, classified: as it relates to work hours and calendar year for classified, certificated: as it relates to academic year and work hours

discrimination--sex, race, religion etc

job assignments, reclassification & reassignment

seniority, promotions, retirement

office space & parking

graduation attendance

preparation time

tools/equipment: access to computer, telephone and equipment necessary for the job

training (impact on wages/hours, such as sabbaticals, staff development, flex) & travel

contracting out of bargaining unit work

work load/class size/work hours/work days

ACADEMIC AND PROFESSIONAL MATTERS

curriculum, including establishing prerequisites

degree and certificate requirements
grading policies
education program development
standards or policies regarding student preparation and success
district and college governance structures as related to faculty roles
faculty roles and involvement in accreditation
policies for faculty professional development activities—(staff development, flex,
sabbaticals, faculty academy, senate grant program)
processes for program review
processes for planning and budget

APPENDIX III

Other Statutory Requirements related to Participation in Local Decision-making

- **Ed Code 66450: *Distribution of academic presentations***

Pursuant to Ed. Code Section 66450-66452, anyone (other than the instructor of record) making a recording in any medium of a classroom presentation cannot use the recording for financial or economic gain. Students who are found to be in violation of this section will be subject to disciplinary measures. All persons found to be in violation of this section may be subject to legal action. Distribution of classroom information or materials requires prior permission from the instructor of record.

Students will be informed of this regulation through posting in the college catalog and the Antelope Valley College website.

See Board Policy #5500

- **Ed Code 87458: *Administrative retreat rights***

The process by which the board of trustees determines retreat rights of administrators shall be developed and agreed upon jointly by representatives of the board and the academic senate, and the board relies primarily upon the advice and judgment of the academic senate to determine that the administrator possesses the minimum qualifications for employment as a faculty member.

See Administrative Procedure #7250

- **Ed Code 87359: *Equivalencies to minimum qualifications***

The process and criteria used to determine that individual faculty members who do not meet the applicable minimum qualifications specified in Ed. Code 87356 shall be developed and agreed upon jointly by representatives of the board of trustees and the academic senate. The board shall rely primarily upon the advice and judgment of the academic senate to determine that faculty members possess qualifications that are at least equivalent to the applicable minimum qualifications.

Equivalencies for each discipline will be determined by full-time faculty from the respective disciplines and submitted to the Academic Senate for approval. Equivalencies must be

approved by the Academic Senate and available to the Human Resources Office prior to screening of applicants.

See Administrative Procedure #7211

- **Ed Code 87360: Faculty hiring**

Hiring criteria, policies, and procedures for new faculty members shall be developed and agreed upon jointly by representatives of the board of trustees and the academic senate.

See Administrative Procedure #7120

- **Ed Code 87610.1: Faculty tenure**

The faculty's exclusive representative shall consult with the academic senate prior to engaging in collective bargaining on procedures related to tenure evaluation procedures.

See Administrative Procedure #7210

- **Ed Code 87663: Faculty evaluation**

The board of trustees, in consultation with the faculty, shall adopt rules and regulations establishing the specific procedures for the evaluation of its contract and regular employees on an individual basis and setting forth reasonable but specific standards which it expects its faculty to meet in the performance of their duties. Such procedures and standards shall be uniform for all contract employees with similar duties and all regular employees with similar duties.

See Administrative Procedure #7150

- **Ed Code 87743.2: Faculty service areas**

The faculty's exclusive representative shall consult with the academic senate in developing its proposals for establishing faculty service areas.

See Administrative Procedure #7211

- **Title 5 55022: Curriculum committee**

Curriculum Committee. The college and/or district curriculum committee (Academic Policies and Procedures Committee) recommending the course shall be established by the mutual agreement of the college and/or district administration and the academic senate. The committee shall be either a committee of the academic senate or a committee that includes faculty and is otherwise comprised in a way that is mutually agreeable to the college and/or district administration and the academic senate.

In order to fulfill the mandate of Title 5, Section 55022, the Board of Trustees and the Academic Senate mutually agree to establish a curriculum committee, referred to as the Academic Policies and Procedures Committee, comprised of members from each faculty division and co-chaired by a full-time faculty member and the vice president of academic affairs.

- **Title 5 53204: Academic senate/union agreements**

Nothing in these administrative procedures shall be construed to impinge upon the due process rights of faculty, nor detract from any negotiated agreements between collective

bargaining representatives and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining representatives as to how they will consult, collaborate, share, or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to these regulations.

Glossary of Terms

1. Academic Senate

An organization representing faculty, whose primary function is to consult collegially with the governing board of a district and/or the administration of a college as their representative. The role of the academic Senate constitutes a delegation of authority; by regulation local governing boards are required to consult collegially with the academic Senate on academic and professional matters. (Title 5 §53200-53201) (Ed Code §70901)

2. Ad-Hoc

A group of individuals working on a one-time task

3. College Coordinating Council (CCC)

The College Coordinating council is a governance group of district constituent leaders, established to respond to changing conditions in the institution within a participatory governance framework.

4. Collegewide Participatory Governance Committee

A committee that functions under the operating guidelines of the College Coordinating Council.

5. Consensus

A decision-making process used to resolve conflict creatively and with general agreement. Complete unanimity is not the goal. Each individual should accept the group's decision on the basis of logic and feasibility.

6. Constituent

Individual members of any represented group.

7. Effective Participation of Faculty Outside of Academic and Professional Matters

Faculty shall be provided with opportunities to participate on matters affecting them. (Title 5 §51023)

8. Effective Participation of Staff

- a) Staff shall be provided with opportunities to participate in the formulation and development of district and college policies and procedures. Governing boards should solicit input of staff on matters affecting them. Delegation of authority does not extend to staff. The policies and procedures of the governing board shall ensure that the recommendations and opinions of staff are given every reasonable consideration. (Title 5 §51023.5)
- b) Except in unforeseeable, emergency situations, the governing board shall not take action on a matter having a significant effect on staff until it has provided staff with

an opportunity to participate in the formulation of the policy or procedure or the joint development of recommendations regarding the action.

Governing board procedures shall ensure that at the district and college levels, recommendations and positions developed by staff are given every reasonable consideration. (Title 5 §51023.5)

9. Effective Participation of Students

- a) Students shall be provided an opportunity to participate in the formulation and development of district and college policies and procedures that have or will have a significant effect on students. This right includes the opportunity to participate in processes for jointly developing recommendations to the governing board regarding such policies and procedures. Delegation of authority does not extend to students.
- b) Except in unforeseeable, emergency situations, the governing board shall not take action on a matter having a significant effect on students until it has provided students with an opportunity to participate in the formulation of the policy or procedure or the joint development of recommendations regarding the action.

Governing board procedures shall ensure that at the district and college levels, recommendations and positions developed by students are given every reasonable consideration. (Title 5 §51023.7)

10. Exceptional Circumstances

The regulations do not define the terms “exceptional circumstances” and “compelling reasons,” and these terms are not intended to have a legal definition. These terms mean that Boards must usually accept Senate recommendations in relation to academic and professional matters. In instances where a recommendation is not accepted, the Board’s decision must be in writing, based on a clear and substantive rationale which puts the explanation for the decision in an accurate, appropriate, and relevant context. (Title 5 §53203 - d.2).

11. Participatory Governance

Effective participatory governance includes collectively sharing ideas and formulating good recommendations to present to Boards of Trustees or their designee. It is the responsibility of the Board to focus on the needs and best interests of the district as a whole.

Participatory governance is not effective when the participating entities interpret their roles to include final approval of policies, procedures or budgets. (May 19, 1999 Report to the Consultation Council on the Effectiveness of Faculty, Staff and Student Participation in College and District Governance.)

12. Recommendations

Committee makes a “decision” of what to recommend to appropriate bodies (i.e., Academic Senate, Superintendent/President, or Board of Trustees). (Title 5 §53203(d).)

13. Senate Standing Committee

A committee formed by the Academic Senate on academic and professional matters assigned to it.

14. Taskforce

A group carrying out a specific task.

15. Title 5

The California Code of Regulations specific to education. (California Code of Regulation 1/99 Update).

16. Subgroup

A group of individuals assigned by the Strategic Planning and Budget Council to formulate recommendations relating to a designated institutional function or interest including Human Resources, Facilities, Communication, Educational Master Plan, Budget Subcommittee, and Finance.

7/5/05

Revised: 4/14/08

Revised: 12/14/09

AP 2610 Presentation of Initial Collective Bargaining Proposals

Reference:

Government Code Section 3547

Whenever an initial collective bargaining proposal is received from an exclusive representative of District employees, or whenever the District's own negotiator presents an initial proposal, the following actions must be taken at public meetings of the Board of Trustees:

The exclusive representative or the District must present the initial collective bargaining proposal orally or in writing to the Board at a public meeting.

The public shall have an opportunity to respond to the exclusive representative's or District's initial proposal at a subsequent public Board meeting. The opportunity for public response shall appear on the Board's regular agenda. Public response shall be taken in accordance with the Board's policies regarding speakers.

After the public has an opportunity to respond to an initial proposal presented by the District, the Board shall, at the same meeting or a subsequent meeting, adopt the District's initial proposal. The adoption shall be indicated as a separate action item on the Board agenda. There shall be no amendment of the District's initial proposal unless the public is again afforded a responsible opportunity to respond to the proposed amendment at a public meeting.

If new subjects of meeting and negotiating arise after the presentation of initial proposals, the following procedure shall be followed: all new subjects of meeting and negotiating, whether proposed by the exclusive representative or the District, shall be posted by the District in the same public place as it posts its agendas within twenty-four (24) hours after their presentation in negotiations.

When a request to reopen a collective bargaining agreement, as required by the agreement, is received from an exclusive representative or is made by the District, the public notice procedure outlined in this procedure shall be followed.

When the District and the exclusive representative agree to amend an executed collective bargaining agreement in accordance with the agreement, the following procedure shall be followed:

The amendment shall appear on the agenda as a notice item, for action at a subsequent Board meeting.

The public shall have an opportunity to respond to the amendment at a subsequent Board meeting. The public response shall be indicated on the agenda.

7/5/05

AP 2710 Conflict of Interest

Reference:

Government Code Sections 87105, 87200-87210; Title 2, Section 18700 et seq. and as listed below.

Incompatible Activities (Government Code Section 1126, 1099)

Board members shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the District. A board member shall not simultaneously hold two public offices that are incompatible. When two offices are incompatible, a board member shall be deemed to have forfeited the first office upon acceding to the second.

Financial Interest (Government Code Section 1090 et seq.)

Board members and designated employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as members of the Board or as designated employees.

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

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

No Employment Allowed (Education Code Section 72103(b))

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

Financial Interest in a Decision (Government Code Section 87100 et seq.)

If a board member or designated employee determines that he or she has a financial interest in a decision, as described in Government Code Section 87103, this determination shall be disclosed and made part of the Board's official minutes. In the case of a designated employee, this announcement shall be made in writing and submitted to the Board. A board member, upon identifying a conflict of interest, or a potential conflict of interest, shall do all of the following prior to consideration of the matter.

- Publicly identify the financial interest in detail sufficient to be understood by the public;
- Recuse himself or herself from discussing and voting on the matter;

- Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter is placed on the agenda reserved for uncontested matters. A board member may, however, discuss the issue during the time the general public speaks on the issue.

Gifts (Government Code Section 89503)

Board members and any employees who manage public investments shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law.

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

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

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

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

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

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

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

Representation (Government Code 87406.3)

Elected officials shall not, for a period of one year after leaving their position, act as an agent or attorney for, or otherwise represent for compensation, any person appearing before that local government agency.

7/5/05

Revised: 5/8/06

AP 2712 Conflict of Interest Code

Reference:

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

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

Section 1. Definitions

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

Section 2. Designated Employees

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

Section 3. Disclosure Categories

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

- (A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;
- (B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and

- (C) The filing officer is the same for both agencies.¹ Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

Section 4. Statements of Economic Interests

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

Section 5. Statements of Economic Interests

Time of Filing.

- (A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.
- (B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.
- (C) Annual Statements. All designated employees shall file statements no later than April 1.
- (D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

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

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

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code section 81004.

² See Government Code section 81010 and 2 Cal. Code of Regs. section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

- (A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:
 - (1) File a written resignation with the appointing power; and
 - (2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

Section 6. Contents of and Period Covered by Statements of Economic Interests:

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

Section 7. Manner of Reporting

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

- (A) Investments and Real Property Disclosure. When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:
 - 1. A statement of the nature of the investment or interest;

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

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

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

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

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

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

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

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

⁶ . Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

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

Section 8. Prohibition on Receipt of Honoraria

- (A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (a), (b), and (c) of Government Code section 89501 shall apply to the prohibitions in this section.

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

Section 8.1 Prohibition on Receipt of Gifts in Excess of \$390

- (A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$390 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

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

Section 8.2. Loans to Public Officials

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

- (D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- (E) This section shall not apply to the following:
1. Loans made to the campaign committee of an elected officer or candidate for elective office.
 2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
 3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.
 4. Loans made, or offered in writing, before January 1, 1998.

Section 8.3. Loan Terms

- (A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.
- (B) This section shall not apply to the following types of loans:
1. Loans made to the campaign committee of the elected officer.
 2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
 3. Loans made, or offered in writing, before January 1, 1998.
- (C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

Section 8.4. Personal Loans

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

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

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

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

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

Section 9. Disqualification

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

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

provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

- (D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
- (E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$390 or more provided to; received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

Section 9.3. Legally Required Participation

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

Section 9.5. Disqualification of State Officers and Employees

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

- (A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or
- (B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

Section 10. Disclosure of Disqualifying Interest

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

Section 11. Assistance of the Commission and Counsel

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

Section 12. Violations

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

Section 13. Designated Positions and Disclosure Requirements

Disclosure Categories

Category 1

A designated employee assigned to this category shall disclose:

- a. Interests in real property.
- b. Investments and business positions in business entities and income from sources which engage in building construction or design.
- c. Investments and business positions in business entities and income from sources which engage in the acquisition or disposal of real property.

Category 2

A designated employee assigned to this category shall disclose investments and business positions in business entities and income from sources which manufacture or sell food items, supplies, books, machinery or equipment of the type utilized by the administrative unit for which the designated employee is Manager, Director, Supervisor, or responsible.

Category 3

A designated employee assigned to this category shall disclose investments and business positions in business entities and income from sources which are contractors or subcontractors engaged in the performance of work or services of the type utilized by the administrative unit for which the designated employee is Manager, Director, Supervisor, or responsible.

Designated Employees

Disclosure Categories

Members of the Governing Board	All
Superintendent/President	All
Vice President Academic Affairs	All
Vice President Business Services	All
Vice President Student Services	All
Vice President Human Resources and Employee Relations	All
Director of Auxiliary Services	2
Director of Business Services	2, 3
Director of Facilities and Campus Development	All
Director of Information Technology Services	2, 3
Director of Institutional Advancement & Research	All
Consultants*	All

*The Vice President Business Services of the District may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Vice President Business Services' determination is a public record and

shall be retained for public inspection in the same manner and location as this conflict of interest code.

7/5/05

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