**SUGGESTED ORDER OF BUSINESS**

**SPECIAL MEETING OF THE GOVERNING BOARD**
**SOUTHWESTERN COMMUNITY COLLEGE DISTRICT**

**POLICY COMMITTEE**

YOLANDA SALCIDO, GOVERNING BOARD PRESIDENT  
TERRI VALLADOLID, GOVERNING BOARD VICE PRESIDENT  
NICK AGUILAR, GOVERNING BOARD MEMBER  
JORGE DOMINGUEZ, PH.D., GOVERNING BOARD MEMBER  
JEAN ROESCH, ED.D., GOVERNING BOARD MEMBER  
MANUEL R. LOPEZ, JR., STUDENT GOVERNING BOARD MEMBER  
RAJ K. CHOPRA, PH.D., SECRETARY TO GOVERNING BOARD AND SUPERINTENDENT/PRESIDENT

Written notice is hereby given in accordance with Government Code Section 54956 that a special meeting of the Governing Board of the Southwestern Community College District will be held as noted below:

| DATE: | Wednesday, August 4, 2010 |
| TIME: | 8:30 a.m. |
| LOCATION: | Southwestern College  
Building 100, Conference Room A  
900 Otay Lakes Road  
Chula Vista, CA  91910 |

Compliance with Americans With Disabilities Act

Southwestern Community College District, in compliance with the American Disabilities Act (ADA), requests individuals who may need special accommodation to access, attend, and/or participate in Board meetings to contact Mary Ganio at (619) 482-6301 in advance of the meeting for information on such accommodation.

<table>
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<th>ITEM</th>
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<tr>
<td><strong>Call to Order</strong></td>
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<tr>
<td><strong>1. CALL TO ORDER</strong></td>
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<tr>
<td>(Salcido)</td>
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Attendance at this special meeting (Board members arriving after meeting commences will be noted as “present” at point in this suggested order of business at which they arrive).

Present:

| **Oral Communication** |
| **2. ORAL COMMUNICATION** |

Persons wishing to address the Governing Board under this item should fill out a yellow request card (available at the reception table) and indicate on the card if they wish to be called under Oral Communication, or when a specific agenda item is considered.

An oral presentation to the Board does not constitute an open discussion on the presentation topic, unless that topic is on the posted agenda. Pursuant to the Brown Act (Government Code Section 54954.2(a)): “No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3.”

| **Action** |
| **3. APPROVAL OF MINUTES (ENCLOSURE)** |

Policy Meeting, June 1, 2010
<table>
<thead>
<tr>
<th>ITEM</th>
<th>POLICY AND PROCEDURE REVIEW (ENCLOSURE)</th>
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<td>The Policy Committee will meet to review Policy &amp; Procedure 2712 Conflict of Interest Code.</td>
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**Adjournment**

5. **ADJOURNMENT**
(Salcido)

Raj K. Chopra, Ph.D.
Superintendent/President
Written notice is hereby given in accordance with Government Code Section 54956 that a special meeting of the Governing Board of the Southwestern Community College District will be held as noted below:

DATE: Tuesday, June 1, 2010
TIME: 8:30 a.m.
LOCATION: Southwestern College
Building 100, Conference Room A
900 Otay Lakes Road
Chula Vista, CA  91910

Compliance with Americans With Disabilities Act

Southwestern Community College District, in compliance with the American Disabilities Act (ADA), requests individuals who may need special accommodation to access, attend, and/or participate in Board meetings to contact Mary Ganio at (619) 482-6301 in advance of the meeting for information on such accommodation.

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Attendance at this special meeting (Board members arriving after meeting commences will be noted as “present” at point in this suggested order of business at which they arrive).

Present: Yolanda Salcido, Jean Roesch

Also in attendance were staff members Michael Kerns and Patti Blevins.

2. ORAL COMMUNICATION

Persons wishing to address the Governing Board under this item should fill out a yellow request card (available at the reception table) and indicate on the card if they wish to be called under Oral Communication, or when a specific agenda item is considered.

An oral presentation to the Board does not constitute an open discussion on the presentation topic, unless that topic is on the posted agenda. Pursuant to the Brown Act (Government Code Section 54954.2(a)): “No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3.”

Angie Stuart made a statement that the Academic Senate believed the Board should adopt the newly recommended 10+1 Policy & Procedure because they believe it's important.
3. **APPROVAL OF MINUTES (ENCLOSURE)**

Policy Meeting, March 23, 2010  
Policy Meeting, May 19, 2010  

*The minutes were approved.*

4. **POLICY AND PROCEDURE REVIEW (ENCLOSURE)**

The Policy Committee will meet to review draft policies and procedures, as related to accreditation:

- Policy No. 2710 Conflict of Interest (no changes from current policy) - AOC Workgroup 9 & 10  
- Procedure No. 2710 Conflict of Interest (new) - AOC Workgroup 9 & 10  
  
*Reviewed recommended procedure No. 2710 – “Conflict of Interest” and approved the procedure to be submitted for Board consideration in June.*

- Policy No. 2510 Shared Planning & Decision Making (revised) – AOC Workgroup 8  
- Procedure No. 2510 Shared Planning & Decision Making (new) – AOC Workgroup 8  
  
*Reviewed and discussed policy No. 2510 “Shared Planning & Decision Making” and procedure No. 2510 “Shared Planning & Decision Making: Faculty.” Policies from other community colleges were provided. Policy & Procedure 2510 were tentatively approved, but will not move forward for Board consideration until shared governance procedures for staff & students are received and reviewed.*

- Draft Policy Role and Scope of the Academic Senate: 10+1 Agreement (new) – AOC Workgroup 8B  
- Draft Procedure Role and Scope of the Academic Senate: 10+1 Agreement (new) – AOC Workgroup 8B  
  
*Discussed the 10+1 policy & procedure recommended by the Academic Senate, as related to Procedure No. 2510 “Shared Planning & Decision Making: Faculty.” The Committee will review the materials provided.*

5. **ADJOURNMENT 9:25 a.m.**  
(Salcido)

Raj K. Chopra, Ph.D.  
Governing Board Secretary

Yolanda Salcido  
Governing Board President
SOUTHWESTERN COMMUNITY COLLEGE DISTRICT

CONFLICT OF INTEREST CODE

October 2008

The Political Reform Act (Government Code Section 81000, et seq.) requires the Southwestern Community College District ("District") to adopt and publish a Conflict of Interest Code. California Code of Regulations, title 2, Section 18730, which contains the terms of a standard Conflict of Interest Code, and any amendments to it duly adopted by the Fair Political Practices Commission, is hereby incorporated by reference. This regulation, the list of Designated Positions establishing disclosure requirements, and the list of Disclosure Categories, shall constitute the Conflict of Interest Code of Southwestern Community College District.

Designated Positions. The persons holding positions listed as Designated Positions are designated employees who make or participate in making decisions which may foreseeably have a material effect on the District's economic interests. (See page 2.)

Disclosure Categories. Designated employees must report economic interests according to the disclosure category(ies) which have been assigned to each designated position. (See page 3.)

Disqualification. No employee holding a designated position shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable on its effect on the general public, on the employee or a member of his or her immediate family. (California Code of Regulations §18730(b)(9).

Upon receipt of the statements for all designated positions, the Human Resources Compliance Coordinator for the District shall make and retain a copy and forward the original of these statements to the County Board of Supervisors.
## DESIGNATED POSITIONS

<table>
<thead>
<tr>
<th>Designated Position</th>
<th>Disclosure Categories</th>
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</thead>
<tbody>
<tr>
<td>Governing Board Members</td>
<td>1</td>
</tr>
<tr>
<td>Superintendent/President</td>
<td>1</td>
</tr>
<tr>
<td>Vice President for Academic Affairs</td>
<td>2 &amp; 3</td>
</tr>
<tr>
<td>Vice President for Business &amp; Financial Affairs</td>
<td>2 &amp; 3</td>
</tr>
<tr>
<td>Vice President for Human Resources</td>
<td>2 &amp; 3</td>
</tr>
<tr>
<td>Vice President for Student Affairs</td>
<td>2 &amp; 3</td>
</tr>
<tr>
<td>Controller</td>
<td>2 &amp; 3</td>
</tr>
<tr>
<td>Dean, Higher Education Center National City</td>
<td>4</td>
</tr>
<tr>
<td>Dean, Higher Education Center Otay Mesa</td>
<td>4</td>
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<tr>
<td>Dean, Higher Education Center San Ysidro</td>
<td>4</td>
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<tr>
<td>Dean, Student Services</td>
<td>4</td>
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<tr>
<td>Dean, Counseling &amp; Matriculation</td>
<td>4</td>
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<tr>
<td>Dean, Research/MISS/CSS</td>
<td>4</td>
</tr>
<tr>
<td>Dean, School of Business &amp; Information Systems</td>
<td>4</td>
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<tr>
<td>Dean, School of Arts &amp; Communication</td>
<td>4</td>
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<tr>
<td>Dean, School of Applied Technology &amp; Learning Assistance</td>
<td>4</td>
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<tr>
<td>Dean, School of Social Sciences &amp; Humanities</td>
<td>4</td>
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<tr>
<td>Dean, School of Languages</td>
<td>4</td>
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<tr>
<td>Dean, School of Math, Science &amp; Engineering</td>
<td>4</td>
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<tr>
<td>Dean, School of Continuing Education, Economic &amp; Workforce Development</td>
<td>4</td>
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<tr>
<td>Dean, School of Health, Exercise Science &amp; Athletics</td>
<td>4</td>
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<tr>
<td>Director of Athletics</td>
<td>4</td>
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<tr>
<td>Senior Director of Business, Operations &amp; Facilities Planning</td>
<td>2 &amp; 4</td>
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<tr>
<td>Director of Campus Bookstore</td>
<td>4</td>
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<tr>
<td>Director of Computer Systems &amp; Services</td>
<td>4</td>
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<tr>
<td>Director of Payroll &amp; Risk Management</td>
<td>4</td>
</tr>
<tr>
<td>Director of Food Services/Instructional Food Program Projects</td>
<td>4</td>
</tr>
</tbody>
</table>
DISCLOSURE CATEGORIES

Individuals holding designated positions must report their economic interests according to the following disclosure category(ies) to which their position has been assigned.

Disclosure Category 1
Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency; and investments and business positions in business entities, and income, including loans, gifts, and travel payments, from all sources.

Disclosure Category 2
Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency.

Disclosure Category 3
Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the agency.

Disclosure Category 4
Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the department or division to which the filer is assigned duties.

Disclosure Category 5
Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that filed a claim against the agency during the previous two years, or have a claim pending.

Disclosure Category 6
Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that are of the type to request an entitlement to use agency property or facilities, including, but not limited to:

- A license
- Utility permit
- Station vendor permit.
CONFLICT OF INTEREST CODE  
SOUTHWESTERN COMMUNITY COLLEGE DISTRICT  
2007

The Designated Employees of the Southwestern Community College District listed below are required to file annual Conflict of Interest Code Statements. All Designated Employees are required to complete schedules regarding the following disclosure categories, if applicable:

- **Schedule A-1** -- Investments (Ownership interest less than 10%)
- **Schedule A-2** -- Investments (Ownership interest more than 10%)
- **Schedule B** -- Interests in Real Property
- **Schedule C** -- Income, Loans & Business Positions
- **Schedule D** -- Income - Gifts
- **Schedule E** -- Travel Payments, Advances & Reimbursements

**List of Designated Employees:**

- Governing Board Members
- Superintendent/President
- Vice President for Academic Affairs
- Vice President for Administrative Affairs
- Vice President for Human Resources
- Vice President for Student Affairs
- Controller
- Dean, Higher Education Center at National City
- Dean, Higher Education Center at Otay Mesa
- Dean, Education Center at San Ysidro
- Dean, Academic Information Services
- Dean, School of Arts & Communication
- Dean, School of Business & Information Systems
- Dean, Continuing Education, Economic and Workforce Development
- Dean, School of Health, Exercise Science & Athletics
- Dean, School of Languages & Humanities
- Dean, School of Mathematics, Science & Engineering
- Dean, School of Counseling & Personal Development
- Dean, School of Behavioral & Social Sciences
- Dean, School of Technology & Human Services
- Dean, Student Activities & Health Services
- Dean, Student Support Services
- Professor of EMT/Paramedic Program for School of Technology and Human Services
- Director of Athletics
- Senior Director of Business, Operations & Facilities Planning
- Director of Campus Bookstore
- Director of Computer Systems & Services
- Director of Payroll & Risk Management
- Director of Food Services/Instructioanl Food Program Projects
- Small Business Development & International Trade Center Operations Manager
- Purchasing Supervisor
- District Buyers
Community College League Procedure No. 2712
Conflict of Interest Code

Reference:
Title 2, Section 18730; Government Code Sections 87103(e), 87300-87302, 89501, 89502 and 89503

Note: This procedure is essentially verbatim from Title 2 Section 18730 et seq. The number system reflects the system used in the code and includes gaps in numbering.

The first paragraph states that if an agency adopts the verbatim text of that regulation, the agency will be presumed to have adopted a code that complies with the Political Reform Act.

Pursuant to Section 18730 of Title 2 of the California Code of Regulations, incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code section 87300 or the amendment of a conflict of interest code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code section 87100, and to other state or local laws pertaining to conflicts of interest.

Section 1. Definitions
The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

Section 2. Designated Employees
The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

Section 3. Disclosure Categories
This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200, et seq. In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;
(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and

(C) The filing officer is the same for both agencies.¹ Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

Section 4. Statements of Economic Interests
Place of Filing. The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

Section 5. Statements of Economic Interests
Time of Filing.
(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. Statements for Persons Who Resign Prior to Assuming Office
Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code section 81004.

² See Government Code section 81010 and 2 Cal. Code of Regs. section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.
(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

Section 6. Contents of and Period Covered by Statements of Economic Interests

(A) Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later.

(D) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. Manner of Reporting

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investments and Real Property Disclosure. When an investment or an interest in real property\(^3\) is required to be reported,\(^4\) the statement shall contain the following:

1. A statement of the nature of the investment or interest;

2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

3. The address or other precise location of the real property;

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\(^3\) For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

\(^4\) Investments and interests in real property which have a fair market value of less than $2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.
4. A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars ($2,000), exceeds ten thousand dollars ($10,000), exceeds one hundred thousand dollars ($100,000), or exceeds one million dollars ($1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported, the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars ($500) or more in value, or fifty dollars ($50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars ($1,000) or less, greater than one thousand dollars ($1,000), greater than ten thousand dollars ($10,000), or greater than one hundred thousand dollars ($100,000);

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars ($10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal during Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

Section 8. Prohibition on Receipt of Honoraria

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or

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5 A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

6. Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.
employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (a), (b), and (c) of Government Code section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.

Section 8.1. Prohibition on Receipt of Gifts in Excess of $390
(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than $390 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Government Code section 89503 shall apply to the prohibitions in this section.

Section 8.2. Loans to Public Officials
(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:
1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed five hundred dollars ($500) at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

Section 8.3. Loan Terms
(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars ($500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempts any person from any other provision of Title 9 of the Government Code.

Section 8.4. Personal Loans
(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

   a. The date the loan was made.

   b. The date the last payment of one hundred dollars ($100) or more was made on the loan.

   c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars ($250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:
1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

Section 9. Disqualification
No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars ($2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars ($2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars ($500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating $390 or more provided to; received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

Section 9.3. Legally Required Participation
No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

Section 9.5. Disqualification of State Officers and Employees
In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state
administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars ($1,000) or more.

Section 10. Disclosure of Disqualifying Interest
When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

Section 11. Assistance of the Commission and Counsel
Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code section 83114 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

Section 12. Violations
This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code sections 81000 - 91015. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code section 91003.

Note: The following designated positions are intended to be representative only. The job titles of the individual institution should be used.

Section 13. Designated Positions and Disclosure Requirements
1. The persons occupying following positions manage public investments. They shall file a full statement of economic interests pursuant to Government Code Sections 87200 et seq.:

   - Governing Board Members
   - Chief Executive Officer
   - Chief Business Officer

2. Disclosure Categories: The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property which the designated employees must disclosure for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions and sources of income from, business entities that do business with the District or own real property within the boundaries of the District, plan to do business or own real property within the boundaries of the District within the next year, or have done business with or owned real property within the boundaries of the District within the past two (2) years.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the boundaries of the District.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real
property within the jurisdiction of the District, plan to engage in such activities within the jurisdiction of the District within the next year, or have engaged in such activities within the jurisdiction of the District within the past two (2) years.

Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 6. All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee’s Department.

Designated Positions, and the Disclosure Categories assigned to them, are as follows:

<table>
<thead>
<tr>
<th>Position</th>
<th>Categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountant</td>
<td>4,5</td>
</tr>
<tr>
<td>Assistant Deans</td>
<td>6</td>
</tr>
<tr>
<td>Assistant Directors</td>
<td>6</td>
</tr>
<tr>
<td>Chief Human Resources Officer</td>
<td>6</td>
</tr>
<tr>
<td>Chief Instructional Officer</td>
<td>5,6</td>
</tr>
<tr>
<td>Chief Student Services Officer</td>
<td>5,6</td>
</tr>
<tr>
<td>Deans</td>
<td>6</td>
</tr>
<tr>
<td>Director of Bookstore</td>
<td>6</td>
</tr>
<tr>
<td>Director of Budget</td>
<td>4,5</td>
</tr>
<tr>
<td>Director of Food Services</td>
<td>6</td>
</tr>
<tr>
<td>Director of Purchasing</td>
<td>1,4,5</td>
</tr>
<tr>
<td>Director of Facilities</td>
<td>1,2,3,4</td>
</tr>
<tr>
<td>Director of Maintenance &amp; Operations</td>
<td>2,3,6</td>
</tr>
<tr>
<td>General Counsel</td>
<td>1,2</td>
</tr>
<tr>
<td>Personnel Director (Merit Systems)</td>
<td>6</td>
</tr>
<tr>
<td>Personnel Commission Members</td>
<td>1,2</td>
</tr>
<tr>
<td>Police Chief</td>
<td>5,6</td>
</tr>
<tr>
<td>Consultant</td>
<td>1,2,3,4,5,6</td>
</tr>
</tbody>
</table>

Consultants must be included in the list of designated employees and must disclose pursuant to the broadest disclosure category in this Code subject to the following limitation: The [CEO or designee] may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that are limited in scope and thus is not required to comply fully with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant’s duties and, based on that description, a statement of the extent of disclosure requirements. The superintendent/president’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Revised 02/06, 02/07
CONFLICT OF INTEREST CODE


Pursuant to the Political Reform Act, Southwestern Community College District will adopt and publish a Conflict of Interest Code compliant with the California Code of Regulations, title 2, Section 18730, et seq., and any amendments to it duly adopted by the Fair Political Practices Commission. The District's Conflict of Interest Code is contained in District Procedure No. 2712.
CONFLICT OF INTEREST CODE

References: Government Code §§ 81000, et seq., 87103(e), 87300-87302, & 89501-89503; California Code of Regulations Title 2 §18730

The Political Reform Act (Government Code Section 81000, et seq.) requires the Southwestern Community College District ("District") to adopt and publish a Conflict of Interest Code. California Code of Regulations, title 2, Section 18730, which contains the terms of a standard Conflict of Interest Code, and any amendments to it duly adopted by the Fair Political Practices Commission, is hereby incorporated by reference. This regulation, the list of Designated Positions establishing disclosure requirements, and the list of Disclosure Categories, shall constitute the Conflict of Interest Code of Southwestern Community College District.

Designated Positions. The persons holding positions listed as Designated Positions are employees who make or participate in making decisions which may foreseeably have a material effect on the District's economic interests. Designated employees must file a Statement of Economic Interest, Form 700 annually.

Pursuant to Title 2, §18734, consultants are also included in the list of designated employees and must disclose pursuant to the broadest disclosure category in this Code. However, the Superintendent/President, or designee, may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to comply fully with the broadest disclosure requirements. Such written determination shall include a description of the consultant's duties and, based on that description, a statement of the extent of disclosure requirements. This determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

All persons assuming designated positions shall file Statements of Economic Interest within 30 days after assuming the designated position. All persons who leave designated positions shall file Statements within 30 days after leaving the designated position.

Disclosure Categories. Designated employees must report economic interests according to the disclosure category(ies) which have been assigned to each designated position.

Disqualification. No employee holding a designated position shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable on its effect on the general public, on the employee or a member of his or her immediate family. (California Code of Regulations, title 2, §18730(b)(9)).
# CONFLICT OF INTEREST CODE

## DESIGNATED POSITIONS

<table>
<thead>
<tr>
<th>Designated Position</th>
<th>Disclosure Categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governing Board Members</td>
<td>1</td>
</tr>
<tr>
<td>Superintendent/President</td>
<td>1</td>
</tr>
<tr>
<td>Vice President for Academic Affairs</td>
<td>2 &amp; 3</td>
</tr>
<tr>
<td>Vice President for Business &amp; Financial Affairs</td>
<td>2 &amp; 3</td>
</tr>
<tr>
<td>Vice President for Human Resources</td>
<td>2 &amp; 3</td>
</tr>
<tr>
<td>Vice President for Student Affairs</td>
<td>2 &amp; 3</td>
</tr>
<tr>
<td>Controller-Director of Finance</td>
<td>2 &amp; 3</td>
</tr>
<tr>
<td>Dean, Higher Education Center National City &amp; Crown Cove Aquatic Center at Coronado</td>
<td>4</td>
</tr>
<tr>
<td>Dean, Higher Education Centers Otay Mesa &amp; San Ysidro</td>
<td>4</td>
</tr>
<tr>
<td>Dean, Higher Education Center San Ysidre</td>
<td>4</td>
</tr>
<tr>
<td>Dean, Student Services</td>
<td>4</td>
</tr>
<tr>
<td>Dean, Counseling &amp; Matriculation</td>
<td>4</td>
</tr>
<tr>
<td>Dean, Research/MISS/CSS Director of Institutional Research, Grants &amp; Planning</td>
<td>4</td>
</tr>
<tr>
<td>Dean, School of Business &amp; Information Systems</td>
<td>4</td>
</tr>
<tr>
<td>Professional &amp; Technical Education</td>
<td>4</td>
</tr>
<tr>
<td>Dean, School of Arts &amp; Communication</td>
<td>4</td>
</tr>
<tr>
<td>Dean, School of Applied Technology &amp; Learning Assistance</td>
<td>4</td>
</tr>
<tr>
<td>Dean, School of Social Sciences &amp; Humanities</td>
<td>4</td>
</tr>
<tr>
<td>Dean, School of Languages &amp; Literature</td>
<td>4</td>
</tr>
<tr>
<td>Dean, School of Math, Science &amp; Engineering</td>
<td>4</td>
</tr>
<tr>
<td>Dean, School of Continuing Education, Economic &amp; Workforce Development, &amp; Special Projects</td>
<td>4</td>
</tr>
<tr>
<td>Dean, School of Health, Exercise Science &amp; Athletics</td>
<td>4</td>
</tr>
<tr>
<td>Director of Athletics</td>
<td>4</td>
</tr>
<tr>
<td>Senior Director of Business, Operations &amp; Facilities, Operations &amp; Planning</td>
<td>2 &amp; 4</td>
</tr>
<tr>
<td>Director of Campus Bookstore</td>
<td>4</td>
</tr>
<tr>
<td>Director of Contracting, Purchasing &amp; Central Services</td>
<td>4</td>
</tr>
<tr>
<td>Director of Computer Systems &amp; Services</td>
<td>4</td>
</tr>
<tr>
<td>Director of Finance</td>
<td>4</td>
</tr>
<tr>
<td>Director of Payroll &amp; Risk Management</td>
<td>4</td>
</tr>
<tr>
<td>Director of Food Services/Instructional Contracts Food Program Projects</td>
<td>4</td>
</tr>
<tr>
<td>District Buyers</td>
<td>2 &amp; 3</td>
</tr>
<tr>
<td>Facilities Coordinator</td>
<td>2 &amp; 3</td>
</tr>
<tr>
<td>Consultants</td>
<td>1</td>
</tr>
</tbody>
</table>
CONFLICT OF INTEREST CODE

DISCLOSURE CATEGORIES: Individuals holding designated positions must report their economic interests according to the following disclosure category(ies) to which their position has been assigned.

Disclosure Category 1: Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency; and investments and business positions in business entities, and income, including loans, gifts¹, and travel payments, from all sources.

Disclosure Category 2: Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency.

Disclosure Category 3: Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the agency.

Disclosure Category 4: Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the department or division to which the filer is assigned duties.

Disclosure Category 5: Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that filed a claim against the agency during the previous two years, or have a claim pending.

Disclosure Category 6: Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that are of the type to request an entitlement to use agency property or facilities, including, but not limited to:

- A license
- Utility permit
- Station vendor permit.

Upon receipt of the annual Statements of Economic Interest for all designated positions, the Human Resources Compliance Coordinator for the District shall make and retain a copy and forward the original of each statement to the County Board of Supervisors.

¹ "Gifts," as used in all disclosure categories, shall be defined as gifts with a value of $50 or more received from persons doing business with Southwestern Community College District.