

Human Resources  
DRAFT as of 9/12/08

**BP 7900      CONSULTANTS**

❖ **From current Palomar Policy 508 titled Consultants**

Consultants shall exercise no administrative authority over the work of College District employees unless specifically provided by their contract with the District, but shall act only as advisers in those fields in which they are qualified to offer assistance. They shall be selected on a nondiscriminatory basis and without regard to such matters as ethnic group identification, national origin, religion, age, sex, race, color, ancestry, sexual orientation, or physical or mental disability.

[The role of consultants is also addressed in AP 2712 titled Conflict of Interest Code](#)

Office of Primary Responsibility: [Human Resource Services](#)

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**NOTE:** The wording in **blue ink** is additional language to consider including in this policy. The information in **black ink** is current Palomar Policy 508 titled Consultants with no adoption date. The language in **green ink** reflects revisions/additions made by Human Resource Services. This policy was reviewed on September 12, 2008 by the Policy and Procedure Task Force.

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**Date Adopted:**

*(This policy is unique to Palomar College – there is no CC League recommended language. Replaces current Palomar Policy 508)*

**Human Resources**  
**DRAFT as of 10/2/08****BP 7210 ACADEMIC EMPLOYEES****References:**

Education Code Sections 87400 et seq., 87419.1, 87482 et seq., 87600 et seq., and 87482.8;  
Title 5 Section 51025

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

Faculty members are those employees who are employed by the District in academic positions that are not designated as supervisory or management. Faculty employees include, but are not limited to, instructors, librarians, counselors, and professionals in health services, the Disability Resource Center (DRC), and Extended Opportunity Programs and Services (EOPS).

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

The District may employ temporary faculty from time to time as required by the interests of the District. Temporary faculty may be employed full time or part time. The Governing Board delegates authority to the Superintendent/President to determine the extent of the District's needs for temporary faculty. (See AP 7212 titled Temporary Faculty)

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

**❖ From current Palomar Policy 151 titled Definition**

~~Academic personnel include all faculty and educational administrators. Policy exceptions to applicable groups are noted.~~

**❖ From current Palomar Policy 154 titled Faculty**

~~The Constitution of The Faculty of Palomar College and the Faculty Senate Bylaws are included in the Faculty Manual.~~

❖ **From current Palomar Policy 154.32 titled Adjunct Faculty (84-10725, 92-15740)**

**Adjunct Faculty**

~~Any person employed to teach adult or community college classes for not more than 60 percent of the hours per week considered a full-time assignment for regular employees having comparable duties shall be classified as a temporary employee, and shall not become a contract employee under the provisions of Education Code Section 87604. Community Service seminars and workshops and Worksite Education courses (which can be credit, noncredit, or not-for-credit) will not be used to determine the load status for part-time, temporary faculty.~~

~~EC 87482.5;~~

~~GB 6-11-85; GB 5-25-93~~

❖ **From current Palomar Policy 154.41 titled Regular and Contract Staff, Academic Year (84-10725, 92-15741, 96-18381)**

**Regular and Contract Staff, Academic Year**

~~The appropriate paid overload limit during the regular academic ten-month contract year shall not exceed 40 percent of the program's full-time load for the academic year. The full 40 percent shall not be assigned in one semester.~~

~~Exceptions for special circumstances must be approved by the Assistant Superintendent/Vice President for Instruction, in consultation with the Faculty Senate President and appropriate dean. Community Service seminars and workshops and Worksite Education courses (which can be credit, noncredit, or not-for-credit) and internships will not be used to determine the load status.~~

~~GB 6-11-85; GB 5-25-93; GB 6-10-97~~

❖ **From current Palomar Policy 154.5 titled Extended Day (80-8235)**

**Extended Day (80-8235)**

~~A faculty member may request an extended-day teaching assignment as a part of his/her salary contract.~~

~~These requests should be approved when consistent with the needs of the department. In the event the request is not approved at the department level, the faculty member may follow the Academic Due Process.~~

~~In the event of compelling budget restraints or if any department or program is adversely affected by a decrease in day-student enrollment, the division dean, with the concurrence of the department chairperson, may recommend the reassignment of a~~

faculty member. This reassignment may include day, extended day, and/or off-campus duties as partial or complete fulfillment of the individual's contract.

This recommendation is subject to approval by the Assistant Superintendent/Vice President for Instruction. If such reassignments cross divisional lines, they may be initiated and approved by the Assistant Superintendent/Vice President for Instruction with the concurrence of the appropriate division dean and department chairperson and conformity with the Lateral Transfer Policy. If concurrence is not possible, the division dean shall recommend the assignment change to the Assistant Superintendent/Vice President for Instruction, who will make the final decision.

GB 11-25-80

### ❖ From current Palomar Procedure 170 titled Reduced Workload

#### **Reduced Workload**

##### ***Guidelines for Eligibility Determination***

The following guidelines are used to determine member eligibility for the Reduced Workload Program:

A. Will the employee have reached the age of 55 prior to participating in the reduced workload program?

B. Has the employee been employed in a full-time academic position for at least ten years?

C. Has the employee been continuously employed in a full-time academic position for the five consecutive school years immediately preceding entering the reduced workload program?

(Sabbatical and other approved leaves do not constitute a break in service and are not used to compute the five years' full-time service requirement.)

If any of the above answers is No, the employee is not eligible to participate in the reduced workload program.

Office of Primary Responsibility: [Human Resource Services](#)

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**NOTE:** This policy is **legally required**. The language in **red type** is recommended by the Community College League and legal counsel (Lieberth Cassidy Whitmore). The information in **blue type** is additional language to consider including in this policy. The language in **black type** is current Palomar Policies 151 titled Definition with no adoption date; 154 titled Faculty with no adoption date; 154.32 titled Adjunct Faculty adopted on 6-11-85 and revised on 5-25-93; 154.41 titled Regular and Contract Staff, Academic Year adopted on 6-11-85, revised 5-25-93, and revised 6-10-97; 154.5 titled Extended Day adopted on 11-25-80 and current Palomar College Procedure 170 titled Reduced Workload with no date. The language in **green ink** reflects revisions/additions made by Human Resource Services.

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#### **Date Adopted:**

(Replaces current Palomar Policies 151, 154, 154.32, 154.41, 154.5 and current Palomar Procedure 170)

Human Resources  
DRAFT as of 10/2/08

BP 7250 EDUCATIONAL ADMINISTRATORS

References:

Education Code Sections 72411 et seq., 87002(b), 87356, and 87457-87460;  
Government Code Sections 3540.1(g) and (m)

Educational administrator means an administrator employed in an academic position designed by the Governing Board of the District as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services programs of the District. Educational administrators include, but are not limited to, superintendents, presidents, and other supervisory or management employees designated by the Governing Board as educational administrators.

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

Office of Primary Responsibility: Human Resource Services

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**Date Adopted:**

(This is a new policy recommended by the CC League and the League's legal counsel)

Human Resources  
DRAFT as of 12/2/08

**BP 3580 ANIMALS ON CAMPUS**

**References:**

Penal Code Sections 365.5, 365.7, and 597.7  
Civil Code Section 54.1

With the exception of animals specifically exempted by this policy, animals are not permitted on campus.

The following animals are permitted on District property:

- Animals specifically trained to assist disabled persons as guide, service or signal dogs
- On-duty police dogs
- With prior campus police approval, animals used for instructional purposes, for a limited time, and under the immediate control of the instructor or handler
- On perimeter roads and sidewalks, leashed animals are permitted

One-time exceptions may be granted for events involving animals. All exceptions require advance approval with the campus police.

Animals are not allowed in unattended vehicles.

Owners of animals excepted or exempted by this policy must ensure vaccinations and licensing requirements are current, that the animals are in good health, and that the animals are registered with the County.

Owners of animals found on campus in violation of this regulation will be subject to citation and fine as provided by law and/or have their animals impounded by authorized officials.

Office of Primary Responsibility: Human Resource Services

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**NOTE:** *The language in **green ink** is recommended by Human Resources.*

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**Date Adopted:**

*(This is a new policy recommended by Human Resources)*

Human Resources  
DRAFT as of 12/2/08

BP 7175     AWARDS

References:

Education Code Sections 87801 and 88160

❖ **From current Palomar Policy 7.13 titled Awards (88-13083, 91-14780)**

~~The Governing Board of the Palomar Community College District recognizes s~~Students, employees, and other community members who perform special acts or services in the interest of public education may be recognized through ~~by authorizing the issuance of appropriate awards.~~

~~EC 72233; GB 4-25-89; GB 12-10-91~~

Office of Primary Responsibility: Human Resource Services

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**NOTE:** The information in **blue ink** is additional language to consider including in this policy. The information in **black ink** is current Palomar Policy 7.13 titled Awards adopted on 4-25-89 and revised on 12-10-91. The language in **green ink** reflects revisions/additions made by Human Resource Services.

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**Date Adopted:**

(Replaces current Palomar Policy 7.13)

**Human Resources**  
**DRAFT as of 12/2/08****BP 7310 NEPOTISM**References:

Government Code Sections 1090 et seq. and 12920 et seq.;  
Education Code Section 88194;  
Family Code Sections 297 et seq.

The District will not discriminate in favor of or against any job applicant because of an immediate family member or domestic partner's employment in the District. Employees shall not be assigned to a position within the same department, division, or site as an employee's immediate family member or domestic partner where either would be in a position to supervise and/or recommend or influence personnel decisions with respect to the other. Any employee of the District is also prohibited from making any admissions, financial aid, work-study, student hourly employment, or internship decisions for student(s) who are immediate family members and/or domestic partners.

Personnel decisions include appointment, reappointment, retention, evaluation, tenure, work assignment, promotion, demotion, termination, leaves, and salary decisions.

For purposes of this policy, immediate family means spouse, parents, grandparents, siblings, children, grandchildren, and in-laws or any other relative living in the employee's immediate household. Domestic partners are as defined by Family Code Section 297 (Also see BP 7510 titled Domestic Partners).

The District will make reasonable efforts to assign job duties to minimize the potential for creating an adverse impact on supervision, safety, security, or morale, or creating other potential conflicts of interest.

Notwithstanding the above, the District retains the right, where such placement has the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest, to refuse to place spouses in the same department, division, or facility. The District retains the right to reassign or transfer any person to eliminate the potential for creating an adverse impact on supervision, safety, security, or morale, or to prevent other potential conflicts of interest.

Prior to accepting any employment decisions, employees have the responsibility for full disclosure in writing to the appropriate supervisor or administrator that a conflict of interest may exist. All applicants have the responsibility for disclosing any immediate family members and/or domestic partners employed by or affiliated with the District.

This policy applies to all types of employment including, but not limited to full-time, part-time, temporary, and student hourly.

❖ **From current Palomar Policy 106 titled Nepotism (84-10417)**

~~The District will not prohibit employment of relatives in the same department or administrative unit, provided that neither relative participates in making recommendations or decisions specifically affecting the appointment, retention, evaluation, tenure, work assignment, promotion, demotion, or salary of the other relative. In those instances where developments cause one relative to have recommending or decision-making responsibilities over another relative, these functions, as they apply to the related persons, shall be performed by the next higher supervisor/administrator in the department or administrative unit.~~

~~GB 11-27-84~~

Office of Primary Responsibility: [Human Resource Services](#)

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**NOTE:** This policy is **legally advised**. The language in **red type** is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this policy. The language in **black type** is current Palomar Policy 106 titled Nepotism adopted on 11-27-84. The language in **green ink** reflects revisions/additions made by Human Resource Services.

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**Date Adopted:**

(Replaces current Palomar Policy 106)

BP 7360 DISCIPLINE AND DISMISSAL – ACADEMIC EMPLOYEES

References:

Education Code Sections 87669 and 87732

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

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

If the Governing Board decides it intends to dismiss or penalize a contract or regular employee, it shall take the actions required by the Education Code, and the Superintendent/President or designee shall thereafter assure that the employee is afforded the full post-termination due process required by the Education Code Sections 87666 through 87681 and 87740.

The Superintendent/President shall establish procedures that define the conditions and processes for dismissal, discipline, and due process and ensure they are available to employees.

Office of Primary Responsibility: [Human Resource Services](#)

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**Date Adopted:**

*(This is a new policy recommended by the  
CC League and the League's legal  
counsel)*

Human Resources  
DRAFT as of 12/2/08

## BP 7361 ACADEMIC DUE PROCESS

### ❖ From current Palomar Policy 177 titled Academic Due Process (81-8903)

The Governing Board endorses the principles of academic due process. The principle embodied in the legal concept of confrontation of witnesses and examination of evidence should govern academic due process. Each individual must be informed of all the charges and all the evidence against him/her; he/she must be given full opportunity to deny, refute, and rebut. It is a fundamental principle of fairness that charges against a person are to be made the basis of action only when proven, and that the burden of proof rests upon those who bring the charges.

Personnel issues may involve contractual grievances or non-contractual disputes or problems. The former will be resolved through the grievance procedure of the collective bargaining agreement between the District and the appropriate union: CCE/AFT or PFF/AFT. Non-contractual employment disputes for administrative, supervisory, and confidential employees are resolved by the procedures in their respective employee handbooks.

Other conflicts may be addressed through the District's Academic Due Process Policy and Procedure, which may be found on the Faculty Senate's web page.

~~Claims of discrimination on the basis of sex, race, or handicap are grievable.~~

~~To ensure implementation of academic due process in the disposition of any personnel issue on campus, the College adopts the following principles:~~

- ~~A. All issues will be processed in the sequence of preliminary action, informal conciliation, formal hearing and final action within a reasonable time schedule. In the case of extenuating circumstances or pressing vacation problems AND with the mutual consent of both parties, the time limits indicated in the Guidelines and Procedures may be extended.~~
- ~~B. Informal conciliation shall be conducted by an ombudsperson, a person dispassionate to the issues of the dispute and acceptable to both parties in accordance with the following principles:
  - ~~1. Charges or complaints will be presented in writing to the ombudsperson, who will provide copies to the other party.~~
  - ~~2. Only parties to the dispute and the ombudsperson shall be present at the conciliatory conference. No tape or other recording of these informal proceedings shall be made.~~
  - ~~3. The person making the charge shall assume the burden of proof.~~
  - ~~4. The ombudsperson will keep all proceedings at this stage confidential.~~~~
- ~~C. The committee responsible for the formal hearing on the issues shall conduct its~~

proceedings according to the following guidelines:

- ~~1. The committee shall receive a signed, written charge specifying the time, place, and nature of the charge and transmit a copy to each party with due notification of rights and responsibilities in the procedure for disposing of the charge.~~
  - ~~2. The committee shall discuss the charge, examine witnesses and receive all available evidence pertaining to the charge.~~
  - ~~3. Both parties shall have the right to present statements, testimony, evidence, and witnesses. Each party shall have the right to be represented by counsel and to question witnesses.~~
  - ~~4. The accused person may be present at the hearing and be represented by a person of his/her choice.~~
  - ~~5. The person making the charge shall assume the burden of proof.~~
  - ~~6. The hearing shall be closed to the public unless the accused person desires a public hearing. Privileged information will not be disclosed or discussed outside the hearing except at the express request of the accused.~~
  - ~~7. The committee shall judge the relevance and weight of testimony and evidence. It shall make its findings of fact, limiting its investigation to the formal charge. It shall make recommendations for disposition of the charges.~~
  - ~~8. A transcript of the proceedings shall be kept in a confidential file and shall be available at all times to the accused person.~~
- ~~D. It is desired and anticipated that the Superintendent/President of the College, or designee, and the Governing Board shall be governed by the recommendation of the hearing committee.~~

GB 4-13-82

[Also see AP 7216 titled Employees: Grievance/Complaint Procedures](#)

[Office of Primary Responsibility: Human Resource Services](#)

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**NOTE:** The information in **blue type** is additional language to consider including in this policy. The information in **black ink** is current Palomar Policy 177 titled Academic Due Process adopted on 4-13-82. The language in **green ink** reflects revisions/additions made by Human Resource Services.

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**Date Adopted:**

(Replaces current Palomar Policy 177)

Human Resources  
DRAFT as of 12/2/08

BP 7365 DISCIPLINE AND DISMISSAL – CLASSIFIED EMPLOYEES

Reference:

Education Code Section 88013

The Superintendent/President shall enact procedures for the disciplinary proceedings applicable to permanent classified employees of the District. Such procedures shall conform to the requirements of the Education Code and are subject to the provision of the applicable collective bargaining agreement or employee handbook.

The District utilizes progressive discipline, which involves both informal and formal discipline. Informal discipline is primarily corrective in nature, and does not involve potential loss of property interests. Informal discipline includes adverse or negative evaluations, warnings, reprimands, directives and the denial of any leave. These actions may be used in attempts to resolve problems informally prior to imposing formal disciplinary action.

Formal discipline refers to disciplinary actions, penalties, and/or settlements including dismissal, suspension, or demotion without the classified employee's voluntary consent, and which are subject to due process because of the potential deprivation of an employee's property interest. A permanent classified employee may be subject to formal discipline by the District for cause. The Board's determination of the sufficiency of the cause for formal disciplinary action of a classified employee shall be conclusive.

No disciplinary action shall be taken for any cause that arose prior to the employee becoming permanent or for any cause that arose more than two years preceding the date of the filing of any charge against the employee, unless the cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee should have disclosed the facts to the District.

Office of Primary Responsibility: Human Resource Services

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**Date Adopted:**

(This is a new policy recommended by the CC League and the League's legal counsel)