

## BP 3410 Nondiscrimination

### References:

*Education Code Sections 66250 et seq., 72010 et seq., and 87100 et seq.;*

*Title 5 Sections 53000 et seq. and 59300 et seq.;*

*Penal Code Section 422.55;*

*Government Code Sections 12926.1 and 12940 et seq.*

**Note: This policy is legally required.**

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, religion, age, sex (~~or gender~~), race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, or because he or she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The [ CEO ] shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, sex (~~or gender~~), race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, or because he or she is perceived to have one or more of the foregoing characteristics, or because of his or her association with a person or group with one or more of these actual or perceived characteristics.

**See Administrative Procedure [ # ].**

Revised 9/02, 9/08

## AP 3410 Nondiscrimination

**Note: This procedure is legally required. Local practice may be inserted, but should comply with these minimum requirements.**

### Education Programs

References:

*Education Code Sections 66250 et seq., 200 et seq., and 72010 et seq.;*  
*Penal Code Sections 422.55 et seq.;*  
*Title 5 Sections 59300 et seq.;*  
*Accreditation Standard 1.6*

The District shall provide access to its services, classes and programs without regard to, national origin, religion, age, sex (~~gender~~) or gender, race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, or because he or she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics. *[Districts may add additional protected categories.]*

All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, “gender” means sex, and includes a person’s gender identity and gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

The District shall not prohibit any student from enrolling in any class or course on the basis of gender.

Academic staff, including but not limited to counselors, instructors and administrators shall not offer program guidance to students which differs on the basis of gender.

Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.

### Employment

References:

*Education Code Sections 87100 et seq.;*  
*Title 5 Sections 53000 et seq.;*  
*Government Code Sections 11135 et seq. and 12940 et seq.*

The District shall provide equal employment opportunities to all applicants and employees regardless of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, or status as a Vietnam-era veteran. *(Districts may add additional protected categories.)*

All employment decisions, including but not limited to hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all position classifications shall be based on job-related criteria as well as be responsive to the District's needs.

The District shall from time to time as necessary provide professional and staff development activities and training to promote understanding of diversity.

**Revised 7/02, 8/03, 2/06, 8/06, 9/08**

## AP 3420 Equal Employment Opportunity

References:

*Education Code Sections 87100 et seq.;*  
*Title 5 Sections 53000 et seq. and Sections 59300 et seq.*

**Note: This procedure is legally required. Local practice may be inserted here that conforms to the 2002 revisions of Title 5 Sections 53000 et seq. or reference the current District Equal Employment Opportunity (EEO) Plan.**

**Due to the dynamic and untested nature of this area of law, this procedure identifies points in the hiring process where consultation with legal counsel may be prudent.**

*The EEO plan should be a district-wide, written plan that implements the District's EEO program, includes the definitions contained in Title 5 Section 53001 and addresses the following:*

- Submission of plans and revisions to the state Chancellor's Office for review and approval as required.
- The designation of the District employee or employees who have been delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of this Procedure;
- The procedure for filing complaints and the person with whom such complaints are to be filed;
- A process for notifying all District employees of the provisions of the plan and the policy statement required;
- A process for ensuring that District employees who are to participate on screening or selection committees shall receive appropriate training on the requirements of the applicable Title 5 regulations and of state and federal nondiscrimination laws;
- A process for providing annual written notice to appropriate community-based and professional organizations concerning the District's plan and the need for assistance from such organizations in identifying qualified applicants for openings within the District;
- An analysis of the number of persons from "monitored groups", as defined by Title 5 Section 53001(i), who are employed in the District's work force and those who have applied for employment in each of the job categories listed below.
- An analysis of the degree to which monitored groups are underrepresented in comparison to the numbers of persons from such groups whom the state Chancellor's Office determines to be available and qualified to perform the work required for each such job category and whether or not the underrepresentation is significant;
- The steps the District will take to promote diversity in its work force;

- Methods for addressing any discrimination that is detected in the District's hiring practices, and;
- Additional steps to address any significant underrepresentation of monitored groups identified in the plan.

The plan shall be a public record.

The District shall make a continuous good faith effort to comply with the requirements of the plan.

**Local practice that complies with Title 5 Section 53004 should be inserted here and must include or address:**

#### **Annual Evaluation**

- An annual survey of its employees and applicants for employment in order to evaluate progress in implementing the EEO Plan and to provide data needed for required analyses.
- An annual report to the Chancellor's Office of the California Community Colleges on the results of its annual survey of employees. The report shall identify each employee as belonging to one of the following seven job categories:
  - executive/administrative/managerial
  - faculty and other instructional staff
  - professional non-faculty
  - secretarial/clerical
  - technical and paraprofessional
  - skilled crafts; and
  - service and maintenance.
- The opportunity for each employee to identify his or her gender, ethnicity and, if applicable, disability. This opportunity must allow for a person to designate multiple ethnic groups with which he or she identifies. However, the person may only be counted in one group for reporting purposes.

**Local practice that complies with Title 5 Section 53005 should be inserted here and should include:**

#### **EEO Advisory Committee**

- That the District shall establish an EEO Advisory Committee; and
- That the advisory committee shall include a diverse membership whenever possible.

**The following is suggested as good practice:**

The responsibilities of the Committee shall include but not be limited to the following:

- review and advise on recruitment efforts; job announcements, interview protocols, retention efforts and other aspects of the hiring, retention, and promotion processes that impact the District's ability to attract and retain a diverse faculty and staff;
- advise on implementing the District's obligation to hire faculty and administrators with a demonstrated sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability and ethnic backgrounds of community college students;
- promote communication with community groups and organizations for people with disabilities;
- promote hiring of faculty who have, themselves, graduated from a community college;
- develop communications among departments to foster understandings of the Plan;
- to advise the [CEO] regarding special training or staff development needs;
- review the Plan and monitor its progress;
- recommend changes needed in the Plan; and
- review and approve the annual written report to the [CEO], the Board of Trustees, and the Chancellor's Office for the California Community Colleges.

## **Employment Procedures**

**Job Analysis and Validation:** The [*designate position*] shall assure that a proper job analysis is performed for every job filled by the District to determine and validate the knowledge, skills, abilities and characteristics an employee must possess to perform the job satisfactorily.

A statement of bona fide essential functions and minimum qualifications shall be developed for all positions.

**Job Description:** Every job description shall provide a general statement of job duties and responsibilities.

Job specifications shall include functions and tasks; knowledge; skills; ability; and job related personal characteristics, including but not limited to sensitivity to and understanding of the diverse academic, socioeconomic, cultural, linguistic, disability, and ethnic backgrounds of community college students.

**Recruitment:** Recruitment must be conducted actively within and outside of the District work force.

Open recruitment is mandated for all new full-time and part-time positions, except under limited circumstances involving interim hires.

Recruitment must utilize outreach strategies designed to ensure that all qualified individuals, from all monitored groups, are provided the opportunity to seek employment with the District.

Recruitment for administrative and faculty positions (full and part-time) may include advertisement in appropriate professional journals, job registries and newspapers of general circulation; distribution of job announcements to the EEO Registry, K-12 districts, two and four year colleges, and graduate schools where appropriate candidates might be enrolled; recruitment at conferences, fairs, and professional meetings; notices to institutions and professional organizations that primarily serve members of monitored groups that are underrepresented in the District.

Recruitment for classified positions shall include notice to all District personnel; notice to Employment Development Department; and advertising in area newspapers of general circulation.

**Applicant Pools:** The application for employment shall afford each applicant an opportunity to identify himself or herself voluntarily as to gender, ethnicity and, if applicable, his or her disability. This information shall be maintained in confidence and shall be used only for research, validation, monitoring, evaluation of the effectiveness of the Plan, or as authorized by law.

After the application deadline has passed, the initial applicant pool shall be analyzed to determine whether the projected representation has been achieved for monitored groups. If these projections have not been met, the District shall immediately determine whether the failure to meet the projected representation of monitored groups in the initial pool was due to discriminatory practices. If not, the hiring process may continue to the next level. If, however, the District determines that discriminatory practices caused the underrepresentation, the District [*may or shall*] immediately, and before the selection process continues, consult with legal counsel to determine what, if any, corrective action is required by law.

Once the qualified pool is formed, the pool must again be analyzed. If this analysis reveals adverse impact against any monitored group, the District [*may or shall*] immediately, and before the selection process continues, consult with legal counsel to determine what, if any, corrective action is required by law.

**Screening and Selection:** Screening, selecting and interviewing candidates for all positions shall include thorough and fair procedures that are sensitive to issues of diversity. *Procedures to be used must address or include that:*

- Hiring procedures will be provided to the state Chancellor's Office on request.
- All tests conform to generally applicable legal standards for uniformity.
- A reasonable number of candidates are identified for interview.
- Screening and selection committees are developed that are representative of the District community and campus; include administrators, faculty and classified staff; include a diverse membership when possible; do not include applicants or persons who have written letters of recommendation.
- Every screening and selection committee includes an individual trained to monitor conformance with EEO requirements. The [designate position] assures that the screening and selection process conforms to accepted principles and practices, including preparation of job related questions in advance; maintains records of screening checklists and rating scales, which shall be signed and kept on file; maintains notes for all interviews and record relevant factual reasons stating why a

candidate was not hired or was not invited to interview; and monitors the hiring process for adverse impact.

- Selection shall be based solely on the stated job criteria.

If the District determines that a particular monitored group is significantly underrepresented with respect to one or more job categories, the District shall take the following additional steps:

- review its recruitment procedures;
- consult with counsel to determine whether there are other, additional measures that may be undertaken that are required and/or permitted by law;
- consider various other means of reducing the underrepresentation which do not involve taking monitored group status into account and implement any such techniques that are feasible;
- If significant underrepresentation persists:
  - monitor on an on-going basis;
  - review each locally-established job qualification to determine if it is job related and consistent with business necessity;
  - discontinue the use of any non job related local qualification; and
  - continue using job-related local qualifications only if no alternative standard is reasonably available.

**Insert local practice regarding the delegation of authority for implementing the District's EEO Plan, which must comply with Title 5 Section 53020, as amended. These procedures must include or address:**

#### **Delegation of Authority**

- The designation of a single person as the "EEO Officer" charged with overseeing the day-to-day implementation of the EEO Plan and programs.
- Processes and responsibilities when the EEO Officer is named in a complaint or implicated by the allegations in a complaint.

**Insert local practice regarding internal complaints of discrimination. The following elements are required by Title 5 Section 59320.**

#### **Complaint Procedure**

The District must identify to the public and to the state Chancellor's Office an individual described in Title 5 as the "responsible District officer," responsible for receiving complaints. Informal charges of unlawful discrimination should be brought to the attention of the responsible District officer. The responsible District officer shall oversee the informal resolution process. The actual investigation of complaints may be assigned to other staff or

to outside persons or organizations under contract. An outside investigator must be used when the responsible District officer is named in the complaint or implicated by the allegations in the complaint.

When a person brings charges of unlawful discrimination the officer must:

- Undertake efforts to resolve the charge informally;
- Advise the complainant that he or she need not participate in an informal resolution of the complaint;
- Notify the complainant of the procedures for filing a formal complaint;
- Notify the complainant that he or she may file a complaint with the Office of Civil Rights of the U.S. Department of Education.
- If the complainant, a student or an employee, files a formal complaint, the responsible District officer must also notify the forward a copy of the complaint to the state Chancellor's Office of the complaint.

A formal complaint not involving employment, must be processed if it is filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation.

A formal complaint alleging discrimination in employment must be filed within 180 days of the date of the alleged unlawful discrimination, unless the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the initial 180 days.

The complaint must be filed by someone who alleges that he or she has personally suffered unlawful discrimination, or by someone who has learned about unlawful discrimination in his or her official capacity.

When a proper complaint is received, the District will begin an impartial fact-finding investigation, and notify the complainant and the Chancellor that it is doing so.

When the investigation is done, the results must be set forth in a written report. The written report must include a description of the circumstances giving rise to the complaint, a summary of the testimony of each witness, an analysis of any relevant data or other evidence collected during the investigation, a specific finding as to whether discrimination did or did not occur with respect to each allegation in the complaint, and any other appropriate information.

In any case that does not involve employment discrimination, the District must provide the Chancellor with a copy of the investigative report within ninety days from the date the District received the complaint. The District must also provide the complainant with a copy or summary of the investigative report within ninety days from the date the District received the complaint. The Chancellor and the complainant must also be provided with a written notice setting forth the determination of the *[designated position]* as to whether discrimination did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; ~~the proposed resolution of the complaint;~~ ~~and~~ ~~and~~ -notice of the complainant's right to appeal to the District's governing board and the state Chancellor's Office.

In any case that involves employment discrimination, the District must provide the

complainant with a copy or summary of the report, and with -

written notice setting forth the determination of the [designated position] as to whether discrimination did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and the complainant's right to appeal to the District's governing board and to file a complaint with the Department of Fair Employment and Housing.

If the complainant is not satisfied with the results of the administrative determination, the complainant must be given the opportunity ~~within fifteen days~~ to submit a written appeal to the governing board within fifteen days from the date of the notice of the administrative determination. The Board must review the original complaint, the investigative report, the administrative determination, and the appeal and must issue a final District decision within forty-five days of receiving the appeal. ~~If the Board does not act within forty five days the administrative determination must be deemed approved and must become the final District decision.~~

In any case not involving employment discrimination, a copy of the final District decision must be promptly forwarded to the complainant and the state Chancellor's Office. The complainant must be notified of his or her right to appeal.

In any case involving employment discrimination, a copy of the final District decision must be promptly forwarded to the complainant. The complainant must be notified of his or her to right to file a complaint with the Department of Fair Employment and Housing.

Where the Board does not act within forty-five days the administrative determination must be deemed approved and must become the final District decision. The District shall promptly notify the complainant and in cases not involving employment discrimination, the Chancellor, that the Board took no action and the administrative determination becomes the final District decision. In cases not involving employment discrimination, the complainant must be informed of his or her right to appeal the District's decision to the Chancellor. In cases involving employment discrimination, the complainant shall be notified of his or her right to file a complaint with the Department of Fair Employment and Housing.

In cases not involving employment discrimination, the complainant must be given the right to file a written appeal with the state Chancellor's Office within 30 days after the Board issues the final District decision ~~or~~, permits the administrative decision to become final or from the date that notice of the District's final decision was provided to the complainant, pursuant to Section 59338(b) or (d), whichever is later.

The District should retain and make available the original complaint, and copies of the final decision or a statement indicating the date on which the administrative determination became final, the notice given to complainant, the complainant's appeal of the District's administrative determination, the investigative report and any other information the Chancellor may require.

~~In cases involving employment discrimination, the complainant may file a complaint with the Department of Fair Employment and Housing.~~

## **Job Announcements**

All job announcements shall contain a statement in substantially the following form: The District is an equal opportunity employer. The policy of the District is to encourage applications from ethnic and racial minorities, women, persons with disabilities, and Vietnam-era veterans. No person shall be denied employment because of ethnicity or race, color, sex or gender, age, religion, marital status, disability, sexual orientation, national origin, medical conditions, status as a Vietnam-era veteran, ancestry, or political or organizational affiliation.

**The following is suggested as good practice:**

**Dissemination and Revision of the Plan**

All managers and supervisors shall be given copies of the plan as revised from time to time and any guidelines for implementing the plan. Copies of the plan shall be provided to the Academic Senate and the exclusive representatives of any units of employees.

Statements of nondiscrimination shall be posted at locations where applications for employment are distributed.

Such plans shall be reviewed at least every three years and, if necessary, revised and submitted to the state Chancellor's Office ~~for approval~~ within 90 days of the effective date of the revision or amendment(s). If the Chancellor determines that a district's policies are not in compliance with 59300 et al., the Chancellor may require the District to modify its policies.

**Revised 2/03, 2/06, 8/06, 9/08**

# BP 3505 Emergency Response Plan

## References:

*Education Code Sections 35294.2, 32282, 35296, and 42140;*  
*Homeland Security Act of 2002;*  
*Government Code Sections 3100 and 8607(a);*  
*National Fire Protection Association 1600;*  
*Homeland Security Presidential Directive-5;*  
*Executive Order S-2-05;*  
*19 California Code of Regulations (CCR) Sections 2400-2450*

**Note: This policy is legally advised.**

The [CEO] shall establish procedures that ensure that the District implements a program or plan to be activated in the event of an emergency, or when a natural disaster or hazardous condition occurs. This program or plan must comply with the National Incident Management System (NIMS), the Standardized Emergency Management System (SEMS) and should incorporate the functions and principles of the Incident Command System (ICS), the Master Mutual Aid Agreement (MMAA) and any other relevant programs. The program must incorporate NIMS and SEMS to facilitate the coordination between and among agencies in the event of an emergency or natural disaster.

Compliance with NIMS and SEMS mandates include:

- Establishing a disaster preparedness program or plan
- Completion of training sessions by college personnel in compliance with NIMS and SEMS guidelines
  - Training requirements vary based on job titles or assigned roles within the emergency management program

College personnel must be informed that as public employees, they are also disaster service workers during national, state and local emergencies. The [CEO] should ensure that an ICS Team is created to carry out compliance with NIMS and SEMS mandates.

Responses to emergencies or natural disasters are organized by SEMS into five categories: field response, local government, operational areas, regions, and the state management level.

The plan or program should contain information regarding activation and chain of command responsibilities. Compliance with NIMS mandates requires planning and incorporation for all phases of emergency management including mitigation and prevention, preparedness, response, and recovery. Colleges must comply with NIMS and SEMS to receive state or federal funding.

**New 9/08**

## **AP 4227 ~~Course Repetition Absent Substandard Academic Work~~ Repeatable Courses**

References:

*Title 5 Sections 55041, 55042, and 55253*

**Note: This procedure is legally required.**

Under special circumstances, students may repeat courses in which a C or better grade was earned.

Students are allowed to repeat a course without petition when repetition is necessary to enable that student to meet a legally mandated training requirement as a condition of volunteer or paid employment. Students can repeat such courses any number of times, even if they received a grade of C or better; however, the grade received by the student each time will be included in calculations of the student's grade point average.

Students may repeat activity courses that have been designated as activity courses and where it is found that the course content differs each time it is offered to enhance the skills and proficiencies of the student. Activity courses are defined as career technical courses where the content differs each time the course is offered, but the primary educational activity remains the same. Examples of activity courses include physical education and courses in music, fine arts, theater, and dance. Absent substandard academic work courses may not be repeated for more than three semesters or five quarters including summers and intersessions.

Students with disabilities can repeat a special class for students with disabilities any number of times when an individualized determination verifies that such repetition is required as a disability-related accommodation.

Students are allowed to repeat a cooperative work experience course if a college only offers one course in cooperative work experience. Where only one work experience course is offered, students may be permitted to repeat this course any number of times as long as they do not exceed the limits on the number of units of cooperative work experience set forth in Title 5 Section 55253(a).

New 2/08, Revised 9/08

## AP 4228 Course Repetition – Significant Lapse of Time

Reference:

*Title 5 Section 55043*

**Note: This procedure is legally advised.**

Students may be permitted or required to repeat courses in which a “C” or better grade was earned where there was a significant lapse of time since the grade was obtained and:

- The District has defined “significant lapse of time” or has established a recency prerequisite for a course or program; or
- An institution of higher education to which a student wishes to transfer has established a recency requirement that the student cannot satisfy without repeating the course.

When a student needs to repeat an activity course due to a significant lapse of time, each repetition attempt will be counted toward the established repetition limits. However, if a student has already exhausted the number of permitted repetitions, then an additional repetition due to significant lapse of time may be permitted or required by the District.

When a course is repeated due to a significant lapse of time, the District may disregard the previous grade and credit when computing a student’s grade point average.

New 9/08

## AP 4229 Course Repetition – Variable Units

Reference:

*Title 5 Section 55044*

**Note: This procedure is legally advised.**

Students may be permitted to enroll in variable unit open-entry/open-exit courses as many times as necessary to enable them to complete the entire curriculum of the course once.

Students may not repeat variable unit open-entry/open-exit courses unless:

- The course is required for legally mandated training; or
- The course is a special class for students with disabilities which needs to be repeated; or
- Repetition of the course is justified by extenuating circumstances; or
- The student wishes to repeat the course to alleviate substandard work.

Whenever a student enrolls in a physical education activity course offered for open-entry/open exit, the enrollment will count as a repetition of the course.

When a course is repeated due to a significant lapse of time, the District may disregard the previous grade and credit when computing a student's grade point average.

New 9/08

# AP 4240 Academic Renewal

Reference:

*Title 5 Section 55044*

**Note: This procedure is legally required. Local practice may be inserted but should comply with the following:**

Students may petition to have their academic record reviewed for academic renewal of substandard academic performance under the following conditions:

- Students must have achieved a grade point average of [set a minimum of at least 2.0] in [set minimum number of units], and
- At least [set time limit] must have elapsed from the time the course work to be removed was completed.

Up to [set unit limit] units of course work may be eliminated from consideration in the cumulative grade point average.

Specific courses and/or categories of courses that are exempt from academic renewal must be described. Academic renewal actions are irreversible. When academic renewal procedures permit previously recorded substandard coursework to be disregarded in the computation of a student's grade point average, the student's permanent academic record should contain an accurate record of all coursework to ensure a complete academic history.

Academic renewal procedures may not conflict with the District's obligation to retain and destroy records or with the instructor's ability to determine a student's final grade.

**Additional local procedures should be inserted, which must include:**

- The procedures to be followed by the student in requesting academic renewal.
- Designated authorities.

Revised 8/06, 2/08, 9/08

## BP 5800 Prevention of Identity Theft in Student Financial Transactions

Reference:

*Fair and Accurate Credit Transactions Act, ( Pub.L. 108-159)*

**Note: This policy is legally required.**

The District is required to provide for the identification, detection, and response to patterns, practices, or specific activities (“Red Flags”) that could indicate identity theft of students. This is because the District serves as a creditor in relation to its students. The [CEO] is directed to develop procedures to implement an Identity Theft Prevention Program (ITPP) to control reasonably foreseeable risks to students from identity theft.

New 9/08

# AP 5800 Prevention of Identity Theft in Student Financial Transactions

Reference:

*Fair and Accurate Credit Transactions Act ,( Pub.L. 108-159)*

**Note: This procedure is legally required.**

## I. The Purpose of the Identity Theft Prevention Program

The purpose of this Identity Theft Prevention Program (ITPP) is to control reasonably foreseeable risks to students from identity theft, by providing for the identification, detection, and response to patterns, practices, or specific activities (“Red Flags”) that could indicate identity theft.

## II. Definitions

“Identity theft” is a fraud attempted or committed using identifying information of another person without authority.

A “creditor” includes government entities who defer payment for goods or services (for example, payment plans for enrollment fees, bookstore accounts, or parking tickets).

“Deferring payments” refers to postponing payments to a future date and/or installment payments on fines or costs.

A “covered account” includes one that involves multiple payments or transactions.

“Person” means any individual who is receiving goods and/or services from the District and is making payments on a deferred basis for said goods and/or services.

Detection or discovery of a “Red Flag” implicates the need to take action under this ITPP to help prevent, detect, and correct identity theft.

## III. Detecting “Red Flags” For Potential Identity Theft

### A. Risk Factors for Identifying “Red Flags”

The District will consider the following factors in identifying relevant “Red Flags:”

- (1) the types of covered accounts the District offers or maintains;
  - (2) the methods the District provides to open the District’s covered accounts;
  - (3) the methods the District provides to access the District’s covered accounts;
- and
- (4) the District’s previous experience(s) with identity theft.

### B. Sources of “Red Flags”

The District will continue to incorporate relevant “Red Flags” into this ITPP from the following sources:

- (1) incidents of identity theft that the District has experienced;

- (2) methods of identity theft that the District identifies that reflects changes in identity theft risks; and
- (3) guidance from the District's supervisor's who identify changes in identity theft risks.

### C. Categories of "Red Flags"

The following Red Flags have been identified for the District's covered accounts:  
*Alerts, Notifications, or Warnings from a Consumer Reporting Agency:*

- (1) A fraud or active duty alert is included with a consumer report the District receives as part of a background check.
- (2) A consumer reporting agency provides a notice of credit freeze in response to a request for a consumer report.
- (3) A consumer reporting agency provides a notice of address discrepancy. An address discrepancy occurs when an address provided by a student substantially differs from the one the credit reporting agency has on file. See Section (V)(9) for specific steps that must be taken to address this situation.
- (4) A consumer report indicates a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant, such as:
  - (a) A recent and significant increase in the volume of inquiries;
  - (b) An unusual number of recently established credit relationships;
- (c) A material change in the use of credit, especially with respect to recently established credit relationships; or
- (d) An account that was closed for cause or identified for abuse of account privileges by a creditor or financial institution.

#### *Suspicious Documents:*

- (5) Documents provided for identification appear to have been forged or altered.
- (6) The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
- (7) Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.
- (8) Other information on the identification is not consistent with readily accessible information that is on file with the District, such as a signature card or a recent check.
- (9) An application appears to have been altered or forged, or gives the appearance of having been destroyed or reassembled.

#### *Suspicious Personally Identifying Information:*

- (10) Personal identifying information provided is inconsistent when compared against external information sources used by the District. For example:
  - (a) The address does not match any address in the consumer report; or
  - (b) The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.
- (11) Personal identifying information provided by a person is not consistent with other personal identifying information provided by the person. For example, there is a lack of correlation between the SSN range and date of birth.
- (12) Personal identifying information is associated with known fraudulent activity as indicated by internal or third-party sources use by the District. For example:

- (a) The address on an application is the same as the address provided on a fraudulent application;
  - (b) The phone number on an application is the same as the phone number provided on a fraudulent application;
- (13) Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the District. For example:
- (a) The address on an application is fictitious, a mail drop, or a prison; or
  - (b) The phone number is invalid, or is associated with a pager or answering service.
- (14) The SSN provided is the same as that submitted by other persons currently being served by the District.
- (15) The address or telephone number provided is the same or similar to the account number or telephone number submitted by an unusually large number of other persons being served by the District.
- (16) The person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
- (17) Personal identifying information provided is not consistent with personal identifying information that is on file with the District.
- (18) The person opening the covered account cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.
- Unusual Use Of – Or Suspicious Activity Relating To – A Covered Account:*
- (19) A new covered account is used in a manner that is commonly associated with known patterns of fraud patterns. For example, a person makes a first payment, but there are no subsequent payments made.
- (20) A covered account is used in a manner that is not consistent with established patterns of activity on the account. For example, there is:
- (a) Nonpayment when there is no history of late or missed payments; or
  - (b) A material change in electronic fund transfer patterns in connection with a payment.
- (21) A covered account that has been inactive for a reasonably lengthy period of time is suddenly used or active.
- (22) Mail sent to the person holding the covered account is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the person's covered account.
- (23) The District is notified that the person is not receiving paper account statements.
- (24) The District is notified of unauthorized transactions in connection with a person's covered account.
- Notices From Customers/Persons, Victims of Identity Theft, Law Enforcement Authorities, or Other Businesses About Possible Identity Theft in Connection with Covered Accounts:*
- (25) The District is notified by a person with a covered account, a victim of identity theft, a law enforcement authority, or any other person, that it has opened a fraudulent account for a person engaged in identity theft.

#### **IV. Measures to Detect “Red Flags”**

The District shall do the following to aid in the detection of “Red Flags:”

(1) When a new covered account is open, the District shall obtain identifying information about, and information verifying the identity of, the student or other person seeking to open a covered account. Two forms of identification shall be obtained (at least one of which must be a photo identification).

The following are examples of the types of valid identification that a person may provide to verify the identity of the person seeking to open the covered account: valid state-issued driver’s license, valid state-issued identification card, current passport, a Social Security Card, current residential lease, or copy of a deed to the person’s home or invoice/statement for property taxes.

(2) Persons with covered accounts who request a change in their personal information on file, such as a change of address, will have the requested changes verified by the District.

The person shall provide at least one written form of verification reflecting the requested changes to the personal information. For example, if an address change is requested, then documentation evidencing the new address shall be obtained. If a phone number change is requested, then documentation evidencing the new phone number, such as a phone bill, shall be obtained.

#### **V. Preventing and Mitigating Identity Theft**

One or more of the following measures, as deemed appropriate under the particular circumstances, shall be implemented to respond to “Red Flags” that are detected:

- (1) Monitor the covered account for evidence of identity theft;
- (2) Contact the person who holds the covered account;
- (3) Change any passwords, security codes, or other security devices that permit access to a covered account;
- (4) Reopen the covered account with a new account number;
- (5) Not open a new covered account for the person;
- (6) Close an existing covered account;
- (7) Not attempt to collect on a covered account or not sell a covered account to a debt collector;
- (8) Notifying law enforcement;
- (9) Where a consumer reporting agency provides an address for a consumer that substantially differs from the address that the consumer provided, the District shall take the necessary steps to for a reasonable belief that the District knows the identity of the person for whom the District obtained a credit report, and reconcile the address of the consumer with the credit reporting agency, if the District establishes a continuing relationship with the consumer , and regularly, and in the course of business, provides information to the credit reporting agency; or
- (10) Determine that no response is warranted under the particular circumstances.

#### **VI. Updating the ITPP**

The District shall update this ITPP on an annual basis to reflect changes in risks to persons with covered accounts, and/or to reflect changes in risks to the safety and soundness of the District from identity theft, based on the following factors:

- (1) The experiences of the District with identity theft;

- (2) Changes in methods of identity theft;
- (3) Changes in methods to detect, prevent and mitigate identity theft;
- (4) Changes in the types of covered accounts that the District maintains;
- (5) Changes in the business arrangements of the District, including service provider arrangements.

## **VII. Methods for Administering the ITPP**

### **A. Oversight of the ITPP**

Oversight by the District's \_\_\_\_\_ (NOTE: FILL IN SENIOR MANAGEMENT EMPLOYEE POSITION THAT WILL BE IN CHARGE OF ADMINISTERING THE ITPP) shall include:

- (1) Assigning specific responsibility for the ITPP's implementation;
- (2) Reviewing reports prepared by the staff regarding compliance of the ITPP; and
- (3) Approving material changes to the ITPP as necessary to address changing identity theft risks.

### **B. Reports**

- (1) *In General.* Staff responsible for the development, implementation, and administration of this ITPP shall report to the Governing Board on an annual basis.
- (2) *Contents of Report.* The report shall address material matters to the ITPP and evaluate the following issues: the effectiveness of the policies and procedures in addressing the risk of identity theft in connection with opening new covered accounts and with respect to existing covered accounts; service provider arrangements; significant incidents involving identity theft and management's response; and recommendations for material changes to the ITPP.
- (3) *Oversight of Service Provider Arrangements.* Whenever the District engages a service provider to perform an activity in connection with one or more covered accounts the District shall take steps to ensure that the activity of the service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft. To that end, the District shall require our service contractors, by contract, to have policies and procedures to detect relevant "Red Flags" that may arise in the performance of the service provider's activities, and either report the "Red Flags" to the District, or to take appropriate steps to prevent or mitigate identity theft.

New 9/08

## BP 6450 Wireless or Cellular Telephone Use

References:

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

**Note: This policy is legally advised.**

The [CEO] shall determine if it is in the best interests of the District to provide a cellular or wireless phone at District expense.

The District shall require employees to keep records to distinguish between business and personal calls made on wireless or cellular telephones provided by the District. Cellular telephones 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.

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.

New 9/08

## AP 6450 Wireless or Cellular Telephone Use

References:

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

**Note: This procedure is legally advised.**

The [CEO] shall determine if it is in the best interests of the District to provide a cellular or wireless phone at District expense.

Cellular telephones 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.

Employees shall maintain supporting documentation regarding personal and business use, to permit the District to include a pro rata share of the value of the phone and the monthly services charges for personal wireless or cellular telephone use. Failure to document such usage will result in the classification of the value of the wireless or cellular telephone and the monthly service charges as employee income.

The District shall monitor the wireless or cellular telephone usage of its employees to ensure their compliance with this policy. These rules do not apply to wireless or cellular phones owned by employees. Any reimbursements to employees for use of their own wireless or cellular telephones may be excluded from wages if the employee accounts for the expense pursuant to the Internal Revenue Service accountable plan.

Motor vehicle drivers may not use wireless or cellular telephones while operating their vehicles without a hands-free listening device. Drivers may use a wireless or cellular telephone to contact a law enforcement agency or public safety entity for emergency purposes. Drivers of motor trucks or truck-tractors, farm vehicles, tow trucks, a listed or described implement of husbandry, or a commercial vehicle, used in commercial agricultural operations may use a digital two-way radio service that utilizes a wireless or cellular telephone.

New 9/08

## AP 7212 Temporary Faculty

References:

*Education Code Sections 87481, 87482, 87482.5, and 87482.8*

**Note: This procedure is legally advised. Local practice may be inserted. The following is provided as an illustrative example.**

The District may employ any qualified individual as a temporary faculty member for a complete school year, but not less than one semester or quarter during a school year unless the date of rendering first paid service begins during the second semester or third quarter and prior to March 15th. The employment of these persons shall be based upon the need for additional faculty during a particular semester, quarter, or year because a faculty member has been granted leave for a semester, quarter, or year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need.

The District may employ any qualified individual as a temporary faculty member for a complete school year but not less than a complete semester or quarter during a school year. The employment of those persons shall be based upon the need for additional faculty during a particular semester or quarter because of the higher enrollment of students during that semester or quarter as compared to the other semester or quarter in the academic year, or because a faculty member has been granted leave for a semester, quarter, or year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need. Such employment may be pursuant to contract fixing a salary for the entire semester or quarter. No person, other than a person serving as clinical nursing faculty, shall be so employed for more than two semesters or three quarters within any period of three consecutive years.

A person serving as temporary clinical nursing faculty may be employed for up to four semesters or six quarters within any period of three consecutive years between July 1, 2007 and June 30, 2014, as long as the hiring of that person does not result in an increase in the ratio of part-time to full-time nursing faculty in the district.

Any person who is employed to teach classes for not more than ~~60~~67 percent of the hours per week that are 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. However, any agreement prior to January 1, 2009, to limit temporary faculty members to 60 percent of the hours per week that are considered a full-time assignment will govern until the expiration of the agreement. Service as a substitute on a day-to-day basis shall not be used for purposes of calculating eligibility for contract or regular status.

Screening for temporary faculty shall, insofar as possible, be conducted in accordance with District practices and procedures for employment of regular faculty. In particular, there shall be consideration given to principles of selection that assure the greatest opportunity for participation by underrepresented groups as required by District policies and procedures.

Revised 2/04, 2/07, 2/08, 9/08



# AP 7365 Discipline and Dismissal, Classified Employees

Reference:

*Education Code Section 88013*

**Note: This procedure is legally required. Local practice may be inserted.**

*The following is illustrative, and complies with minimum requirements.*

## **Grounds for Discipline**

*If the grounds for dismissal were included in Board Policy 7365, it is not necessary to repeat them here.*

A permanent member of the classified service shall be subject to disciplinary action, including but not limited to, oral reprimand, written reprimand, reduction in pay, demotion, suspension, or discharge, for any of the following grounds:

- Fraud in securing employment or making a false statement on an application for employment.
- Incompetence, i.e., inability to comply with the minimum standard of an employee's position for a significant period of time.
- Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee within his position.
- Willful disobedience and insubordination, a willful failure to submit to duly appointed and acting supervision or to conform to duly established orders or directions of persons in a supervisory position or insulting or demeaning the authority of a supervisor or manager.
- Dishonesty involving employment.
- Being under the influence of alcohol or illegal drugs or narcotics while on duty, being impaired by alcohol or illegal drugs in your biological system while on duty which could impact your ability to do your job.
- Excessive absenteeism.
- Inexcusable absence without leave.
- Abuse of sick leave, i.e., taking sick leave without a doctor's certificate when one is required, or misuse of sick leave.
- The conviction of either a misdemeanor or a felony involving moral turpitude shall constitute grounds for dismissal of any employee. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The Office of Human Resources may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline, or the determination if such conviction is an offense involving moral turpitude. A plea or verdict of guilty, or a conviction showing a plea of *nolo contendere* made to charge a felony or any offense involving moral turpitude, is deemed to be a conviction within the meaning of this Section.
- Discourteous treatment of the public or other employees.
- Improper or unauthorized use of District property.
- Refusal to subscribe to any oath or affirmation that is required by law in connection with District employment.

- Any willful act of conduct undertaken in bad faith, either during or outside of duty hours which is of such a nature that it causes discredit to the District, the employee's department or division.
- Inattention to duty, tardiness, indolence, carelessness or negligence in the care and handling of District property.
- Violation of the rules and regulations published in any department.
- Mental or physical impairment that render the employee unable to perform the essential functions of the job without reasonable accommodation, or without presenting a direct threat to the health and safety of self or others.
- Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation to an employee for the performance of his or her official duties.
- The refusal of any officer or employee of the District to testify under oath before any court, grand jury, or administrative officer having jurisdiction over any then pending cause of inquiry in which the District is involved. Violation of this provision may constitute of itself sufficient ground for the immediate discharge of such officer or employee.
- Willful violation of any of the provisions of the ordinances, resolutions or any rules, regulations or policies, which may be prescribed by the District.
- Improper political activity. Example: Those campaigning for or espousing the election or non-election of any candidate in national, state, county or municipal elections while on duty and/or during working hours or the dissemination of political material of any kind while on duty and/or during working hours.
- Working overtime without authorization.

**Note: Districts have the option to notify or not notify employees regarding background checks conducted as disciplinary or harassment investigations. The following procedure is legally advised.**

### ***Background Checks***

Background checks may be conducted as part of disciplinary or harassment investigations. (Civil Code Section 1786, et seq. Fair Credit Reporting Act)

Advanced notice of discipline/harassment investigations *[shall/shall not]* be provided to those under investigation. If the investigation results in action that adversely affects the employee, the employee shall receive oral, written, or electronic notice of:

- the adverse action;
- the name, address, and telephone number of the third party agency that furnished the report;
- the employee's right to obtain a free copy of the report; and
- the employee's right to dispute the accuracy or completeness of any of the information in the report.

### ***Disciplinary Actions***

Disciplinary action taken by the District against a permanent member of the classified service may include, but not be limited to oral reprimand, written reprimand, and the following.

- Reduction in pay or demotion. The District may reduce the pay or demote an employee whose performance of the required duties falls below standard, or for misconduct.
- Suspension. An employee may be suspended for disciplinary purposes without pay.
- Discharge. A permanent member of the classified service may be discharged for just cause at any time. Formal written notice of discharge may be made after considered action during a period of suspension.

### ***Procedure for Disciplinary Action and Appeal***

The District may, for disciplinary purposes, suspend, demote or terminate any employee holding a position in the classified service. Demotion shall include reduction in pay from a step within the class to one or more lower steps.

For classified employees suspended, demoted or discharged the District shall follow a pre-disciplinary procedure as follows:

**Notice of Intent:** Whenever the District intends to suspend an employee, demote the employee, or dismiss the employee, the employee shall be given a written notice of discipline which sets forth the following:

- The disciplinary action intended;
- The specific charges upon which the action is based;
- A factual summary of the grounds upon which the charges are based;
- A copy of all written materials, reports, or documents upon which the discipline is based;
- Notice of the employee's right to respond to the charges either orally or in writing to the appropriate manager;
- The date, time and person before whom the employee may respond in no less than five (5) working days;
- Notice that failure to respond at the time specified shall constitute a waiver of the right to respond prior to final discipline being imposed.

**Response by Employee:** The employee shall have the right to respond to the appropriate manager orally or in writing. The employee shall have a right to be represented at any meeting set to hear the employee's response. In cases of suspensions, demotions, or dismissal, the employee's response will be considered before final action is taken.

**Final Notice:** After the response or the expiration of the employee's time to respond to the notice of intent, the appropriate authority shall: 1) dismiss the notice of intent and take no disciplinary action against the employee; or 2) modify the intended disciplinary action; or 3) prepare and serve upon the employee a final notice of disciplinary action. The final notice of disciplinary action shall include the following:

- The disciplinary action taken;
- The effective date of the disciplinary action taken;
- Specific charges upon which the action is based;
- A factual summary of the facts upon which the charges are based;
- The written materials reports and documents upon which the disciplinary action is based;
- The employee's right to appeal.

**Appeal and Request for Hearing:** If a classified employee, having been issued the final notice of disciplinary action, wants to appeal the action, he or she shall within ten (10)

calendar days from the date of receipt of the notice, appeal to the governing board by filing a written answer to the charges and a request for hearing with the *[designate position]*.

**Time for Hearing:** The governing board shall, within a reasonable time from the filing of the appeal, commence the hearing. The Board may conduct the hearing itself, or it may secure the services of an experienced hearing officer or Administrative Law Judge, mutually selected by the District and the employee, to conduct a hearing and render a proposed decision for consideration by the Board. However, in every case, the decision of the Board itself shall be final. The Board of Trustees may affirm, modify or revoke the discipline. Any employee, having filed an appeal with the Board and having been notified of the time and place of the hearing, who fails to make an appearance before the board, may be deemed to have abandoned his or her appeal. In this event, the Board may dismiss the appeal.

**Record of Proceedings and Costs:** All disciplinary appeal hearings may, at the discretion of either party or the Board of Trustees, be recorded by a court reporter. Any hearing which does not utilize a court reporter shall be recorded by audio tapes. If a court reporter is requested by either party, that party shall pay the cost of the court reporter.

#### **Conduct of the Hearing:**

- The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses but hearings shall be conducted in a manner most conducive to determination of the truth.
- Any relevant evidence may be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions.
- Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence that shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
- The rules dealing with privileges shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.
- Irrelevant and unduly repetitious evidence may be excluded.
- The Board shall determine relevancy, weight and credibility of testimony and evidence. Decisions made by the Board shall not be invalidated by any informality in the proceedings.
- During examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing upon motion of either party.

**Burden of Proof:** In a disciplinary appeal the District has the burden of proof by preponderance of the evidence.

**Proceed with Hearing or Request for Continuance:** Each side should be asked if it is ready to proceed. If either side is not ready and wishes a continuance, good cause must be stated.

**Testimony under Oath:** All witnesses shall be sworn in for the record prior to offering testimony at the hearing. The chairperson will request the witnesses to raise their right hand and respond to the following:

“Do you swear that the testimony you are about to give at this hearing is the truth, the whole truth and nothing but the truth?”

**Presentation of the Case:** The hearing shall proceed in the following order unless the Board of Trustees, for special reason, directs otherwise:

- The party imposing discipline (District) shall be permitted to make an opening statement.
- The appealing party (employee) shall be permitted to make an opening statement.
- The District shall produce its evidence.
- The party appealing from such disciplinary action (employee) may then offer their evidence.
- The District followed by the appealing party (employee) may offer rebutting evidence.
- Closing arguments shall be permitted at the discretion of the Board of Trustees. The party with the burden of proof shall have the right to go first and to close the hearing by making the last argument. The Board may place a time limit on closing arguments. The Board or the parties may request the submission of written briefs. After the request for submittal of written briefs, the Board will determine whether to allow the parties to submit written briefs and determine the number of pages of briefs.

**Procedure for the Parties:** The District representative and the employee representative will address their remarks, including objections, to the President of the Board. Objections may be ruled upon summarily or argument may be permitted. The Board reserves the right to terminate argument at any time and issue a ruling regarding an objection or any other matter, and thereafter the representative shall continue with the presentation of their case.

**Right to Control Proceedings:** While the parties are generally free to present their case in the order that they prefer, the Board reserves the right to control the proceedings, including, but not limited to, altering the order of witnesses, limiting redundant or irrelevant testimony, or by the direct questioning of witnesses.

**Hearing Demeanor and Behavior:** All parties and their attorneys or representatives shall not, by written submission or oral presentation, disparage the intelligence, ethics, morals, integrity or personal behavior of their adversaries or members of the Board of Trustees.

**Deliberation Upon the Case:** The Board of Trustees should consider all oral and documentary evidence, the credibility of witnesses, and other appropriate factors in reaching their decision. The Board may deliberate at the close of the hearing or at a later fixed date and time. In those cases where the Board has received a proposed decision from a hearing officer or Administrative Law Judge, the proposed decision, the record of the hearing and all documentary evidence shall be available for review by the Board when it deliberates.

**Written Findings, Conclusion and Decision:** The Board shall render its findings, conclusions and decision as soon after the conclusion of the hearing as possible. A finding must be made by the Board on each material issue. The Board may sustain or reject any or all of the charges filed against the employee. The Board may sustain, reject or modify the disciplinary action invoked against the employee. In those cases where the Board has received a proposed decision from a hearing officer or Administrative Law Judge, the Board may adopt the proposed decision, modify the proposed decision or render a new decision. If the Board recommends reinstatement of the terminated employee, the employee is only entitled to back pay minus the sum the employee has earned during the period of absence.

**Decision of the Board to be Final:** The decision of the Board of Trustees in all cases

shall be final.

**Emergency Suspension:** If an employee's conduct presents an immediate threat to the health and safety of the employee or others, the employee may be suspended without compliance with the provisions this procedure. However, as soon as possible after suspension, the employee shall be given notice as set forth herein.

**Record Filed:** When final action is taken, the documents shall be placed in the employee's personnel file.

**Revised 2/03, 9/08**