

General Institution
DRAFT as of 2/17/09

BP 3810 CLAIMS AGAINST THE DISTRICT

References:

Education Code Section 72502;
Government Code Sections 900 et seq. and 910 et seq.

Any claims against the District for money or damages, which are not governed by any other statutes or regulations expressly relating thereto, shall 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.

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

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

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

The designated place~~(s)~~ for service of claims, lawsuits or other types of legal process upon the District is~~are~~:

Office of the President
Palomar Community College District
1140 West Mission Road
San Marcos, CA 92069-1487

❖ **From current Palomar Policy 509 titled Claims Against the District**

~~All claims for money or damages against the District shall be governed by the 800 and 900 code section series of the California Government Code except as provided therein, or by other statutes or regulations expressly applicable thereof.~~

NOTE: The **red ink** signifies language that is legally required. The information in **black ink** is current Palomar College Policy 509 titled Claims Against the District with no adoption date.

Date Adopted:

(Replaces current Palomar College Policy 509)

Finance and Administrative Services
DRAFT as of 3/2/09

BP 6450 **CELLULAR OR WIRELESS PHONE/MOBILE DEVICE USE**

References:

Vehicle Code, Sections 12810.3, 23123, and 23124;
Internal Revenue Code (I.R.C.), Sections 274(d)(4) and 280F(d)(4)

The Superintendent/President shall determine if it is in the best interests of the District to provide/compensate employees for cellular or wireless phone/mobile devices at District expense.

The District will own and retain a limited number of cellular or wireless phones for emergency/disaster recovery and working conditions usage. Employees assigned a District owned phone shall be required to keep records to distinguish between business and personal calls made. Cellular or wireless phones provided by the District are classified by the Internal Revenue Service as “listed property” and may be included as employee wages, unless they are used exclusively for business purposes.

In addition, employees determined as frequently needing to use a personal cellular phone/mobile device to conduct legitimate District business in performance of their job duties shall be provided a stipend allowance that will be reported via Payroll.

Motor vehicle drivers may not use wireless or cellular telephones while operating their vehicles without a hands-free listening device and shall comply with all requirements of California law regarding the use of wireless or cellular telephones in vehicles.

Office of Primary Responsibility: Finance and Administrative Services

NOTE: The **red ink** signifies language that is **legally advised**. This new policy was recommended by the CC League and the League’s legal counsel in Update #15 disseminated to districts in September 2008. This policy was created to address Internal Revenue Service (IRS) guidelines. The language in **green ink** is recommended by Finance and Administrative Services.

Date Adopted:

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

Human Resources
DRAFT as of 2/17/09

BP 7330 COMMUNICABLE DISEASE

References:

[Education Code Sections 87408, 87408.6, and 88021](#)

[California Code of Regulations Title 8 Section 5193;](#)

[29 Code of Federal Regulations 1910.1030](#)

All applicants for positions shall affirm, via medical certificate, that they are free from communicable diseases, including but not limited to active tuberculosis, that could be transmitted via activities reasonably within the scope of the position. Employees shall not commence employment service until such medical certificate has been provided to the District.

An applicant's having a communicable disease does not automatically disqualify the applicant from employment unless it poses a significant risk to the health and safety of others and that risk cannot be eliminated through reasonable accommodation. For applicants with communicable diseases who request accommodation, the District shall make a determination as to reasonableness consistent with applicable state and federal laws and the District's Equal Employment Opportunity and Nondiscrimination policies and procedures. Also see BP/AP 3420 titled Equal Employment Opportunity and BP 3410 titled Nondiscrimination.

The District also recognizes the potential danger to certain employment groups from occupational exposure to blood-borne pathogens, and offers information, vaccinations and blood tests for such groups consistent with applicable law. Procedures governing bloodborne pathogens are as outlined in the District's Bloodborne Pathogens Plan, which is available through Health Services.

❖ **From current Palomar Policy 104 titled AIDS (87-12100)**

~~Palomar College will not discriminate against persons with Acquired Immunodeficiency Syndrome (AIDS), AIDS-related complex, or individuals having a positive test for HIV antibodies in terms of admission to the College, student status, participation in educational programs and related campus activities, or in decisions of employment status.~~

~~If circumstances warrant special accommodations or assignment, actions will be taken only after confidential consultations with the person involved, appropriate campus administrators, and experts from the medical community.~~

~~Palomar College will provide to staff and students educational opportunities to increase knowledge and awareness of AIDS, its related conditions, and methods of prevention. GB 11-24-87~~

[Also see BP/AP 5210 titled Communicable Disease \(related to students\) as well as AP 7336 titled Certification of Freedom from Tuberculosis](#)

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

NOTE: This policy is **legally required**. 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 ink** is current Palomar Policy 104 titled AIDS adopted on 11-24-87. The language in **green ink** reflects revisions/additions made by Human Resource Services.

Date Adopted:

(Replaces current Palomar Policy 104)

Human Resources
DRAFT as of 2/17/09

BP 7120 RECRUITMENT AND HIRING

References:

Education Code Sections 70902(d) and 87100 et seq.:

Title 5 Sections 53000 et seq.:

Accreditation Standard III.1.A

The Superintendent/President shall establish procedures to select and recruit faculty, staff, and administrators who have a clear understanding of and commitment to the mission, vision, and values of the institution. In order to best promote student learning within a culture of inclusion, successful candidates must be sensitive to, understand, and work well with individuals with a broad range of backgrounds and needs, including but not limited to individuals with disabilities and those with diverse academic, socioeconomic, cultural, and ethnic backgrounds. Academic employees shall possess the minimum qualifications prescribed for their positions by the Board of Governors. Classified employees shall possess minimum qualifications described by their classification specification.

Faculty hiring procedures shall be established and implemented in accordance with Board Policies and Administrative Procedures regarding the Faculty Senate's role in local decision-making (see BP 2510 titled Participation in Local Decision-Making) as an academic and professional matter.

Staff hiring procedures shall be established after first affording the staff constituent groups an opportunity to participate in the formulation of staff hiring policies and procedures under the Governing Board's policies regarding local decision-making.

Hiring procedures for administrative, confidential, and supervisory employees shall encourage participation of executive and senior administrators, the Administrative Association, the Confidential and Supervisory Team, faculty, and classified staff in all appropriate phases of the process.

❖ From current Palomar Policy 7120 titled Recruitment and Selection

~~The Palomar Community College District recognizes that excellence in student learning and student success requires that faculty, staff, and administrators have a clear understanding of and commitment to the mission, vision, and values of the institution. Additionally, the District seeks to employ highly qualified faculty, staff, and administrators who are sensitive to and understand the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of the student population in such a way that effective student learning results.~~

~~The Superintendent/President, in cooperation with the appropriate campus constituencies, shall establish procedures for the recruitment and selection of employees including, but not limited to, the following criteria:~~

Academic

~~Academic employees shall possess the minimum qualifications prescribed for their positions by the Board of Governors.~~

~~The criteria and procedures for hiring academic employees shall be established and implemented in accordance with Board policies regarding the Faculty Senate's role in local decision-making. In accordance with AB1725 and BP 2510, the Governing Board elects to rely primarily upon the advice and judgment of the Faculty Senate on Academic and Professional Matters. Faculty hiring is an Academic and Professional Matter.~~

Classified

~~The criteria and procedures for hiring classified employees shall be established after affording the CCE/AFT an opportunity to participate under the Board's policies regarding local decision-making.~~

Administrative and Confidential/Supervisory

~~The criteria and procedures for hiring administrative, confidential, and supervisory employees shall be established in a way that encourages participation of administrators, the Administrative Association and the Confidential and Supervisory Team, faculty, and classified staff in all appropriate phases of the process.~~

~~Education Code Section 70902(d); 87100 et seq Title 5, Section 53000, et seq ; Accreditation Standard III.1.A.~~

~~GB 12-10-02~~

[Also see BP 3410 titled Nondiscrimination and BP 3420 titled Equal Employment Opportunity](#)

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

NOTE: The language in **red type** signifies **legally required** language 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 ink** reflects current Palomar College Policy 7120 titled Recruitment and Selection adopted on 12-10-02. The language in **green ink** reflects revisions/additions made by Human Resource Services.

Date Adopted:

(Replaces current Palomar Policy 7120)

General Institution
DRAFT as of 3/2/09

BP 3100 ORGANIZATIONAL STRUCTURE

Reference:

Education Code Section 72400

Michelle will bring this policy back to the next Task Force Meeting

The Governing Board shall fix and prescribe the duties to be performed by all persons in community college service in the District.

The Superintendent/President shall ensure that organizational charts are established that delineate the lines of responsibility and prescribe the general duties of employees within the District.

NOTE: The **red ink** signifies language that is **legally required** and recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The **green ink** reflects language recommended by Institutional Research and Planning. This policy was reviewed by the Task Force on 1-23-09.

Date Adopted:

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

BP 4030 ACADEMIC FREEDOM

References:

Title 5 Section 51023;
Accreditation Standard II.A.7

❖ From current Palomar College BP 2.0 titled Academic Freedom (67-2107, 71-3551)

Palomar College considers academic freedom, defined by its attendant rights and responsibilities, as a vital, primary force in the achievement of the aims and objectives of the institution. Academic freedom involves inherently the following rights and responsibilities:

- A. To research to the limit of competence and training, the assigned teaching area and its references
- B. To survey, probe, and question the relationship of humans to their environment within the guidelines of research techniques and intelligent discussion
- C. To question and challenge, without fear of censorship or discipline, those actions originating from within the institution which seriously affect the total academic environment
- D. To introduce, within the assigned teaching area, controversial concepts, issues, and systems, subjecting these ideas to the test of objective reasoning
- E. To create an unhampered and clear intellectual atmosphere democratically maintained, encouraged, and supported by students, staff, administration, and members of the Governing Board
- F. To associate with those individuals or groups of one's choice without fear of censorship or discipline, unless such association is forbidden by law

At no time will the inherent right of staff to use any of the normal channels of campus communication be abridged, nor will individual staff members be singled out for special prior censorship of their use of such channels of communication. It is understood that staff members exercising this right will accept responsibility for both the substance and the manner of their messages.

The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he/she speaks or writes as a citizen, he/she should be free from institutional censorship or discipline, but his/her special position in the community imposes special obligations. As a person of learning and an educational officer, he/she should remember that the public may judge his/her profession and institution by his/her utterances. Therefore, he/she should at all times be accurate, show respect for the opinions of others, and make every effort to indicate that he/she is not an institutional spokesperson. ~~GB 5-28-68, 4-25-72~~

❖ **From current Palomar College BP 300 titled Academic Freedom**

The instructional program at Palomar College shall be conducted in accordance with principles of academic freedom of inquiry. The educational program must encourage freedom of expression and freedom of inquiry within the framework of responsibility.

❖ **From current Palomar Policy 4.1 titled Political Activities on Campus**

Palomar College encourages freedom of expression and the free flow and exchange of information and ideas. The College seeks to protect academic freedom and supports free and unfettered scholarly inquiry. In compliance with these requirements, the College encourages faculty, staff, and student involvement with others in support of candidates for offices or in the furtherance of other political activities.

GB 5/11/99

Office of Primary Responsibility: [Instructional Services](#)

NOTE: This policy is **legally required**. The language in **red ink** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in **green ink** is recommended by the Office of Instruction and the Faculty Senate. The information in **blue ink** is additional language to consider including in this policy. The language in **black ink** is current Palomar College Policy 2.0 titled Academic Freedom adopted on 5-28-68 and amended on 4-25-72, Policy 300 titled Academic Freedom with no date, and Policy 4.1 titled Political Activities on Campus adopted on May 11, 1999.

Date Adopted:

(Replaces current Palomar College Policies 2.0, 4.1, and 300)

Instructional Services
DRAFT as of 3/3/09

BP 4650 FINAL EXAMINATIONS

Reference:

No references

❖ **From current Palomar College BP 310 titled Final Examinations**

A regular schedule of final examinations is published each semester. The office of the Assistant Superintendent/Vice President for Instruction must be notified in the event that a faculty member does not use the scheduled final examination periods.

Office of Primary Responsibility: Instructional Services

NOTE: The language in **green ink** is recommended by the Office of Instruction and the Faculty Senate. The information in **blue ink** is additional language to consider including in this policy. The language in black ink is current Palomar College Policy 310 titled Final Examinations with no date.

Date Adopted:

(This is current Palomar College Policy 310 just re-numbered)