

General Institution
DRAFT as of 3/6/09

BP 3100 ORGANIZATIONAL STRUCTURE

Reference:

Education Code Section 72400

The Superintendent/President shall ensure that an organizational structure is established that delineates the lines of responsibility and prescribes the general duties of employees within the District.

NOTE: The **red ink** signifies language that is **legally required** and recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The **green ink** reflects language recommended by Institutional Research and Planning. This policy was reviewed by the Task Force on 1-23-09 and approved on 3-6-09.

Date Adopted:

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

General Institution
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BP 3510 WORKPLACE VIOLENCE

References:

Cal/OSHA – Labor Code Sections 6300 et seq.;
Title 8 Section 3203;
Code of Civil Procedure Section 527.8;
Penal Code Sections 273.6, 422, 626.9, 626.10, and 12021

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

The Superintendent/President shall establish administrative procedures that:

- ensure employees are informed regarding what actions will be considered violent acts
- require any employee who is the victim or witness to violent conduct to report the incident
- ensure employees are informed there will be no retaliation for such reporting

This policy is also subject to the applicable collective bargaining agreement or employee handbook.

- ❖ **From current Palomar College Policy 111 titled Dealing with Threats or Acts of Violence (94-16688)**

~~The District will not tolerate threats or acts of violence by students, employees, or members of the community and will take immediate disciplinary action when such threats are made, including immediate suspension, when appropriate, until the investigation is completed. It is inappropriate to use threats in an attempt to intimidate, prevent work from being completed, or in any way interfere with providing a safe workplace and learning environment.~~

~~GB 10-11-94~~

NOTE: The **red ink** signifies language that is **legally required**. The information in **black ink** is current Palomar College Policy 111 titled Dealing with Threats or Acts of Violence adopted on 10-11-94. The language in **green ink** was added by the Policy and Procedure Task Force on 3/20/09. The Palomar College Police Department reviewed this policy. This policy was approved by the Task Force on 3/20/09.

Date Adopted:

(Replaces current Palomar College Policy 111)

General Institution
DRAFT as of 3/20/09

BP 3515 REPORTING OF CRIMES

Reference:

Education Code Section 67380

The Superintendent/President shall ensure that, as required by law, reports are prepared of all occurrences reported to the District police of arrests for crimes committed on each campus, center, or site that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication. The Superintendent/President shall further ensure that required reports of non-criminal acts of hate violence are prepared. Such reports shall be made available as required by law.

NOTE: This policy is **legally required**. The **red ink** is language recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The Palomar College Police Department reviewed this policy. The language in **green ink** was added by the Policy and Procedure Task Force. This policy was approved by the Task Force on 3/20/09.

Date Adopted:

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

General Institution
DRAFT as of 3/20/09

BP 3520 LOCAL LAW ENFORCEMENT

References:

Education Code Section 67381;

34 Code of Federal Regulations 668.46(b)(4)(i)

Each campus or center of the District shall enter into a written agreement with local law enforcement agencies. The agreement shall clarify operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location.

The written agreement shall designate which law enforcement agency shall have operational responsibility for violent crimes and delineate the specific geographical boundaries of each agency's operational responsibility, including maps as necessary.

The written agreements required by this policy shall be public records and shall be made available for inspection by members of the public upon request.

NOTE: The **red ink** signifies language that is legally required. The language in **green ink** was recommended by the Palomar College Police Department. This policy was approved by the Task force on 3/20/09.

Date Adopted:

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

General Institution
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BP 3810 CLAIMS AGAINST THE DISTRICT

References:

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

Any claims against the District for money or damages, which are not governed by any other statutes or regulations expressly relating thereto, shall be presented and acted upon in accordance with Title I, Division 3.6, Part 3, Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of the California Government Code.

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

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

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

The designated place for service of claims, lawsuits or other types of legal process upon the District is:

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

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

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

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

ink is recommended by Finance and Administrative Services. This policy was approved by the Policy and Procedure Task Force on 3-6-09.

Date Adopted:

*(Replaces current Palomar College Policy
509)*

Instructional Services
DRAFT as of 3/20/09

BP 4030 ACADEMIC FREEDOM

References:

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

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

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

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

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

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

At no time will the inherent right of staff to use any of the normal channels of campus communication be abridged, nor will individual staff members be singled out for special prior censorship of their use of such channels of communication. It is understood that

staff members exercising this right will accept responsibility for both the substance and the manner of their messages.

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

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

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

GB 5/11/99

[Also see BP/AP 7370 titled Use of District Resources for Political Activity and BP 2716 titled Political Activity](#)

NOTE: This policy is **legally required**. The language in **red ink** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in **green ink** is recommended by the Office of Instruction and the Faculty Senate. The information in **blue ink** is additional language to consider including in this policy. The language in **black ink** is current Palomar College Policy 2.0 titled Academic Freedom adopted on 5-28-68 and amended on 4-25-72, Policy 300 titled Academic Freedom with no date, and Policy 4.1 titled Political Activities on Campus adopted on May 11, 1999. This policy was approved by the Task Force on 3/20/09.

Date Adopted:

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

Instructional Services
DRAFT as of 3/23/09

BP 4290 ACADEMIC HONESTY

References:

[Article 3: Code of Ethics, Constitution of the Faculty of Palomar College;](#)
[Faculty Handbook;](#)
[Statement on Professional Ethics, American Association of University Professors \(AAUP\)](#)

❖ **From current Palomar AP 300.1 titled Statement on Professional Ethics**

"The Code of Ethics that appears in the Constitution of the Faculty of Palomar College serves as a reminder Palomar College believes that the ~~"Statement on Professional Ethics," promulgated by the American Association of University Professors and adopted by the California Academic Senate, serves as a reminder~~ of the variety of obligations assumed by all members of the academic profession. These standards should become an integral part of each faculty member's personal and professional life.

Community college faculty members, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subjects is to seek and to state the truth as they see it. To this end, faculty members devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although faculty members may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

As teachers, faculty members encourage the free pursuit of learning in their students. They hold before them the best scholarly standards of their discipline. Faculty members demonstrate respect for the student as an individual and adhere to their proper role as intellectual guides and counselors. Faculty members make every reasonable effort to foster honest academic conduct and to assure that evaluation of students reflects their true merit. They respect the confidential nature of the relationship between faculty member and student. They avoid any exploitation of students for advantage and acknowledge significant assistance from them. They protect the academic freedom of students.

As colleagues, faculty members have obligations that derive from common membership in the community of scholars. Faculty members do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of

criticism and ideas, faculty members show due respect for the opinions of others. Faculty members acknowledge their academic debts and strive to be objective in their professional judgment of colleagues. Faculty members accept their share of faculty responsibilities for the governance of their institution.

As members of an academic institution, faculty members seek above all to be effective teachers and scholars. Although faculty members observe the stated regulations of their institutions, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision.

Faculty members give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, faculty members recognize the effect of their decisions upon the program of the institution and give due notice of their intentions.

As members of their community, faculty members have the rights and obligations of all citizens. Faculty members measure the urgency of these obligations in the light of their responsibilities to their subject areas, to their students, to their profession, and to their institutions. When they speak or act as persons, they avoid creating the impression that they speak or act for their colleges or universities. As citizens engaged in a profession that depends upon freedom for its health and integrity, faculty members have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

NOTE: This policy is **suggested as good practice**. The language in **green ink** is recommended by the Office of Instruction and the Faculty Senate. The language in **black ink** is current Palomar AP 300.1 titled *Statement on Professional Ethics* with no date. This policy was approved by the Task Force on 3/20/09.

Date Adopted:

(Replaces current Palomar Procedure 300.1)

Instructional Services
DRAFT as of 3/20/09

BP 4650 FINAL EXAMINATIONS

Reference:

No references

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

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

NOTE: The language in **green ink** is recommended by the Office of Instruction and the Faculty Senate. The information in **blue ink** is additional language to consider including in this policy. The language in black ink is current Palomar College Policy 310 titled Final Examinations with no date. This policy was recommended for deletion by the Task Force on 3/20/09.

Date Adopted:

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

Human Resources
DRAFT as of 3/6/09

BP 7120 RECRUITMENT AND HIRING

References:

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

Title 5 Sections 53000 et seq.;

Accreditation Standard III.1.A

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

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

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

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

❖ From current Palomar Policy 7120 titled Recruitment and Selection

~~The Palomar Community College District recognizes that excellence in student learning and student success requires that faculty, staff, and administrators have a clear~~

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

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

~~**Academic**~~

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

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

~~**Classified**~~

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

~~**Administrative and Confidential/Supervisory**~~

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

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

~~GB-12-10-02~~

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

~~**NOTE:** The language in **red type** signifies **legally required** language recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this policy. The language in **black ink** reflects current Palomar College Policy 7120 titled Recruitment and Selection adopted on 12-10-02. The language in **green ink** reflects revisions/additions made by Human Resource Services. This policy was approved by the Task Force on 3-6-09.~~

~~**Date Adopted:**~~

~~(Replaces current Palomar Policy 7120)~~