

AP 7100 COMMITMENT TO DIVERSITY

**Note: Procedures that meet legal requirements have been included in Chapter 3 in AP 3420 titled Equal Employment Opportunity.**

❖ From current Palomar Procedure 101 titled Staff Diversity (89-13529)

~~It is the policy of the Palomar Community College District to offer equal opportunity for all persons in all facets of the District's operations. Equal opportunity is offered to all employees and applicants for employment 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 District affirms its commitment to nondiscrimination in recruitment, screening, testing, selection, hiring, compensation, employment benefits, promotion, educational opportunities, access to programs, work assignments, application of discipline, layoffs, recalls, access to grievance procedures, terminations, and any and all other conditions of employment which are provided by District policy, regulation, rule, or practice.~~

~~It is the ongoing responsibility of the Governing Board, Superintendent/President, assistant superintendents/vice presidents, deans, directors, chairpersons, search committees and others involved in employment decisions to comply with this policy. The Vice President for Human Resource Services is responsible for administering and coordinating the District's Equal Employment Opportunity and Staff Diversity programs.~~

~~Palomar College recognizes and appreciates the benefits of a diverse campus community and values the individual distinctions of its staff and students. In support of its goal to encourage students to examine their own and other heritages through multicultural and interdisciplinary programs, Palomar College seeks to provide positive role models for all students and recognizes that diversity in the academic and vocational environment fosters cultural awareness, mutual understanding and respect, harmony, and creativity.~~

~~GB 3-22-88, Rev. GB 12-12-89~~

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**NOTE:** This procedure is **suggested as good practice**. The information in **black ink** is current Palomar Procedure 101 titled Staff Diversity adopted on 3-22-88 and revised on 12-12-89.

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**Date Approved:**

*(This is current Palomar Procedure 101)*

Human Resources  
DRAFT as of 4/18/08

AP 7110 DELEGATION OF AUTHORITY

Reference:

Education Code Section 70902(d)

The Chief Human Resources Officer is delegated responsibility from the Superintendent/President to recommend employment, develop job responsibilities, and perform other personnel actions provided that all federal and state laws and regulations, Board Policies, and Administrative Procedures are followed.

Office of Primary Responsibility: Human Resource Services

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**NOTE:** This procedure is **legally advised**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made by Human Resource Services.

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**Date Approved:**

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

Human Resources  
DRAFT as of 4/18/08

AP 7370 USE OF DISTRICT RESOURCES FOR POLITICAL ACTIVITY

References:

Education Code Sections 7050 et seq.

No District funds, services, supplies, or equipment may be used to urge the support or defeat of any ballot measure or candidate, including but not limited to any candidate for election to the Governing Board.

District resources may be used to provide information to the public about the possible effects of a bond issue or other ballot measure if both the following conditions are met:

- The informational activities are otherwise authorized by the Constitution or laws of the State of California and
- The information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure

Any administrator or member of the Governing Board may appear before a citizens' group that requests the appearance to discuss the reasons why the Governing Board called an election to submit to the voters a proposition for the issuance of bonds and to respond to inquiries from the citizens' group.

An officer or employee of the District may solicit or receive political funds or contributions to promote the support or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of officers or employees of the District. Such activities are prohibited during working hours, and entry into buildings and grounds of the District during working hours is prohibited. Such activities are permitted during nonworking time. "Nonworking time" means time outside an employee's working hours, whether before or after the work day or during the employee's lunch period or other breaks during the day.

District employees are prohibited from entering into and/or using District buildings and grounds during regularly scheduled business and/or class hours for the purpose of conducting political activity except as provided for in BP 4030 and BP 5550, AP 5550, and the "Civic Center Act." Disrupting the work of an employee or student during his/her work or class period for political activities is prohibited.

❖ From current Palomar Procedure 4.1 titled Political Activities on Campus

**Summary of Legal Requirements and Restrictions:**

**Political Activities by the Officers, Employees, and on the Campus**

~~The governing body of the College may establish rules and regulations that govern officers and employees engaging in political activities during working hours and political activities on the College premises.~~

~~[CA ED-s 7055]~~

### **Use of College Funds, Personnel, or Property**

~~There is a civic center at the College wherein citizens may meet and discuss, as they desire, any subjects including political interests.~~

~~[CA ED s 82537 (a)]~~

~~College representatives are prohibited from using College funds, services, supplies, or equipment for the purpose of urging the support or the defeat of any ballot measure or candidate, including any candidate for election to the governing board of the College. [CA ED s 7054(a)]~~

~~It is important to note that the Code [7054(b)] allows the use of College resources (described above) to provide information to the public about the possible effects of any bond issue or other ballot measure if both of the following conditions are met:~~

- ~~1) The informational activities are otherwise authorized by the Constitution or the laws of this state.~~
- ~~2) The information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.~~

### **Political Contributions**

~~During working hours, no employee of the College may solicit or receive political funds or contributions to promote the support or the defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of offices or employees of the College.~~

~~[CA ED s 7056(a)]~~

~~However, a recognized employee organization or its officers, agents, and representatives are not prohibited from soliciting or receiving political funds or contributions from employee members to promote the support or defeat of any ballot measure on College property during non-working time.~~

~~[CA ED § 7056(b)]~~

### **Campaign Activities**

~~Campaign activities are subject to a wide variety of federal and state political laws. In general, nothing prevents an officer or employee of the College from privately (and during non-working time) making contributions of money, goods, or services to candidates for political office and in support of or opposition to ballot measure campaigns. However, these activities are prohibited during working hours (and with College resources) and on behalf of the College.~~

~~[CA ED s 7056(a)]~~

### **Lobbying**

~~Lobbying can generally be described as any attempt to influence the actions of any legislative body or any federal, state, or local government agency or official. As stated above, California Education Code (7055) allows each governing body to establish regulations regarding political activities by officials and employees.~~

~~[CA ED § 7056(b)]~~

### **Campaign Activities**

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~~[CA ED s 7056 (a)]~~

## **Lobbying**

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### **Guidelines for Political Activities**

- 1) There are no restrictions on the expression of personal political views by any individual in the College community, subject to any action under the laws governing libel and slander if there are violations thereof.
- 2) There are no restrictions on discussion of political issues or teaching of political techniques. Academic endeavors that address political issues, institutions, and policies are in no way affected or restricted. It is expected that in accordance with academic professionalism, controversial issues will be presented in a fair and balanced manner.
- 3) College representatives may engage in political activities on behalf of the College, on a limited number of issues, mostly those affecting education and related activities, as authorized or directed by the Superintendent/President.
- 4) College telephones, services (such as campus mail and electronic mail), equipment (such as computers, electronic servers, and copy machines), and other supplies should be used for student education and cannot be used for political activities or issue promotion (except as noted in 1 and 2 above).

PAC 4/20/99

[Also see BP/AP 4030 titled Academic Freedom and BP/AP 6700 titled Other Facilities Use \(Civic Center Act\)](#)

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

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**NOTE:** This procedure is **legally advised**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this procedure. The language in **black type** is current Palomar Procedure 4.1 titled Political Activities on Campus approved on April 20, 1999. The language in **green ink** reflects revisions/additions made by Human Resource Services.

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**Date Approved:**

(Replaces current Palomar Procedure 4.1)

Human Resources  
DRAFT as of 4/18/08

AP 7380 RETIREE HEALTH BENEFITS

References:

Education Code Sections 7000 et seq.

The health benefits for retirees from Palomar College are addressed in the following three groups:

Group I

- Hired prior to 3/1/94, employed for 20 years or more
- Retiree and eligible dependents will receive medical and dental benefits for the life of the retiree

Group II

- Hired prior to 3/1/94 with at least ten years but less than 20 years of service
- Hired after 3/1/94 with at least ten years of service
- Retiree and eligible dependents will receive medical benefits up to age 65
- Dental benefits will continue for the life of the retiree

Group III

- Employees who terminate with less than ten years of employment are not eligible for District-paid health benefits
- May continue health benefits on a self-pay basis for 18 months (COBRA)

Benefits-eligible employees who work less than full-time are eligible for District-paid health and dental benefits after working the equivalent to full-time, ten months (e.g., a 50 percent part-time employee would complete the full-time, ten months eligibility described for Group I in 40 years) as described for Groups I and II.

Office of Primary Responsibility: Human Resource Services

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**Date Approved:**

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

**AP 7500 VOLUNTEERS AND INTERNS**

**References:**

Education Code Sections 72401, 87010, and 87011;  
Government Code Section 3119.5

Individuals may volunteer with the District. The District may also enter into agreements with outside organizations to provide volunteers/interns to the District to work at college locations. Such agreements will contain appropriate defense and indemnification language to protect the District from liability in connection with the volunteer's/intern's services.

**Purpose and Scope**

The purpose of this procedure is to outline the District practice involving volunteers and interns. Each volunteer/intern is subject to the screening process set forth below, with the following exceptions:

- Volunteers/interns serving in single day District events and
- individuals serving as volunteers/interns in the Associated Student Government (ASG) officer positions at the District. ASG officers are not entitled to defense and indemnity by the District.

The Chief Human Resources Officer or designee may authorize suspension of the screening process when he/she believes that this process is not necessary for the volunteers/interns serving in the particular event.

Volunteers/interns serve the District in an "at will" capacity. The District may terminate a volunteer's/intern's services for any reason or no reason at all.

Pursuant to Government Code Section 3119.5, no person aged 60 years or older may be excluded from volunteer/intern service if the person is physically, mentally, and professionally capable of performing the services involved. A person shall be deemed "professionally capable" if he/she can demonstrate reasonable proficiency or relevant certification and performs his/her professional duties in accordance with laws, regulations, or the technical standards that govern his/her area of volunteer/intern responsibility.

Volunteers/interns may not be used in lieu of classified employees. The District may not refuse to employ a person in a vacant classified position and use volunteers/interns instead, nor may it abolish any classified positions and use volunteers/interns instead.

**Screening**

The District shall use a written application form that requires, at a minimum, the volunteer's/intern's name, address, phone number, and history of convictions.

A volunteer's/intern's service record shall be maintained by the District.

Subject to the limitations of this procedure, employees assigned to other positions within the District may serve as volunteers/interns during off-hours.

Fingerprints of each volunteer/intern may be required. Volunteers/intern with on-going assignments and volunteers/interns who interact with minors shall be required to provide a complete set of fingerprints for the purpose of running a criminal background check.

No person may serve as a volunteer/intern in the District if:

- He/she has been convicted of or if he/she has charges pending which pertains to any sex offense (as defined in Education Code Section 87010), or controlled substance offense (as defined in Education Code Section 87011)
- He/she has been convicted of a crime and the Chief Human Resources Officer or designee determines that: the nature of the crime is too serious to serve as a volunteer/intern; the crime was too recent; and/or the crime is inconsistent with obligations in performing assigned duties as a volunteer/intern
- He/she has a health condition that would preclude him/her from satisfactorily performing essential duties of the position and/or
- He/she makes a false statement or omits a statement as to any material fact on the application form

### **Expenses**

Persons serving without pay as volunteers/interns may receive reimbursement for incidental expenses.

### **Benefits**

Volunteers/interns are employees of the District only for the purpose of worker's compensation benefits for injuries sustained while engaged in the performance of any service under the direction and control of the District. With the exception of worker's compensation (Education Code Section 72401), volunteers/interns shall serve without any type of compensation or any other benefits granted to District employees. Volunteers/interns shall not be entitled to defense and indemnity from the District.

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

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**Date Approved:**

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

AP 7600 COLLEGE POLICE DEPARTMENT

Reference:

Education Code Section 72330

District Police

The Chief Human Resources Officer is delegated the responsibility to establish minimum qualifications of employment for the District Chief of Police including but not limited to the conditions contained in Board Policy (see BP 7600 titled College Police Department).

Every member of the police department first employed by the District before July 1, 1999 must, in order to retain his or her employment, meet the requirements of Education Code Section 72330.2, including but not limited to:

- Submission of one copy of his or her fingerprints which shall be forwarded to the Federal Bureau of Investigation
- A determination that the employee is not a person prohibited from employment by a California community college district and
- If the employee is required to carry a firearm, is not a person prohibited from possessing a firearm

Every member of the District police shall be supplied with, and authorized to wear, a badge bearing words "Palomar Community College District Police." Every member of the District police shall be issued a suitable identification card.

In addition, the minimum qualifications and other requirements for the Community Service Officers in the Police Department prior to employment include:

- Equivalent to completion of the 12<sup>th</sup> grade
- Satisfactory passage of a physical examination
- Passage of a background investigation
- Possession of a valid Class "C" California driver's license
- Possession or willingness to obtain valid CPR and First Aid Certification and/or EMT Certification

Salaries for District police shall be established after appropriate negotiations with their exclusive representative. If no such unit is established, salaries shall be recommended by the Chief Human Resources Officer, subject to applicable collective bargaining agreements.

Subject to applicable collective bargaining agreements, the Chief Human Resources Officer, in cooperation with the Chief of Police shall issue such other regulations as may be necessary for the administration of the District police, including but not limited to:

- Schedules and shifts
- Call back procedures
- Weapons practices, especially drawing weapons
- Use of vehicles
- Pursuit practices
- Discipline procedures
- Training

The District police shall cooperate with local law enforcement in accordance with an agreement to be entered into in accordance with the requirements of Education Code Section 67381. The agreement shall address, but not be limited to, the following:

- Operational responsibilities for investigations of the following violent crimes: willful homicide, forcible rape, robbery, aggravated assault
- Geographical boundaries of the operational responsibilities and
- Mutual aid procedures

Office of Primary Responsibility: Human Resource Services

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Human Resources  
DRAFT as of 4/18/08

**AP 7700 WHISTLEBLOWER PROTECTION**

**References:**

Education Code Sections 87160-87164;

Labor Code Sections 1102.5 and 2698 (Private Attorney General Act of 2004);

Government Code Section 53296

Individuals are encouraged to report suspected incidents of unlawful activities by District employees in the performance of their duties. Reports will be investigated promptly and appropriate remedies applied. Employees who, with reasonable cause, reported such activities and/or assist the District in the investigation will be protected from retaliation.

This procedure sets out the processes for responding to and investigating reports of unlawful activities, as defined in BP 7700 titled Whistleblower Protection, and addressing complaints of retaliation for making such reports.

**Filing a Report of Suspected Unlawful Activities**

Any person may report allegations of suspected unlawful activities. Knowledge or suspicion of such unlawful activities may originate from academic personnel, staff, or administrators carrying out their assigned duties, internal or external auditors, law enforcement, regulatory agencies, customers, vendors, students, or other third parties.

Anonymous reports will be investigated to the extent possible. However, employees are strongly encouraged not to report anonymously because doing so impedes the District's ability to thoroughly investigate the claim and take appropriate remedial measures. As set forth fully below, retaliation against individuals who report suspected unlawful activities will not be tolerated.

Normally, a report by a District employee of allegations of a suspected unlawful activity should be made to the reporting employee's immediate supervisor or other appropriate administrator or supervisor within the operating unit. However, if the report involves or implicates the direct supervisor or others in the operating unit, the report may be made to any another District official whom the reporting employee believes to have either responsibility over the affected area or the authority to review the alleged unlawful activity on behalf of the District. When the alleged unlawful activity involves the Superintendent/President, the report should be made to the President of the Governing Board. When the alleged unlawful activity involves the Governing Board or one of its members, the report should be made to the Superintendent/President who will confer with the President of the Governing Board and/or legal counsel on how to proceed.

Allegations of suspected unlawful activities should be made in writing so as to assure a clear understanding of the issues raised, but may be made orally. Such reports should be factual and contain as much specific information as possible. The receiving supervisor or administrator should elicit as much information as possible. If the report is made orally, the receiving supervisor or administrator shall reduce it to writing and make every attempt to get the reporter to confirm by his or her signature that it is accurate and complete.

Once the receiving supervisor or administrator has received and/or prepared a written report of the alleged unlawful activity, he/she must immediately forward to the Superintendent/President. However, if this process would require submitting the report to an employee implicated in the report, the receiving supervisor or administrator should follow the reporting options outlined.

above. The high-level administrator or trustee who receives the written report pursuant to this paragraph is responsible for ensuring that a prompt and complete investigation is made by an individual with the competence and objectivity to conduct the investigation, and that the assistance of counsel and/or an outside investigator is secured if deemed necessary.

In the course of investigating allegations of unlawful conduct, all individuals who are contacted and/or interviewed shall be advised of the District's no-retaliation policy. Each individual shall be: a) warned that retaliation against the reporter(s) and/or others participating in the investigation will subject the employee to discipline up to and including termination; and b) advised that if he or she experiences retaliation for cooperating in the investigation, then it must be reported immediately.

In the event that an investigation into alleged unlawful activity determines that the allegations are accurate, prompt, and appropriate corrective action shall be taken.

### **Protection from Retaliation**

When a person makes a good-faith report of suspected unlawful activities to an appropriate authority, the report is known as a protected disclosure. District employees and applicants for employment who make a protected disclosure are protected from retaliation.

Any employee who believes he or she has been (1) subjected to or affected by retaliatory conduct for reporting suspected unlawful activity, or (2) for refusing to engage in activity that would result in a violation of law, should report such conduct to the appropriate supervisory personnel (if such supervisory personnel is not the source of or otherwise involved in the retaliatory conduct). Any supervisory employee who receives such a report, or who otherwise is aware of retaliatory conduct, is required to advise the Superintendent/President or the Superintendent/President's designee. If the allegations of retaliation, or the underlying allegations of unlawful conduct involve the Superintendent/President, the supervisor shall report to the highest level administrator and/or Board member who is not implicated in the reports of unlawful activity and retaliation.

All allegations of retaliation shall be investigated promptly and with discretion, and all information obtained will be handled on a "need to know" basis. At the conclusion of an investigation, as appropriate, remedial and/or disciplinary action will be taken where the allegations are verified and/or otherwise substantiated.

### **Requirement to Post Whistleblower Hotline**

The District shall prominently display in lettering larger than size 14 point type a list of employees' rights and responsibilities under the whistleblower laws referenced in this procedure. The list shall include the telephone number of the whistleblower hotline, (800) 952-5665, for employees who have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees.

### **Other Remedies and Appropriate Agencies**

In addition to the internal complaint process set forth above, any employee who has information concerning allegedly unlawful conduct may contact the appropriate government agency.

Office of Primary Responsibility: **Human Resource Services**

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