



**El Camino College
College Council
Monday, April 17, 2017
1:30 – 2:30 p.m.
Stadium Room**

College Council Purpose Statement:

To facilitate communication and serve as a forum to exchange information that affects the college community.

Strategic Initiative C - Collaboration:

Advance an effective process of collaboration and collegial consultation conducted with integrity and respect to inform and strengthen decision-making.

Members:

Eman Dalili	Jo Ann Higdon	Susan Pickens
Kristie Daniel-DiGregorio	Chris Jeffries	Jean Shankweiler
Irene Graff	Dena Maloney	Luukia Smith
Chris Halligan	Jeanie Nishime	Erika Solorzano

Alternate Members/Support:

Ann Garten - Support
David McPatchell – Alternate

Agenda:

- | | |
|--|-------------|
| 1. Approval of Minutes from April 3, 2017 (Attached) | All |
| 2. April 17, 2017 Board Agenda Review | All |
| 3. Policies and Procedures (Attached) | |
| a. AP 3710 (Intellectual Property & Securing Copyright) – New | Shankweiler |
| i. BP 3710 (Intellectual Property & Securing Copyright) – New | Shankweiler |
| b. AP 2710 (Conflict of Interest) – New – Legally Required | Perez |
| c. AP 3400 (Statement of Economic Interest) – New – Legally Required | Perez |
| i. BP 3400 (Statement of Economic Interest) – Revised | Perez |
| d. AP 7125 (Verification of Eligibility for Employment) – NEW – Legally Required | Perez |
| i. BP 7120 (Recruitment and Selection) – Revised | Perez |
| e. AP 7233 (Claims for Work out of Classification) – NEW – Legally Required | Perez |
| i. BP 7130 (Compensation) – Revised | Perez |
| ii. BP 7230 (was 7220) (Classified Employees) – Revised | Perez |
| f. AP 7250 (Educational Administrative Reassignment Rights) – Revised | Perez |
| i. BP 7250 (Educational Administrators) – New | Perez |
| 4. Set College Council Summer Schedule | All |

5. Future Meeting Dates
 - a. May 1, 2017, 1:30 p.m., Library 202 (Monday)
 - b. May 22, 2017, 1:30 p.m., Decathlon Room (Monday)

6. Other

7. Adjournment

2016-17 College Council Goals

1. Conduct an annual evaluation of college-wide progress on Strategic Initiative C.
2. Review and endorse all components of the Comprehensive Master Plan 2017-2022.
3. Develop a timeline for completion of all legally required policies and procedures.
4. Review results from college-wide SENSE and Technology surveys and refer to appropriate committees for response.
5. Participate in the annual review of the Mission & Strategic Plan.
6. Increase College Council awareness of Strategic Initiatives and dissemination of information to constituent groups.

EL CAMINO COLLEGE
Office of the President
Minutes of the College Council Meeting – April 3, 2017

College Council Purpose Statement: To facilitate communication and serve as a forum to exchange information that affects the college community.

Strategic Initiative C – Collaboration: Advance an effective process of collaboration and collegial consultation conducted with integrity and respect to inform and strengthen decision-making.

Members Present: Kristie Daniel-DiGregorio, Irene Graff, Jo Ann Higdon, Chris Jeffries, Dena Maloney, Barbara Perez, Susan Pickens, Jean Shankweiler, Luukia Smith, Erika Solorzano

Alternates/Guest: Jose Anaya, Ann Garten, David McPatchell, Tiffany Ushijima

1. Minutes – March 20, 2017: Approved as presented.
2. Policies & Procedures
 - a. BP 4235 (Credit by Examination) – This revision was presented by Jean Shankweiler. It was noted that this policy was revised by removing the content that belongs in the administrative procedure. The policy was approved by College Council and is ready for Board approval.
 - b. AP 4235 (Credit by Examination) – This new procedure was presented by Jean Shankweiler. The procedure was approved by College Council and is ready for Board approval.
 - c. BP 2610 (Presentation of Initial Collective Bargaining Proposals) – Legally required - This new policy was presented by Barbara Perez. The policy was approved by College Council and is ready for Board approval.
 - d. AP 2610 (Presentation of Initial Collective Bargaining Proposals) – Legally required – This new procedure was presented by Barbara Perez. The procedure was approved with the following change: Page 1, item # 4 sentence modified: “...shall be posted by the District in the same public place as it posts its Board of Trustees meeting agendas...” It was noted that these proposals must be posted in Board Docs. The location for these postings in Board Docs will be under the “Library” tab/section. This procedure is ready for Board approval.
 - e. AP 7125 (Verification of Eligibility for Employment) - Legally required – This new procedure was presented by Barbara Perez. It was reported that there is no BP 7125 and that this procedure goes with BP 7120 (Recruitment & Selection). It was determined that AP 7125 will be brought back with BP 7120 so they can be reviewed at the same time.
 - f. AP 7233 (Claims for Work out of Classification) – Legally required. This new procedure was presented by Barbara Perez. It was reported that there

is no BP 7233 and that this procedure goes with BP 7230 (Classified Employees). It was determined that AP 7233 will be brought back with BP 7230 so they can be reviewed at the same time.

- g. AP 7337 (Fingerprinting) – Legally required – This new procedure was presented by Barbara Perez. The procedure was approved by College Council and is ready for Board approval.

3. *Making Decisions at El Camino College* document – College Council made its final review of the updated document. The document is approved and can be prepared for signature. Once signed, the updated document will be posted on the web.
4. Draft Resolution in Support of Students – The draft resolution was updated and brought back to College Council for review. It was reported that Academic Senate, ASO, and legal council have reviewed this latest version. The following additional changes were recommended by College Council: Paragraph # 3: add “(PRIDE)” after “excellence;” paragraph # 8: add a space between “excellence” and “(PRIDE)”;
- paragraph # 10: add a comma after “RESOLVED;” and paragraph # 11 it was noted that this sentence needs to have an ending since it is the last “RESOLVED.” Kristie will revise the sentence. There will be a final review by legal council once these latest changes are made.

Upcoming College Council topics:

1. Continue the process of reviewing the list of legally required board policies and monitor the update of policies.

NEW PROCEDURE

Administrative Procedure 3710

Intellectual Property and Securing of Copyright

The El Camino Community College District recognizes and encourages District employees and students to engage in the production of scholarly works, creative publications, and technology-based materials.

Property subject to copyright or other intellectual property protection, including but not limited to those in the forms of books, compositions, paintings and other works of comparable type, developed by employees or students shall be the property of the creator unless the property is prepared by means of a District grant, constituting substantial District support, an externally funded grant, or contract with the District.

The Superintendent/President or his/her designee shall be responsible for securing the copyright or other intellectual property right for any materials for which the District is entitled to ownership.

This intellectual property and securing of copyright procedure shall be interpreted consistent with other District policies, including, but not limited to, the District's policy on academic freedom and federal and state statutes and regulations. This procedure shall also be interpreted consistent with all collective bargaining agreements. In the event the provisions of these procedures and the provisions of any operative collective bargaining agreement conflict, the collective bargaining agreement shall take precedence.

- I. El Camino Community College District has defined substantial district support, works for hire, proprietary instructional material and intellectual property in Article 24 of the Faculty Contract. These definitions and stipulations will apply to all employee and student work at the ECC District.
 - a) A **Work** is any material which is eligible for copyright protection, including (but not limited to): books, articles, dramatic or musical compositions, poetry, instructional materials (e.g., scientific, logical, opinion or criticism), works of art or design, photographs or films, video or audio recordings, computer software, architectural and engineering drawings, and choreography. A Work may be recorded in any enduring medium (e.g., print, manuscript, electronic storage formats, optical,

photosensitive film, etc.) or may exist in any tangible form (e.g., a sculpture, painting, structure or building).

- b) An **Invention** is any idea or discovery which is eligible for patent protection, including (but not limited to) a device, process, design, model, strain or variety of any organism or composition of matter.
- c) **Intellectual Property** is inclusive of any intangible property or other assets eligible for intellectual property protection under the law.
- d) **District Support** includes the use of district funds, personnel, facilities, equipment, materials, or technology.
- e) **Substantial District Support** is defined as support involving either (1) direct costs to the District in excess of \$2000 over and above any budget customarily provided for the employee's usual appointment or assignment; or (2) indirect costs to the District (including but not limited to salaries and wages) in excess of \$5000 for District employees providing secretarial, technical or creative services specifically for the project; or (3) the use of exceptionally expensive District equipment or facilities (e.g., professional recording and filming studio, professional television cameras and the like). A grant obtained through the initiative and efforts of an employee or student shall not be considered to have resulted from Substantial District Support so long as the employee's contributions exceed the District's contributions.
- f) **A Work for Hire or Invention for Hire** is one for which the employee is specifically compensated to create. Works or inventions for Hire include products resulting from grants where the employee's contributions were less than contributions from the District. Works or Inventions for Hire shall remain the property of the District for all purposes.
- g) **Proprietary Instructional Materials** are those materials an employee created to perform his assignment more effectively for the benefit of the students, including (but not limited to): syllabi, lectures, student exercises, illustrations, recordings, multimedia programs and tests. The employee may use Instructional Materials in a traditional classroom or in any form of Distance Education. These Proprietary Instructional materials may be created using the personal resources of the employee and/or resources provided by the district.
- h) Employees who develop **Intellectual Property** with District Support as defined above, including but not limited to electronically posted notes,

lectures, audio or videotaped presentations, broadcasts, or multi-media or interactive software, shall retain all ownership rights to and control of such material, except that the District shall retain the right to use property created with Substantial District Support for its own purposes without payment of royalties or other considerations, and the employee shall provide appropriate access to District personnel for evaluation, program review and accreditation purposes .

II. In the absence of a specific contract or agreement:

- a) If there is a reasonable determination that a particular work or other intellectual property created by an employee may be sold or traded commercially, the District and the employee may elect to draft and execute a contract specifying the terms of ownership of the work.
- b) If the receipt of grant funds restricts or specifies ownership of employee-created work, the District will abide by the requirements of the grant agreement.
- c) If the District and employee wish for any other reason to change or share ownership of a work or other intellectual property, they may jointly draft and execute a contract specifying terms of ownership.

The District will strive to actively protect all copyrighted materials or other intellectual property owned solely or partially by the District.

References:

Education Code Sections 72207 and 81459

17 United States Code 201

35 U.S. Code Section 101 et seq.

37 Code of Federal Relations 1.1 et seq.

Agreement Between El Camino Community College District and El Camino College Federation of Teachers, Local 1388, AFT, AFL-CIO.

Contact: Don Brown

Educational Policies Committee: passed fall 2015; 10/25/16; 11/22/16

Academic Senate – 1st reading 11/17/15; 2nd reading 3/1/16; 1st reading 3/21/17; 2nd reading and passed on 4/4/17

Deans Council – 1st review Feb. 2016; 2nd review March 2017

College Council -

NEW POLICY

Board Policy 3710

Intellectual Property and Securing of Copyright

The Superintendent/President or his/her designee shall develop procedures that define the rights, interests, protection, and transfer of intellectual property created by the District employees and students and secures copyrights and other intellectual property rights, in the name of the district, to all copyrightable works and other intellectual property developed by the district, and royalties or revenue from said intellectual property are to be for the benefit of the district securing said intellectual property right.

The Superintendent/President shall develop appropriate administrative procedures to implement the provisions of Education Code 72207, which authorizes the securing of copyright protection for works, including but not limited to registering copyrights on behalf of the District. The procedures developed by the Superintendent/President shall assure that the District may also use, sell, give or exchange copyrightable materials and may license materials prepared by the District in connection with its curricular and other services.

In the development of procedures, the Superintendent/President shall solicit the input of representatives of the college community in accordance with the District's policies regarding shared local decision making.

References:

Education Code Sections 72207 and 81459

17 U.S. Code Section 201

35 U.S. Code Section 101 et seq.

37 Code of Federal Relations 1.1 et seq.

Reviewed by Academic Senate – 1st reading 11/17/15; 2nd reading 3/1/16; 1st reading 3/2/17

EPC – 10/25/16; 11/22/16

Reviewed by Deans Council – 1st review Feb. 2016; 2nd review March 2017

NEW PROCEDURE - LEGALLY REQUIRED

Administrative Procedure 2710

Conflict of Interest

Incompatible Activities (Government Code Sections 1126 and 1099)

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

Financial Interest (Government Code Sections 1090 et seq.)

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

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

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

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

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

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

If a Board member or employee determines that he/she has a financial interest in a decision, as described in Government Code Section 87103, this determination shall be disclosed and made part of the Board's official minutes. In the case of an employee, this

announcement shall be made in writing and submitted to the Board. A Board member, upon identifying a conflict of interest, or a potential conflict of interest, shall do all of the following prior to consideration of the matter.

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

Gifts (Government Code Section 89503)

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 and 89502).

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

1. 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.
2. Any honorarium that is not used and, within 30 days after receipt, is either returned to the donor or delivered to the District for donation into the general fund without being claimed as a deduction from income tax purposes.

Representation (Government Code Section 87406.3)

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

Contracts Supported by Federal Funds (2 Code of Federal Regulations Part 200.318(c)(1))

No employee, Board member, or agent of the District may participate in the selection, award, or administration of a contract supported by a federal award if he/she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, Board member, or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The Board members, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. Disciplinary action will be taken for violations of such standards by Board members, employees, or agents of the District.

References:

Government Code Sections 87105 and 87200-87210;
Title 2 Sections 18700 et seq.;;
2 Code of Federal Regulations Part 200.318(c)(1); and
other citations as listed above

Draft: 3/27/17

BOARD POLICY Administrative Policy 3400
Statement of Economic Interest

I. Purpose

All state and local government agencies are required to adopt conflict of interest codes designating certain positions which entail the making or participation in the making of decisions which may affect financial interests. As required by Government Code Section 87302, District employees and appointed officials must file a Statement of Economic Interests (Form ~~730700~~) if their positions are designated in the District's Conflict of Interest Code. These statements are public documents which are open for inspection and reproduction by any person.

II. Designated Positions

Officials and employees in the following positions are required to file Statements of Economic Interests: Board of Trustees Members and Candidates; Superintendent/President; Vice Presidents; Chief Technology Officer; Business Manager; ~~Director of Personnel Services; Director of Purchasing;~~ Deans; Associate Deans; ~~Director of Food Services; Director and Assistant Director of Facilities Planning and Services; Director of the Bookstore; Director of Information Systems; and Consultants~~ Directors; Assistant Directors; Special Service Professionals; and Consultants who perform under contract the duties of any of the aforementioned.

III. Filing Officer

The Vice President of ~~Administrative Services~~ Human Resources, as the District's filing officer is required to file and maintain original Statements of Economic Interests for all personnel designated in Exhibit "B" of the District's Conflict of Interest and Disclosure Code, except the Superintendent and the Board of Trustees. The original statements for the personnel in these positions are to be filed with and maintained by the Executive Officer of the Board of Supervisors, who is their filing officer.

Duties of the District's filing officer include the following:

- Supplying the necessary forms and manuals to designated employees;
- Determining whether the proper statements have been filed;
- Promptly notifying the filer if a statement is not completed properly;
- Compiling and maintaining a master list of employees holding designated positions;
- Maintaining originals of the statements filed with the District;

- Acting as liaison with the Executive Officer of the Board of Supervisors;
- Carrying out enforcement responsibilities established under the Political Reform Act of 1974 as delegated by the Executive Officer;
- Upon receipt, forwarding those statements received that should be filed with the Executive Officer of the Board of Supervisors.

IV. Procedure for Filing Annual Statements

- A. In February of each year, the Executive Officer of the Board of Supervisors will, in writing, notify the District of the deadline for filing annual Statements of Economic Interests.
- B. The District's filing officer will send to each designated employee a copy of the District's Conflict of Interest and Disclosure Code, Form 730-700 for the prior calendar year, the accompanying instruction manual, and a cover memo requesting completion of Form 730-700 on or before April 1.
- C. The designated employee will refer to Exhibit "B" of the Conflict of Interest Code to determine which disclosure categories are applicable to his/her position. Exhibit "A" of the Code details which types of interests must be disclosed for each category.
- D. The designated employee will complete Form 730-700 as follows:
 1. Disclose economic interests held, and income received, on the appropriate Schedule pages, during the previous calendar year beginning either January 1, or the date the employee assumed the designated position, whichever is later.
 2. Check the applicable boxes and sign the summary page.
 3. Return the original completed form to the office of the Vice President – ~~Administrative Services~~Human Resources.
- E. Upon receipt of the completed statements, the filing officer will date stamp them, reviewing them for proper completion. The filing officer will then forward statements completed by the Superintendent and the Board of Trustees to the Executive Officer of the Board of Supervisors and maintain all other statements in a District yearly file. Statements are retained for at least seven years.

- F. Approximately two weeks before the April 1 deadline, the filing officer will send reminder memos to all designated employees who have not submitted their completed statements.

V. Procedure for Filing Assuming Office Statements

- A. Filing officer will send an appropriate memo, Form 730700, and necessary attachments to any employee who assumes a designated position. Within thirty days, that employee must file an assuming office statement with the District's filing officer. The statement must disclose economic interests held on the date the employee assumed office. Above procedure from IV-C through IV-E is followed.
- B. If the statement has not been filed within the thirty-day time limit, the filing officer will send a reminder memo.

VI. Procedure for Filing Leaving Office Statements

- A. Filing officer will send an appropriate memo, Form 730700, and necessary attachments to any employee who leaves a designated position. Within thirty days of leaving a designated position, the employee must file a leaving office statement with the District's filing officer. The statement must cover the period between the last statement filed and the date the employee leaves the position. Above procedure from IV-C through IV-E is followed.
- B. If the statement has not been filed with the filing officer within the thirty-day time limit, the filing officer will send a reminder memo.

VII. Failure to File Statements

- A. If an employee fails to file an annual, assuming, or leaving office statement after a reminder is sent, the filing officer will send a specific written notice of the penalties for failure to file. Such employees could be subject to financial penalties at the rate of \$10.00 per day after the deadline until the statement is filed, up to a maximum of \$100.00. There is no provision in the law for an extension of the filing deadline.
- B. If an employee still fails to file a statement after the deadline imposed, the filing officer must refer the employee to the Executive Officer of the Board of Supervisors for imposition of applicable fines and/or civil penalties.

- C. Employees should be cautioned that failure to comply with the provisions of the Political Reform Act could result in disciplinary actions, including dismissal, consistent with applicable civil service rules or other laws, regulations and procedures, in addition to any financial penalties.

El Camino College

Adopted: 7/11/94

Renumbered: 5/16/05, Previous Board Policy Number: 4317

Board Policy 3400

Statement of Economic Interest

The Superintendent/President shall develop administrative procedures that assure compliance with the requirements of Government Code Section 87302, where District employees and appointed officials must file a Statement of Economic Interests (Form 700) if their positions are designated in the District's Conflict of Interest Code. These statements are public documents which are open for inspection and reproduction by any person.

Reference:

Government Code, Section 87302

El Camino College

Adopted:

Amended:

Note: This Board Policy replaces the old BP 3400 which becomes AP 3400.

Administrative Procedure 7125 Verification of Eligibility for Employment

The District will not hire or recruit a person for employment if it knows that the person is not a citizen of the United States and is not authorized to be employed in the United States.

Reliable documentation of eligibility is required for employment from all persons hired. "Reliable documentation" as set out in federal law includes one or more of the following:

- A United States passport or a resident alien card or alien registration card containing a photograph of the prospective employee, that indicates the person is authorized to work in the United States **OR**
- A social security card or other documentation issued by the United States government showing authorization to work in the United States **AND** a driver's license or similar identification document containing a photograph of the prospective employee.

The District will complete for each new employment the verification form or forms required by the United States government. The District will retain such forms for at least three years for persons it does not hire. For persons it does hire, the District will retain such forms for at least three years or until one year after the persons leaves the District's employment, whichever is later.

The District will protect the privacy of the information it collects pursuant to this procedure.

Reference:

8 U. S. Code Section 132a

El Camino College
Adopted:

Board Policy 7120

Recruitment and Selection

In order to select and to retain the most qualified employees, the Superintendent/President shall establish procedures for the recruitment and selection of employees, including but not limited to the following criteria—:

1. An Equal Employment Opportunity Plan shall be implemented according to Title 5 and Board Policy 3420.
2. Academic employees shall possess at least the minimum qualifications prescribed for their positions by the Board of Governors.
3. The criteria and procedures for hiring academic employees shall be established and implemented in accordance with Board policies and procedures regarding the Academic Senate's role in local ~~decision~~-~~decision~~-making and the current provisions of the collective bargaining agreement between the District and the exclusive bargaining representative for faculty.
4. The criteria and procedures for hiring classified employees shall be established after first affording the exclusive collective bargaining representative an opportunity to participate in the decisions under the Board's policies regarding local ~~decision~~-~~decision~~-making.

Reference:

Education Code Section 70901.2, 70902(b)(7) & (d), ~~Education Code Section~~ 87100 et seq., and 87458

Title 5, Sections 53000, et seq. and 51023.5

Accreditation Standard III.1.A

Replaces Board Policies 4211, 4311

El Camino College

Adopted: 7/19/04

Amended:

Administrative Procedure 7233 Claims for Work out of Classification

Classified employees shall not be required to perform duties that are not fixed and prescribed for the position by the Board unless the duties reasonably relate to those fixed for the position, for any period of time that exceeds five working days within a 30-calendar-day period except as authorized in these procedures.

An employee may be required to perform duties inconsistent with those assigned to the position for a period of more than five working days if his/her salary is adjusted upward for the entire period he/she is required to work out of classification and in amounts that will reasonably reflect the duties required to be performed outside his/her normal assigned duties.

Reference:

Education Code Section 88010

El Camino College
Adopted:

PROPOSED

Board Policy 7130

Compensation

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

Prohibition of Incentive Compensation

[NOTE: Except as applicable to foreign students residing in foreign countries who are not eligible to receive federal student assistance,] The District shall not provide any commission, bonus, or other incentive payment based, directly or indirectly, on the success in securing enrollments or financial aid, to any person or entity engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance. Employees covered by this ban shall be referred to as “covered employees” for purposes of this policy.

Reference:

Education Code Sections ~~70902(b)(4);~~, 72411, ~~87801;~~ 88160 ;

Government Code Section 53200;

34 Code of Federal Regulations 668 (U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1964, as amended)

El Camino College
Adopted: 6/11/01
Amended:

Classified employees are those who are employed in positions that are not Academic positions. The employees and positions shall be known as Classified service and are defined by the collective bargaining agreement.

The classified services do not include:

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

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

The Board shall fix and describe the duties of the members of the Classified service. (See Board Policy 7110.)

The probationary period for classified employees shall be one year.

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

Reference:

Education Code Sections 88003~~;~~ 88004; 88009~~;~~ and 88013

Replaces Board Policy 4210.

El Camino College
Adopted: 5/21/01
Amended:

Administrative Procedure 7250 Educational Administrative Reassignment Rights

INTRODUCTION

In accordance with Educational Code, Section 87458, the El Camino Community College District adopts the following educational administrator re-assignment rights procedure. An educational administrator is defined as an administrator who is employed in an academic position designated by the governing board of the District as having direct responsibility for supervising the operation of or formulation policy regarding the instructional or student services program of the District (Ed. Code Section 87002 (b)).

~~An administrator hired before June 28, 1993 will retain status as a tenured faculty member. An administrator hired prior to adoption of this policy shall be granted tenure in accordance with the District process in effect on January 1, 1989. (Ed. Code Section 87458(b)).~~

~~This policy applies to educational administrators hired on or after June 28, 1993 and after adoption of this policy.~~ Under AB 1725, such administrators do not acquire tenure as instructors. However, they can acquire the right to become first-year probationary faculty members. Their reassignment shall be done in accordance with the following procedures.

- I. An administrator hired on or after June 28, 1993, who does not have faculty tenure in this District, shall be reassigned to a first-year probationary faculty position provided that he or she meets all of the following criteria:
 - A. Holds an educational administrative position. For every administrative job title the records of the District shall show whether or not it is an educational or classified administrative position.
 - B. The administrator has completed at least two years of satisfactory service, including any time previously served as a faculty member, in the District.
 - C. The educational administrator is being re-assigned due to the elimination of the current position as part of an administrative reorganization or as part of a reduction in force among administrators, or for reasons other than for cause. If the same position is opened within 39 months or if another administrative position of similar rank and responsibilities is opened within the District within 39 months for which this administrator has the minimum qualification, he or she shall be assigned to that position. In no case shall this District reassign an administrator to a faculty position if evidence exists that justifies dismissal for cause.
 - D. During the first year, the reassignment would not cause a layoff or any contract or regular faculty member. If in subsequent years, the District is required to reduce the number of permanent employees in the discipline, the reduction will occur in accordance with Section 87743 of the Education Code and the Agreement between the District and the El Camino College Federation of Teachers. (Federation).

Administrative Procedure 7250 Educational Administrative Reassignment Rights

- II. To determine the discipline to which an administrator shall be assigned, the following shall apply:
- A. The administrator can be assigned only to a discipline in which he or she has at least the minimum qualifications as specified by the State or have taught in the Faculty Service Area (FSA) discipline at El Camino College or hold a valid Instructor Credential in the discipline. The Academic Senate shall certify to the governing board for which discipline or disciplines the administrator meets the minimum qualifications. In order to facilitate the assignment of the discipline, the administrator shall supply the District Human Resources Office with appropriate transcripts and a list of subjects taught. The governing board shall rely primarily upon the Academic Senate's judgement. The District shall review with the Academic Senate a recommendation on the discipline to which the administrator should be assigned. The Board of Trustees shall provide the Academic Senate with an opportunity to present its views before a determination is made. A written record of the Board's decision, including the views of the Academic Senate, shall be available for review pursuant to Education Code, Section 87358.
 - B. Whenever possible, the administrator shall be assigned to a discipline in which he or she has not only the minimum qualifications but also where all of the following apply:
 - 1. There are sufficient assignments in the discipline currently held by adjunct faculty to make a full-time assignment for an additional faculty member.
 - 2. The administrator has an interest as indicated by a statement of the administrator's own preference for assignment.
 - C. In the event of qualifications in more than one area, the administrator shall be recommended for assignment by a joint Academic Senate/District Committee. Besides considering one and two above, the Committee will consider area of greatest District need and area where administrator has the most academic preparation and experience.

Administrative Procedure 7250 Educational Administrative Reassignment Rights

III. Review and Revision

- A. Any exception to this policy stated in this document require mutual agreement between the Academic Senate Council, in consultation with the Federation and the District.
- B. Review and revision will be done at the request of the Academic Senate Council, the Federation, or the District.
- C. Revisions must be mutually agreed upon by the Academic Senate Council, in consultation with the Federation and the District. Until such agreement is reached, the current policy will remain in effect.

Board Policy 7250

Educational Administrators

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

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

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

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

Every educational administrator shall be employed by an appointment or contract of one or two year duration.

The Board may, with the consent of the administrator concerned, terminate, effective on the next succeeding first day of July, the terms of employment and any contract of employment with the administrator, and reemploy the administrator on any terms and conditions as may be mutually agreed upon by the Board and the administrator, for a new term to commence on the effective date of the termination of the existing term of employment.

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

An educational administrator who has not previously acquired tenure as a faculty member in the District shall have the right to become a first year probationary faculty member once his/her administrative assignment expires or is terminated, if the following criteria are met:

- The administrator meets the criteria established by the District for minimum qualifications for a faculty position, in accordance with procedures developed jointly by the Superintendent/President and the Academic Senate and approved by the Board. The Board shall rely primarily on the advice and judgment of the Academic Senate to determine that an administrator possesses minimum qualifications for employment as a faculty member.

- The requirements of Education Code Section 87458(c) and (d), or any successor statute, are met with respect to prior satisfactory service and reason for termination of the administrative assignment.

References:

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

El Camino College
Adopted:

PROPOSED