

**District Participatory Governance Council Minutes  
Monday, February 7, 2022 at 2:15 p.m.**

Zoom Link: <https://smccd.zoom.us/j/84641869126?pwd=WGJoNm0zNUVYUU5xQWI4WHpGdGdHQT09>

1. **Call to Order/Establish Quorum** (5 minutes)
2. **Action Item**
  - A. **Brown Act Resolution** (1 minute)
3. **Statements from the Public on Non-Agenda Items** (5 minutes)
4. **Action Items** (10 minutes)
  - A. Review and Approval of Minutes from December 6, 2021 Meeting
  - B. Draft - Preamble, Vision, Mission, Values (BP 1.01 – District Mission)
5. **Policies for Review** (10 minutes)
  - A. **Board Policies for First Review**
    - BP 2.00 (3100) – Administrative Organization
    - BP 2.51 – Reporting of Crimes
    - BP 6.32 (3715) - Intellectual Property
    - BP 6.33 (3750) - Use of Copyrighted Material
    - BP 8.54 (3230) – District Organizational Memberships
    - BP NEW – 3440 - Service Animals
    - BP NEW – 3510 - Workplace Violence
    - BP NEW – 3710 – Securing of Copyright
  - B. **Board Policies for Second Review** (10 minutes)
    - BP 2.16 – Public Notice of Negotiations
    - BP 2.70 – Accreditation
    - BP 2.75 – Institutional Planning and Effectiveness
    - BP 6.30 – Externally Funded Special Projects and Programs
  - C. **Board Policies for Third Review**
    - None
6. **Informational Items** (10 minutes)
  - A. Review of AP 2.90.1 Vaccinations
  - B. Review of Edits Presented to Board for BP 2.06 (2401) Regarding Board Policies and Administrative Procedures
  - C. Review of Edits Presented to Board for BP (2.45) 2710 and APs 2.45.1 (2710) and 2.45.2 (2712) Regarding Conflict of Interest
  - D. BP 8.20 (3810) - Claims Against the District
7. **Closing Remarks/Agenda Building** (5 minutes)
8. **Adjournment**

**CHAPTER 2: Administration and General Institution  
BOARD POLICY NO. 2.00 (BP 3100)**

**BOARD POLICY  
San Mateo County Community College District**

**Subject:** BP 2.00 Administrative Organization  
**Revision Date:** 5/09; Reviewed 5/15; ~~XX~~  
**Policy Reference:** Education Code Section 72400

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The District Chancellor shall establish organizational charts that delineate the lines of responsibility and fix the general duties of employees within the District.

1. Cañada College, College of San Mateo, Skyline College and the District Office shall be organized in the most efficient and effective manner to provide comprehensive educational services for the citizens of the District. Authority flows from the Board of Trustees through the District Chancellor- to the executive staff and Presidents of the three Colleges. Each President, as the College chief executive officer, is responsible for implementation of District policies at the College.
2. Subject to the approval of the Board, the District Chancellor shall establish and authorize modifications in the administrative organization of the District Office and the Colleges. The District's organizational structure shall be flexible enough to provide for differences in the Colleges and the communities they serve. There shall be a periodic review of the organizational structure to ensure that it conforms with the needs of the District and the needs of the public.
3. Current organization charts, which delineate lines of responsibility and authority within the District, shall be maintained by the District Chancellor. To assist District employees and the public in understanding the administrative organizational of the District, copies of the organization charts shall be made available upon request to interested individuals and groups.

Also see AP 3100 Organizational Structure

**CHAPTER 2: Administration and General Institution**  
**BOARD POLICY NO. ~~2410 2.06~~ (BP-**  
**~~24102.60~~)**

**BOARD POLICY**  
**San Mateo County Community College District**

**Subject:** BP 2.06 Board Policies and Administrative Procedures  
**Revision Date:** 12/11; 7/17; 4/19; ~~X/22~~  
**Policy Reference:** Education Code Section 70902; ACCJC Accreditation Standards IV.C.7, IV.D.4, I.B.7 and I.C.5

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The Board of Trustees may adopt such policies as are authorized by law or determined by the Board to be necessary for the efficient operation of the District. Board policies are intended to be statements of intent by the Board on a specific issue within its subject matter jurisdiction.

1. The policies adopted by the Board for the District have been written to be consistent with the provisions of law, but do not encompass all laws relating to the District's activities. All District employees shall be expected to know and shall be held responsible for observing all provisions of law pertinent to their job responsibilities and activities as District employees.
- ~~2.~~ Any policy may be suspended by a majority vote of the Board, which vote shall be taken by roll call and shall be entered in the minutes of the meeting.
- ~~2.3.~~ Policies of the Board may be adopted, revised, added to, or amended at any regular Board meeting by a majority vote. Proposed changes or additions shall be introduced not less than one regular meeting prior to the meeting at which action is recommended. The Board shall regularly assess its policies for effectiveness in fulfilling the District's mission.
- ~~3.4.~~ The policies governing the District may be amended by a majority vote of the Board at any meeting. Amendment shall be made by repeal of the existing rule and, if required, the enactment of a new rule.
- ~~4.5.~~ The administration, in conjunction with the appropriate constituencies, will review each policy on a six-year schedule in accordance with the accreditation cycle. Any changes required will be brought to the appropriate consultative group and to the Board of Trustees for approval.
- ~~5.6.~~ Board Policy policies 2.05 and 2.08 2510 (Participation in Local Decision-Making) assigns responsibility to the Academic Senate to advise the Board on eleven different areas of "academic and professional" matters. Policy changes which impact any of the eleven areas will be reviewed by the Academic Senate prior to being sent to the Board for approval.
- ~~6.~~ Board Policy 2510 (Participation in Local Decision-Making) policy 2.08 assigns responsibility to the District Participatory Governance Council (DPGC) to advise the Board on seven different governance matters. Policy changes which impact any of these seven areas will be reviewed by the DPGC before being sent to the Board for approval.
7. Administrative procedures are to be issued by the District Chancellor as statements of method to be

used in implementing board policy. Such administrative procedures shall be consistent with the intent of board policy. Administrative procedures may be revised as deemed necessary by the District Chancellor.

8. The District Chancellor shall, on an annual basis, provide each member of the Board with any administrative procedure revisions since the last time they were provided. The Board reserves the right to direct revisions of the administrative procedures should they, in the Board's judgment, be inconsistent with the Board's own policies.

7.9. Administrative procedures implementing Board-adopted policies shall be developed by designated administrators subject to approval of the Chancellor. Procedures shall be consistent with and not in conflict with policies adopted by the Board.

8.10. Board policies and administrative procedures will utilize the numbering and titling system recommended by the Community College League of California.

11. Board policies will only reference the "Chancellor-(or designee)" as the responsible party for implementing Board policies and developing administrative procedures, as the District Chancellor is the primary employee of the governing board.

9.12. Copies of all board policies and administrative procedures shall be readily available to District employees through the District Chancellor.

13. Board policies and administrative procedures will be posted on the District's website.

Also see AP 2410 Board Policies and Administrative Procedures and BP 2430 Delegation of Authority to the District Chancellor.

**CHAPTER 2: Administration and General Institution**  
**BOARD POLICY NO. 2.16 (BP 2610)**

**BOARD POLICY**  
**San Mateo County Community College District**

**Subject:** BP 2.16 Presentation of Initial Collective Bargaining Proposals~~Public Notice of Negotiations~~  
**Revision Date:** 5/09; Reviewed 5/15; ~~XX~~  
**Policy Reference:** Government Code Section 3547

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1. It is the intent of the Board of Trustees to ~~insure-ensure~~ that the members of the public are informed about issues being negotiated under the Educational Employment Relations Act (EERA) and are given full opportunity to express their views thereon before negotiations commence.
2. All initial proposals of exclusive representatives and of the Board which relate to matters within the scope of representation shall be presented at public meetings of the Board and thereafter shall be public records. The initial negotiating proposals shall also be available for public review at the District Office.
  - a. After a reasonable time, but not less than five calendar days following the public availability specified above, the Board, at a public meeting, shall provide the public an opportunity to comment on the initial proposals.
  - b. Following the public hearing specified above, the Board shall, at a public meeting, adopt its initial proposal. No meeting and negotiating shall take place until the procedure described above has been completed in compliance with the law.
3. New topics to be negotiated arising after the presentation of initial proposals shall be made public within 24 hours, by posting this information at the District Office. If any vote is taken by the Board on a new subject of negotiation, the Board shall make the roll call vote available as a matter of public record within 24 hours of the time of the vote.
4. The District Chancellor is directed to enact administrative procedures that assure compliance with the requirements of Government Code Section 3547 regarding the presentation to the Board of initial proposals for collective bargaining.
5. Collective bargaining begins when either an exclusive representative or the District itself presents an initial proposal for consideration.

**CHAPTER 2: Administration and General Institution  
BOARD POLICY NO. 2.45 (BP 2710)**

**BOARD POLICY  
San Mateo County Community College District**

**Subject:** ~~BP 2.45~~ Conflict of Interest  
**Revision Date:** 5/12; 1/17; ~~X/22~~  
**Policy References:** Government Code Sections 1090, et seq., 1126, 87200, et seq.; Title 2,  
Sections 18730 et seq.

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1. In compliance with law, the Board of Trustees shall adopt a Conflict of Interest Code and shall periodically review the list of designated employees required to complete financial disclosure forms. The Chancellor shall designate a filing Officer for conflict of interest matters and that person shall perform related duties as required by law.
2. Each Board member and each designated employee under the District's Conflict of Interest Code shall annually file a statement of economic interest with the filing officer identified by the administrative procedures disclosing those interests in investments, real property, and income that are designated as reportable under the Conflict of Interest Code.
3. A Board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to his/her/their duties as an officer of the District.
4. No Board member nor any employee of the District shall make, participate in making or, in any way, attempt to use his/~~or~~her/their position to influence a governmental decision in which he/~~or~~she/they know(s) or has reason to know that he/~~or~~she/they has/have a financial interest.
5. Board members and employees shall not be financially interested in any contract made by them in their official capacity or in any body or board of which they are members. A Board member shall not be considered to be financially interested in a contract if his/her/their interest is limited to those interests defined as remote under Government Code Section 1091 or is limited to interests defined by Government Code Section 1091.5.
6. A Board member who has a remote interest in any contract considered by the Board shall disclose his/~~or~~her/their interest during a Board meeting and have the disclosure noted in the official board minutes. The Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract.
7. In compliance with law and regulation, the District Chancellor shall establish administrative procedures to provide for disclosure of assets or income of Board members who may be affected by their official actions and prevent members from making or participating in the making of Board decisions which may foreseeably have a material effect on their financial interest and shall, as necessary, obtain legal advice should a potential conflict of interest occur.
8. Administrative procedures established by the District Chancellor shall also include provisions for mandatory training for those employees required to complete financial disclosure forms as prescribed in Section 1 of this policy.

7.9. Board members are encouraged to seek counsel from the District's legal advisor in every case where any question arises.

Also see BP 2200 Board Duties and Responsibilities, AP 2710 Conflict of Interest, AP 2712 Conflict of Interest Code, BP/AP 2715 Code of Ethics/Standards of Practice, BP/AP 2716 Board Political Activity, and BP 2717 Personal Use of Public Resources – Board, BP/AP 3050 Institutional Code of Ethics, and BP/AP 3300 Public Records.

**CHAPTER 2: Administration and General Institution  
ADMINISTRATIVE PROCEDURE NO. 2.45.1 (AP 2710)**

**ADMINISTRATIVE PROCEDURE  
San Mateo County Community College District**

**Subject:** AP 2.45.1-Conflict of Interest  
**Revision Date:** 9/12; X/22  
**References:** Government Code Sections 1090 et seq., 1099, 1126, 87100 et seq., 87103, 87105, 87200-87210, 87300-87302, 87406.3, 89501-89503 and 89506; Title 2 Sections 18700 et seq. and 18730 et seq.; Education Code Section 72103 et seq.; 2 Code of Federal Regulations Part 200.318 subdivision (c)(1); and other citations as listed below

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**1. 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 their duties as officers or employees of the District. A Board member shall not simultaneously hold two public offices that are incompatible as defined in Government Code Section 1099. When two offices are incompatible, a Board member shall be deemed to have forfeited the first office upon acceding to the second.

**2. 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 by them in their official 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/their 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/they has/have 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/her/their minor child.

**3. No Employment Allowed** (Education Code Section 72103 subdivision (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)).

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

If a Board member or employee determines that he/she/they has/have 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.

- a. Publicly identify the financial interest in detail sufficient to be understood by the public;
  - b. Recuse himself/~~or~~ herself/themselves from discussing and voting on the matter;
  - c. 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.
5. **Gifts** (Government Code Section 89503)
- a. 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.
  - b. 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/their statement of economic interests.
  - c. 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.
  - d. 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.
  - e. 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).
  - f. 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/their 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, or (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.

6. **Representation** (Government Code Section 87406.3)

Elected officials and the District Chancellor 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.

AP 2.45.1 Conflict of Interest (continued)

7. The District will follow all guidelines contained in Title 5, Sections 18730 et seq.

8. **Contracts Supported by Federal Funds** (2 Code of Federal Regulations Part 200.318 subdivision (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/they 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/their immediate family, his/her/their 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.

Also see BP 2200 Board Duties and Responsibilities, BP 2710 Conflict of Interest, AP 2712 Conflict of Interest Code, BP/AP 2715 Code of Ethics/Standards of Practice, BP/AP 2716 Board Political Activity, and BP 2717 Personal Use of Public Resources – Board, BP/AP 3050 Institutional Code of Ethics, and BP/AP 3300 Public Records.

**CHAPTER 2: Administration and General Institution  
ADMINISTRATIVE PROCEDURE NO. 2.45.2 (AP 2712)**

**ADMINISTRATIVE PROCEDURE  
San Mateo County Community College District**

**Subject:** AP 2.45.2 Conflict of Interest Code  
**Revision Date:** 9/12; 8/16; 8/18  
**References:** Government Code Sections 87103(e), 87300-87302, 89501 and 89503; Title 2  
Section 18730

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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 attached to this procedure, 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.

**CONFLICT OF INTEREST CODE OF THE  
SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT  
COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

The Political Reform Act, Government Code Sections 8100, et. seq., requires state and local government agencies to adopt Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Adm. Code Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice hearings. Therefore, the terms of 2 Cal. Adm. Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the San Mateo County Community College District (Hereinafter "Agency").

Pursuant to Section 18730(b)(4)(B) of the Standard Code, all designated employees shall file statements of economic interests with the agency, which shall make and retain a copy and forward the originals to the code reviewing body, which shall be the filing officer.

As directed by Government Code Section 82011, the code reviewing body is the Board of Supervisors for the County of San Mateo. Pursuant to Title 2, Division 6 of the California Administrative Code, Section 18277, the County Clerk for the County of San Mateo shall be the official responsible for receiving and retaining statements of economic interests filed with the Board of Supervisors.

**Section 1. Definitions**

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regulations 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 Section 13 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 economic 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 economics 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.<sup>1</sup> Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Section 13 specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his/her/their statement of economic interests those economic interests he/she/they has which are of the kind described in the disclosure categories to which he/she/they is assigned in Section 13. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he/she/they foreseeably can affect materially through the conduct of his/her/their 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.<sup>2</sup>

#### **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/she/they did not make or participate in the making of, or use his/her/their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his/her/their appointment. Such persons shall not file either an assuming or leaving office statement.

- (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/she/they 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.

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<sup>1</sup> 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.

<sup>2</sup> See Government Code Section 81010 and Title 2 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.

**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 property<sup>3</sup> is required to be reported,<sup>4</sup> the statement shall contain the following:
1. A statement of the nature of the investment or interest;
  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,<sup>5</sup> 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

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

<sup>4</sup> 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 ten percent or greater.

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

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,<sup>6</sup> 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/she/they is a director, officer, partner, trustee, employee, or in which he/she/they 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.

**(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/her/their 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.

**(B)** 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 \$470**

**(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 \$470 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/her/their 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.

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<sup>6</sup> 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.



### **Section 8.2. Loans to Public Officials**

- (A) No elected officer of a state or local government agency shall, from the date of his/her/their election to office through the date that he/she/they 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/she/they 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/her/their election to office through the date that he/she/they 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/she/they 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 \$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/her/their election to office through the date he/she/they vacates office, receive a personal loan of \$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/her/their 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/her/their official position to influence the making of any governmental decision which he/she/they 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/her/their immediate family or on:

- (A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;
- (B) Any real property in which the designated employee has a direct or indirect interest worth \$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 \$470 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/her/their 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/her/their 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/her/their 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/her/their 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/she/they should not make a governmental decision because he/she/they 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/her/their 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/her/their 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.

## DESIGNATED CATEGORIES

CATEGORY 1. A designated employee assigned to Category 1 is required to disclose investments that may foreseeably be materially affected by any decision made or participated in by the designated employee. All investments and business positions and sources of income from, business entities that do business with the District or own real property within the boundaries of the District, plan to do business or own real property within in the boundaries of the District within the next year, or have done business with or owned real property within the boundaries of the District within the past two years.

CATEGORY 2. A designated employee assigned to Category 2 is required to disclose interests in real property that may be materially affected by any decision made or participated in by the designated employee. All interests in real property which is located in whole or in part within, or not more than two miles outside, the boundaries of the District.

CATEGORY 3. A designated employee assigned to Category 3 is required to disclose any source of income that may foreseeably be affected materially by any decision made or participated in by the designated official or employee by virtue of his-~~or~~/ her/their position. All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District, plan to engage in such activities within the jurisdiction of the District within the next year, or have engaged in such activities within the jurisdiction of the District within the past two years.

CATEGORY 4. A designated employee assigned to Category 4 is required to disclose any business entity in which the designated employee is a director, officer, partner, trustee, or holds any position of management that may be materially affected by any decision made or participated in by the designated employee. All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

CATEGORY 5. All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles, or equipment of a type purchased or leased by the District.

CATEGORY 6. All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles, or equipment of a type purchased or leased by the Designated Employee's Department.

## TRAINING

1. Each employee designated in Appendix A shall participate in a training on Board Policy 2712 (2.45) and Administrative Procedures 2710 (2.45.1) and 2712 (2.45.2) on an annual basis. Trainings will be coordinated by the District Chancellor's office.
  2. Each employee designated in Appendix A shall participate in a training on the filing of financial disclosure statements (Form 700) on an annual basis. Trainings will be coordinated by the District Chancellor's office.
- 1.—

**APPENDIX A**

**SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT  
DESIGNATED OFFICIALS AND EMPLOYEES**

Designated Positions, and the Disclosure Categories assigned to them, are as follows:

<b>Designated Positions</b>	<b>Disclosure Category</b>
Board of Trustees	1,2,3,4, <u>5,6</u>
Chancellor	1,2,3,4, <u>5,6</u>
<del>Deputy Chancellor</del>	<del>1,2,3,4</del>
Executive Vice Chancellor	1,2,3,4, <u>5,6</u>
<u>College Presidents</u>	<u>1,2,3,4,5,6</u>
Vice Chancellors	1,2,3,4, <u>5,6</u>
Chief of Staff	1,2,3,4, <u>5,6</u>
<del>College Presidents</del>	<del>1,2,3,4</del>
<del>Consultants*</del>	<del>1,2,3,4</del>
All <del>Other</del> Administrators <u>on Salary Schedule 20</u>	1,3,4, <u>5,6</u>
<u>Controller</u>	<u>1,2,3,4,5,6</u>
<u>District Budget Director</u>	<u>1,2,3,4,5,6</u>
<u>Facilities Manager</u>	<u>1,3,4,6</u>
Bookstore Managers	1,3,4, <u>6</u>
Student Life and Leadership Manager/Director of Student Development	1,3,4, <u>6</u>
Coordinators of Library Services	1,3,4, <u>6</u>
Buyers and Senior Buyers, Purchasing	1,3,4, <u>6</u>
<u>Consultants*</u>	<u>1,2,3,4,5,6</u>

\* The Chancellor, or designee, shall review the duties and authority of all consultants retained by the District. Those consultants who, within the meaning 2 CA. Code of Regulations 18700(a)(2) are required to file statements of economic interests, shall do so. During each calendar year, the District shall maintain a list of such consultants for public inspection in the same manner and location as this

AP 2.45.2 Conflict of Interest Code (continued)

Conflict of Interest Code.

Consultants must be included in the list of designated employees and must disclose pursuant to the broadest disclosure category in this Code subject to the following limitation: The District Chancellor or designee may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that are limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based on that description, a statement of the extent of disclosure requirements. The District Chancellor’s or designee’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Nothing herein excuses any consultant from any other provision of the Conflict of Interest Code, specifically those dealing with disqualification.

Also see BP 2200 Board Duties and Responsibilities, BP/AP 2710 Conflict of Interest, BP 2715 Code of Ethics/Standards of Practice, BP/AP 2716 Board Political Activity, and BP 2717 Personal Use of Public Resources – Board.

August 2018

**CHAPTER 2: Administration and General Institution  
BOARD POLICY NO. 2.51 (BP 3515 and 3518)**

**BOARD POLICY  
San Mateo County Community College District**

**Subject:** BP 2.51 Reporting of Crimes

**Revision Date:** 10/09; Reviewed 5/15; ~~XX~~

**Policy References:** Education Code Section 67380; ~~Penal Code Sections 261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a, and 11164-11174.3; Welfare and Institutions Code Sections 300, 318, and 601; Family Code Sections 7802, 7807, 7808, 7820-7829, 7890, and 7892.~~

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1. The District Chancellor shall assure that, as required by law, reports are prepared of all occurrences reported to campus security of arrests for crimes committed on campus that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication. The District Chancellor shall further assure that required reports of non-criminal acts of hate violence are prepared. Such reports shall be made available as required by law.
2. The District Chancellor shall establish procedures related to the responsibility of employees, within the scope of employment or in their professional capacity, to report suspected abuse and neglect of children.

**CHAPTER 2: Administration and General Institution  
BOARD POLICY NO. 2.70 (BP 3200)**

**BOARD POLICY  
San Mateo County Community College District**

**Subject:** BP 2.70 Accreditation  
**Revision Date:** 5/09; Reviewed 5/15; ~~XX~~  
**Policy References:** Accreditation Eligibility Requirement 21; ACCJC Accreditation Standards I.C.12 and 13; Title 5, Section ~~541016~~51016

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1. The District Chancellor shall ensure the District complies with the Accreditation process and the standards of the Accrediting Commission of Community and Junior Colleges (ACCJC) and of other District programs that seek special accreditation.
2. The District Chancellor shall keep the Board of Trustees informed of approved accrediting organizations and the status of accreditations.
3. The District Chancellor shall ensure that the Board of Trustees is involved in any accreditation process in which Board participation is required.
4. The District Chancellor shall provide the Board with a summary of any accreditation report and any actions taken or to be taken in response to recommendations in an accreditation report.

**CHAPTER 2: Administration and General Institution  
BOARD POLICY NO. 2.75 (BP 3225 and 3250)**

**BOARD POLICY  
San Mateo County Community College District**

**Subject:** BP 2.75 Institutional Planning and Effectiveness

**Revision Date:** 5/09; 6/15; ~~XX~~

**Policy References:** Education Code Sections 78210 et seq. (Seymour-Campbell Student Success Act of 2012) and 84754.6; Title 5 Sections 51008, 51010, 51027, 53003, 54220, 55080, 55190, 55250, 55510 and 56270 et seq.; ACCJC Accreditation Standards I.B.5-9, III.B.4, III.C.2, III.D.2, IV.B.3 and IV.D.5

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1. The Board of Trustees is committed to developing goals that measure the ongoing condition of the District's operational environment. The Board of Trustees regularly assesses the District's institutional effectiveness.
  2. The District Chancellor shall ensure that the District has and implements a broad-based comprehensive, systematic and integrated system of planning that involves appropriate segments of the College community and is supported by institutional effectiveness research.
  3. The planning system shall include plans required by law, including, but not limited to:
    - a. Long range educational or academic master plans, which shall be updated periodically as deemed necessary by the governing board
    - b. Facilities plan
    - c. Equal Employment Opportunity ~~p~~Plan
    - d. Student ~~e~~Equity plan
    - e. Student Success and Support Program ~~P~~plan
    - f. Cooperative Work Experience
    - g. EOPS
  4. The District Chancellor shall submit those plans for which Board approval is required by Title 5 to the Board.
  5. The District Chancellor shall periodically inform the Board about the status of planning and the various plans.
  6. The District Chancellor shall ensure the Board has an opportunity to assist in developing the general institutional mission and goals for the comprehensive plans.
  7. Each College of the District ~~has shall~~ develop~~ed~~, adopt~~ed~~ and publicly post~~ed~~ a goals framework pursuant to the requirements of Education Code Section 84754.6.



**CHAPTER 6: Educational Program  
BOARD POLICY NO. 6.30 (BP 3280)**

**BOARD POLICY  
San Mateo County Community College District**

**Subject:** BP 6.30 Externally Funded Special Projects and Programs  
**Review Date:** 9/14; ~~XX~~  
**Policy Reference:** Education Code Section 70902

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1. The Board of Trustees will be informed about all grant applications made and grants received by the District.
  2. The District Chancellor shall establish procedures to assure timely application and processing of grant applications and funds, and that the grants that are applied for directly support the purposes of the District.
  3. The District and the Colleges shall actively seek external funds in the form of grants to support educational programs consistent with the vision, mission and master plans of the District and the Colleges.
  4. Projects must be consistent with the objectives and priorities of the educational program. The value of the project, not the availability of state, federal or private funds, shall be the prime criterion in applying for funds.
  5. The District Chancellor or District Chancellor's designee must approve all projects for which outside funds are sought.
  6. Recognizing that projects may be experimental in nature, the Board of Trustees establishes the following parameters:
    - a. The administration must present reasonable assurance that a successful program can be continued with District funds if outside funds are discontinued.
    - b. Projects of limited duration or those designed to meet a transitory need must have a clear end date with the understanding that the program and/or services will not be continued.
    - c. The administration will recommend discontinuance of the program if an evaluation indicates that it is not successful, regardless of available funding.
  7. When matching District funds are required, the administration will evaluate the impact of the proposed commitment on other District needs. Other viable programs should not suffer in order to attract projects with matching funds. When matching funds are required, every effort will be made to use already budgeted District funds as part of the District contribution.
  8. Any funds acquired shall accrue to the District for District purposes and not to any individual.
  9. The District Chancellor is authorized to accept external funds which:

BP 6.30 Externally Funded Special Projects and Programs (continued)

- a. Are renewals
- b. Support current programs and services within the District and require a District dollar match (not in-kind) of \$50,000 or less
- c. Support current programs and services within the District and require an in-kind match only.

~~10. The Chancellor will inform the Board about all such external funds anticipated.~~

~~11.10.~~ Board approval will be required before external funds are accepted when:

- a. The external funds support a new District program or service
- b. The District dollar match of more than \$50,000 is required
- c. The award requires a commitment that the program will continue beyond the funding period.

~~12.11.~~ Any new faculty to be employed in positions funded from external funds/grants shall be advised that they are not guaranteed employment beyond the expiration date of the external funding.

~~13.12.~~ Whenever possible, the full cost of administering the grant shall be included in the grant funding.

BOARD POLICY  
San Mateo County Community College District

**Subject:** 6.32 Intellectual Property  
**Revision Date:** 4/13; ~~XX~~  
**Policy References:** 17 US Code Sections 101 et seq.; 35 US Code Sections 101 et seq.; 37 Code of Federal Regulations Section 1.1 et seq.

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The District Chancellor shall develop procedures that define the rights, interests, protection, and transfer of intellectual property created by the District employees and students.

1. The District has an interest in establishing an environment that fosters and encourages the creativity of individual employees. In accordance with that goal, the purpose of this policy is to identify the owners of the Intellectual Property rights to certain works that may be created by District employees, and to identify the uses that may be made of those works by employees and the District.
2. Intellectual Property means anything that is eligible for copyright, trademark, patent or other similar protection including, but not limited to, books, articles, dramatic and musical works, poetry, instructional materials (e.g., syllabi, lectures, student exercises, distance education materials, multimedia programs, and tests), fictional and non-fictional narratives, analyses (e.g., scientific, logical, opinion or criticism), works of art and design, photographs, films, video and audio recordings, computer software, architectural and engineering works, and choreography.
3. All Intellectual Property is the property of the San Mateo County Community College District if it is created with substantial support from the District. As used in this policy, “substantial support” means financial support over and above the cost of the employee’s normal compensation and including, but not limited to, the use of office space, computers, telephones, minimal office supplies and copy services, etc. Substantial support above the employee’s normal scope of employment includes extra compensation or the provision of reassigned time to create a work; the cost of providing secretarial, technical, legal or creative services specifically for the creation of a work; as well as the cost or value of the use of specialized and expensive District equipment or facilities (such as professional film or recording studios).
4. If the intellectual property is to be the property of the District in accordance with this policy, the employee and the District shall sign an agreement that contains the following:

“The work to which this Agreement pertains is one that is created by employee with substantial support from the District, or is a work that will be formally reviewed by the District and will become part of its curriculum, policies, or administrative or promotional literature. Employee and District agree that the work identified below shall be a work made for hire whose copyright shall be owned by the District. If the work is not a ‘work made for hire’ as a matter of copyright law, then employee hereby assigns his or her copyright in the work to the District. The work is titled or described as follows: \_\_\_\_\_.”
5. The **District** Chancellor may waive the District’s interest in its Intellectual Property by executing a written waiver. An employee who created the Intellectual Property shall have an option to acquire the rights to the Intellectual Property by paying the District an amount of money agreed upon in writing at the time the District provides (or agrees to provide) substantial support. To exercise this option, the employee shall pay the District the agreed-upon amount; and the District shall immediately assign the rights to the Intellectual Property copyright to the employee.

### 6.32 Intellectual Property (continued)

6. Intellectual Property that is the property of the District shall be made available for use by all three Colleges of the District.
7. Certain Intellectual Property owned by the District, such as workbooks, compiled materials and other printed instructional materials developed by faculty, can be sold to students without royalty or profit to the employee and at a price to be determined by the Bookstore. The price of these materials shall be set in such a manner as to cover the cost of reproduction and normal handling costs of the Bookstore.
8. A District employee who is the creator of Intellectual Property owns that Intellectual Property even when such work was developed during a professional development, retraining or other paid leave unless other specific agreements have been made with the District. Except in the case of Intellectual Property created during unit banked leaves or the employee's own personal time, the District will have the unlimited right to use this intellectual property for educational purposes within the District with no additional compensation to the employee. The District will give credit to the employee who created the Intellectual Property for as long as the work continues to be used by the District.
9. District students who created a work are owners of and have intellectual property rights in that work. Intellectual property works created by students while acting as District employees shall be governed under provisions for employees.
10. In cases of externally funded projects, ownership of the intellectual property will be defined in the contract.
11. Employees may use Intellectual Property they own in any and all ways they may wish, including, for example, authorizing the for-profit publication of such works in return for royalties paid solely to faculty members, without any further authorization from the District. Employees may accept royalties for Intellectual Property they own.
12. Intellectual Property prepared and owned by employees may be reproduced in the District and sold to students provided:
  - a. copyrighted materials have proper authorization for reproduction,
  - b. the materials have the prior approval of the appropriate Dean, and
  - c. the materials are sold to students by the Bookstore.
13. Instructional materials reproduced outside the District for sale to students by the Bookstore shall require bids which meet the printing and reproduction specifications determined by the author. The Bookstore shall obtain such bids from established firms.
14. In the event the provisions of these procedures and the provisions of any operative collective bargaining agreement conflict, the collective bargaining agreement shall prevail. For employees represented by a collective bargaining agreement, disputes between employees and the District concerning this policy shall be resolved pursuant to the grievance procedures contained in the respective collective bargaining agreement, except that an arbitrator who is expert in copyright law shall be chosen by the parties, or, if the parties are unable to agree on an arbitrator, chosen in accordance with the commercial arbitration rules of the American Arbitration Association. Disputes between non-represented employees and the District concerning this policy shall be resolved through the ~~Chief Vice Chancellor, Human Resources and Employee Relations Officer.~~

Also see AP 3715 Intellectual Property, BP/AP 3710 Securing of Copyright, AP 3750 Use of Copyrighted Material, and the most current version of the collective bargaining agreement(s) for applicable employees.

**CHAPTER 6: Educational Program  
BOARD POLICY NO. 6.33 (BP 3710)**

**BOARD POLICY  
San Mateo County Community College District**

**Subject:** 6.33 Use of Copyrighted Materials  
**Revision Date:** 3/13; ~~XX~~  
**Policy References:** Education Code Sections ~~32360 and 6730272207 and 81459~~; U.S. Code Title 17, Copyright Act of 1976~~17 United States Code 201~~

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1. ~~It is the policy of the Board that a~~All District employees shall observe copyright laws, both codified and as interpreted by the courts, and shall maintain the highest ethical standards in the use of copyrighted materials.
2. This policy affirms District adherence to Title 17, United States Code. Failure to comply with copyright regulations may result in District and/or personal liability.
  - a. It is each employee's responsibility to comply with copyright regulations.
  - b. The District will provide necessary legal review and resources to employees having questions about the use of copyrighted materials.

Also see BP/AP 3710 Securing of Copyright, BP/AP 3715 Intellectual Property, BP/AP 3720 Computer and Network Use, and AP 3750 Use of Copyrighted Material.

**CHAPTER 8: Business Operations**  
**BOARD POLICY NO. 8.20 (BP 3810)**

**BOARD POLICY**  
**San Mateo County Community College District**

**Subject:** 8.20 Claims Against the District  
**Revision Date:** 12/10; ~~XX~~  
**Policy References:** Education Code Section 72502; Government Code Sections 900 et seq., 910 and 935

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1. Any claims against the District ~~by an individual or organization~~ for money or damages, which are not governed by any other statutes or regulations expressly relating thereto, shall must be presented and acted upon in accordance with Title I, Division 3.6, Part 3, Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of the California Government Code according to the laws and regulations governing such claims as a prerequisite to filing a lawsuit against the District.

Claims must be presented according to this policy and related procedures as a prerequisite to filing suit against the District.

2. Claims that are subject to the requirements of this policy include, but are not limited to, the following:

- a. Claims by public entities: claims by the state or by a state department or agency or by another public entity.
- b. Claims for fees, wages and allowances: claims for fees, salaries or wages, mileage, or other expenses and allowances.

3. The designated place for service of claims, lawsuits or other types of legal process upon the District is the Chancellor's Office.

Also see AP 3810 Claims Against the District and BP/AP 6540 Insurance.

**BOARD POLICY**  
**San Mateo County Community College District**

**Subject:** 8.54 District Organizational Memberships  
**Revision Date:** 4/12; ~~XX~~

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1. The District shall encourage, to the extent possible within financial restraints, District and College memberships in appropriate professional and educational organizations and associations. It is the position of the District that such affiliations, selectively designated can contribute significantly to the quality of education provided to students and to the effectiveness and efficiency of District and College operations.
  - a. All applications for membership in any society, association, or organization shall be submitted to the District Chancellor or his/her/their designee. A list of all such applications for organizational membership shall be submitted by the District Chancellor to the Board of Trustees for approval. Upon approval, the organization shall be placed on the District-approved membership list.
  - b. Additions to the approved organization membership list shall be submitted to the Board of Trustees for approval upon the recommendation of the District Chancellor. Annually, during the budget process, the Board will review, revise, and approve the District and College memberships in appropriate professional organizations and associations. Upon Board approval of the organizational membership, payment of dues shall be in accordance with administrative regulations.
  - c. Individual membership in any society, association, or organization is the personal responsibility of the individual and District funds shall not be used to pay for such membership.
2. All requests for dues and memberships in any society, association, or organization shall be determined to belong to one of the following five categories and shall be evaluated by the criteria appropriate to that category:
  - a. **CATEGORY I**  
Provides an emphasis on national and Statewide issues affecting public education; affects State or Federal legislation on educational matters of concern to the District; is required to maintain accreditation status of the District's Colleges or programs.
  - b. **CATEGORY II**  
Provides publications, position papers, technical reports, workshops and conferences in specific areas of curriculum, instruction or support services directly beneficial to the educational programs found in community colleges and specifically in the District.
  - c. **CATEGORY III**  
Provides publications, position papers, technical reports, workshops and conferences in specific administrative areas directly beneficial to the administrative support services of the District.

8.54 District Organizational Memberships (continued)

- d. CATEGORY IV  
Provides for the necessary participation of District students and employees in intercollegiate athletics and co-curricular activities.
- e. CATEGORY V  
Provides necessary special services to the District's instructional programs or support services.



**CHAPTER 2: Administration and General Institution**  
**BOARD POLICY NO. 3440**

**BOARD POLICY**  
**San Mateo County Community College District**

**Subject:** BP 3440 Service Animals

**Revision Date:** NEW

**Policy Reference:** The Americans with Disabilities Act of 1990 -- 42 United States Code Sections 12101 et seq.; 28 Code of Federal Regulations Part 35; 28 Code of Federal Regulations Part 36; 34 Code of Federal Regulations Part 104.44 subdivision (b)

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In order to prevent discrimination on the basis of disability, the District will allow an individual with a disability to use a service animal or miniature horse in District facilities and on District campuses in compliance with state and federal law.

Also see AP 3440 Service Animals.

BOARD POLICY  
San Mateo County Community College District

**Subject:** BP 3510 Workplace Violence  
**Revision Date:** NEW  
**Policy Reference:** Cal/OSHA: Labor Code Sections 6300 et seq.; 8 California Code of Regulations Section 3203; "Workplace Violence Safety Act of 1994" (Code of Civil Procedure Section 527.8 and Penal Code Section 273.6)

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The Board of Trustees is committed to providing a District work and learning environment that is free of violence and the threat of violence. The Board's priority is the effective handling of critical workplace violence incidents, including those dealing with actual or potential violence.

The District Chancellor shall establish administrative procedures that assure that employees are informed regarding what actions will be considered violent acts, and requiring any employee who is the victim of any violent conduct in the workplace, or is a witness to violent conduct to report the incident, and that employees are informed that there will be no retaliation for such reporting.

Also see AP 3510 Workplace Violence.

**CHAPTER 2: Administration and General Institution**  
**BOARD POLICY NO. 3710**

**BOARD POLICY**  
**San Mateo County Community College District**

**Subject:** BP 3710 Securing of Copyright  
**Revision Date:** NEW  
**Policy Reference:** Education Code Sections 72207 and 81459; 17 U.S. Code Section 201

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The District Chancellor is directed to develop appropriate administrative procedures to implement the provisions of the Education Code which authorize the securing of copyright protection for works, including but not limited to, registering copyrights and policing infringements on behalf of the District. The procedures developed by the District Chancellor shall assure that the District may use, sell, give or exchange published materials and may license materials prepared by the District in connection with its curricular and special services.

In the development of these procedures, the District Chancellor shall solicit the input of the proper representatives of the college community in accordance with the board policy and administrative procedure regarding participation in local decision-making.

Also see AP 3710 Securing of Copyright, BP/AP 3715 Intellectual Property, AP 3750 Use of Copyrighted Material, and the most current version of the collective bargaining agreement(s) for applicable employees.

## **Proposed Resolution**

**WHEREAS**, on March 4, 2020, the Governor proclaimed pursuant to his authority under the California Emergency Services Act, California Government Code section 8625, that a state of emergency exists with regard to a novel coronavirus (a disease now known as COVID-19); and

**WHEREAS**, on June 4, 2021, the Governor clarified that the “reopening” of California on June 15, 2021 did not include any change to the proclaimed state of emergency or the powers exercised thereunder; and

**WHEREAS**, as of the date of this Resolution, neither the Governor nor the Legislature have exercised their respective powers pursuant to California Government Code section 8629 to lift the state of emergency either by proclamation or by concurrent resolution in the state Legislature; and

**WHEREAS**, the continued local rates of transmission of the virus and variants causing COVID-19 are such that meeting in person would present imminent risks to the health or safety of attendees of public meetings;

**NOW, THEREFORE, BE IT RESOLVED** that there is an ongoing proclaimed state of emergency relating to the novel coronavirus causing the disease known as COVID-19 and as a result of that emergency, meeting in person would present imminent risks to the health or safety of attendees of in-person meetings of this legislative body within the meaning of California Government Code section 54953(e)(1).

## District Office Feedback for revised Preamble, Mission, Vision, & Values

Compiled by: Lauren Ford (DPGC DO Rep) - fordla@smccd.edu

### Emailed response:

1. **I would support the suggestion to incorporate the anti-racism points into the existing preamble, which currently focuses on students, education, and community – the very essence of who we are as an organization.**
  - a. My only concern with the proposed preamble, which isn't a grave concern, is that the preamble focuses solely on racism and nothing else. I assume that there are other "issues" leading to / in support of the mission, vision, and values of the District. This assumption is based upon the my understanding that a preamble is an introductory statement explaining the purpose of the District's mission, vision, and values. Shouldn't these other issues (e.g., injustices besides race) be included in the preamble if my understanding of a preamble is correct?
2. While the all elements are focused on Anti-Racism and Anti-Blackness, which is great, the language that is proposed reads very internally (this is who we are) but what is missing is what we do/offer to the community – especially in comparison to the existing written statements. The language that is utilized is intentional though can be isolating for people who are not currently connected to conversations around Anti-Racism, Social Justice, or Equity. How might there be a cohesive creation of a Social Justice driven preamble, mission, vision, and values with the language around purpose and impact on the community overall (that currently exists)?

### Survey responses:

The survey was sent to all DO employees to which a few responded. The survey provided space to respondents to review each section independently and provide feedback as to: initial thoughts, questions, highlights, concerns, and anything missing. Below are the responses that were provided. If a particular question connected to a particular section is not listed below, there were no responses.

#### 3. What are your initial thoughts about the Preamble?

- It seems focused on anti-Blackness and totally ignores what is prevalent in our west coast culture: anti-Asian and anti-Latinx.
- Equity and justice for all staff, faculty and students.
- I strongly believe this section should be added as an additional paragraph to the Preamble and should not replace the current version.
- Very good. Centers on "anti-blackness" but should include racism against all races/ethnicity. Any ethnicity can experience racism.

#### 4. What, if any, questions do you have regarding the Preamble?

- What happened to the concerns outlined in the original preamble? Are they no longer of any importance?
- What does "hyper-marginalized" mean?
- Why do you think this Preamble will change the attitudes of the population in this District? Nothing similar has worked in the past.

**5. What, if any, highlights did you find in the Preamble? (what did you like or find interesting/intriguing)**

- I like that the commitment expressed permeates all areas of the District
- The black community shouldn't be labeled as the only victims of racism. As a female African American, I believe disdain for others based on race/ethnicity is created through misinformation, experiences, ignorance, and a lack of empathy

**6. What, if any, concerns do you have regarding the Preamble?**

- See above
- I'm very concerned that using the word "anti-Blackness" in a Preamble singles out one race over other races that have experienced oppression.
- That it will single out the black community as the only victims of racism. Thus creating further division between all groups of ethnicities. Instead of singling out a single group you should include all groups of people to teach unity, acceptance and love.

**7. From your perspective, is there anything missing from the proposed Preamble?**

- See above
- I have been discriminated against most of my life because of my darker complexion. People generalize all Blacks into the same negative category mostly because they are ignorant and misinformed, uneducated and hateful. In order to change the mindset of the population you have to reprogram them through education. Educate people in mandatory workshops about the African American culture highlighting positive things without making them look like victims. You can then follow with a similar workshop for all ethnicities highlighting why we should all care for one another. Asians are discriminated against, Indians as well. Even Caucasians and Europeans have a difficult time, because they are labeled as racist, thus making them more hostile and defensive toward minorities. Instead of just hiring black women to high positions in the district, the College District should educate people on the root cause of racism pointing out that hate breeds more hate. Hiring minorities into high positions help to change the structure in some ways, this is true. However, people need to understand that they are the problem behind racism not others. People need to be held accountable for hating others without justification through generalization.

**8. What are your initial thoughts about the revised Vision & Mission?**

- The focus on equity is great, and incredibly important, but it cannot be the sole focus of the District to the detriment of our other values and goals listed in the existing mission
- Create a healthy environment in our colleges
- Again, I believe these statements should be added to the Vision and Mission sections and not replace the original language.

**9. What are your initial thoughts about the revised Values?**

- If we are adding a section, I believe it should have a different title since we have other important values.

**SMCCCD Antiracism Council**  
**Draft Preamble, Vision, Mission, Values**  
**8/09/2021**  
**8/24/2021**  
**9/29/2021**

**SMCCCD Preamble**

The San Mateo County Community College District is committed to racial equity and antiracism. Each of the three colleges – Cañada College, College of San Mateo, and Skyline College – is working to strengthen and radically reimagine our commitment to racial justice through our strategic antiracism initiatives and our obligation to support the unique needs of all students, especially hyper-marginalized students. As a District, our colleges unapologetically engage in learning and teaching about the harmful and violent impacts of systemic racism, anti-Blackness and other forms of oppression within our communities. This critical engagement will continue to inform us of our policies, practices, and procedures. We are leaders in this work by ensuring our education and culture are critical, anti-racist, and justice centered. Furthermore, our commitments are rooted in supporting our students and communities-at-large. This transformational foundation in racial equity and justice is paramount to the continued development and enrichment of our communities, our region, and the California Community Colleges overall.

**SMCCCD Vision**

The San Mateo County Community College District strives to create truly liberatory educational experiences for all members of San Mateo County communities to flourish by eradicating institutional racist policies and practices.

**SMCCCD Mission**

The mission of the San Mateo County Community College District is to achieve racial equity and economic justice in teaching, learning, and workforce development in order to strengthen the vitality and health of the communities we serve.



## SMCCCD VALUES

- **ANTIRACIST & JUSTICE-CENTERED COMMUNITY:** We ensure that our culture and education is critical, transformative, and builds a District and campus community that resists individual and systemic anti-Blackness and racism. We are guided by theory and intellectual rigor to help us build towards an antiracist community. By centering antiracism and justice, we ensure that we root out ALL forms of oppression in our educational system.
- **TRANSFORMATIVE RESOURCE ALLOCATION:** We commit to improve resource allocation decisions, systems, practices, and policies for Black, Indigenous, and People of Color (BIPOC) and our entire community. When we address these inequities all members of the community benefit. The district and college campuses commit to transformational decision making which seeks out multiple perspectives and provides space for voices that have been historically silenced. We do this by creating a culture that uplifts and centers the voices and experiential knowledge of our District and Campus communities, specifically the voices of groups that have been minoritized.
- **LIBERATORY PRACTICES FOR ECONOMIC HEALTH:** We rebuild, strengthen, and implement, through a reimagining of our policies and practices, the resources and systems that support self-sufficient and self-actualized communities (building more free communities) through a critical exploration of the systemic impact of capitalism, patriarchy, and racism in our communities.