

**SOUTHWESTERN COMMUNITY COLLEGE**

**DISTRICT**

**CLASSIFIED STAFF HANDBOOK**



*Adopted by the Governing Board: 11-13-02*

**CLASSIFIED STAFF HANDBOOK**

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## FOREWORD

This Handbook has been prepared for the purpose of making information available to all employees, concerning the policies and procedures of the Southwestern Community College District. It is intended to assist employees in the interpretation and administration of Human Resources matters, to give supervisors guidance in carrying out their responsibilities and to assure uniformity in the performance of duties within the District. This Handbook is published in compliance with Education Code Section 88013, which directs that the Governing Board adopt and publish written rules and regulations concerning Human Resources management of the classified service.

Marginal abbreviations are used to distinguish among District policies, procedures and informational items. These abbreviations appear in the left-hand margin of the text and apply to all material following the abbreviation until the next abbreviation appears.

- Pol. Designates District policies approved by the Governing Board. Revision or replacement of a policy requires Governing Board action. **All District policies included in this Handbook are subject to change/revision upon Governing Board approval. Revised District policies supercede the policies included in this Handbook. District policies are available to all District employees.**
- Pro. Designates a procedure that is established by administrative action. Revision or replacement may be made by administrative action.
- Inf. Designates information. Items placed in the Classified Staff Handbook for staff information only.

Inf. A. ORGANIZATION AND ADMINISTRATION

1. Southwestern Community College District is a public community college and part of the California Community College system.

2. A Brief History

The Southwestern Community College District, located south of San Diego and extending to the U.S./Mexico border, is one of 71 community college districts in the California Community College system. It serves as the primary source of college education for approximately 400,000 residents of the South San Diego County area, including the communities of Bonita, Chula Vista, Imperial Beach, National City, Nestor, Otay Mesa, Palm City, San Ysidro, Sunnyside, and Coronado.

a. The District began offering classes to 1,675 students in 1961, with temporary quarters at Chula Vista High School. Groundbreaking for the present 156-acre campus was in 1963. By September of 1964, initial construction was complete and classes were held for the first time on the present Otay Lakes Road site in Chula Vista. In addition to its main campus in Chula Vista, Southwestern College has established two center sites - the Education Center at San Ysidro (1988) and the Higher Education Center at National City (1998).

b. The District also provides off-campus classes at several extension centers throughout the District. In 2001, enrollment exceeded 18,000 students. More than 500,000 students have come through Southwestern College since 1962.

c. Southwestern College has been continuously accredited by the Western Association of Schools and Colleges. The college offers a comprehensive curriculum, preparing students for transfer to four-year colleges or universities as well as preparing students for jobs and career advancement. Southwestern College places in the top 100 of the more than 1,100 community colleges nationwide in the number of associate degrees conferred for all disciplines.

3. Accreditation

Southwestern College is approved by the California State Department of Education, by the Veterans Administration for the training of veterans, and accredited by the Western Association of Schools and Colleges. The University of California, California State Colleges, and private universities give full credit for appropriate courses completed at Southwestern College.

Inf. B. MISSION STATEMENT

Southwestern College is committed to meeting the educational goals of its students in an environment that promotes intellectual growth and develops human potential.

Inf. C. CODE OF ETHICS

Classified employees are part of the educational team. Teamwork and team spirit not only assist the District as a public institution of learning, but help each of us to function and enjoy our position on the educational team. With this in mind, it is suggested that the following Code of Ethics, much of which has been adopted by the California School Employees Association (CSEA), be accepted and/or practiced as the standard for the members of the Classified Staff:

- To be courteous at all times in relations with students, other staff members and the public.
- To be a person of integrity, desirable personal habits and physical fitness.

- To be proud of my vocation so that I may use my best endeavors to evaluate the standards of my position to ensure a reputation for high quality of service.
- To be just in my criticism and be generous in my praise.
- To be a resourceful person who readily adapts to different kinds of work, changed conditions and one who finds better ways to do things.
- To support our District and its functions.
- To conduct myself in a spirit of friendly helpfulness to my fellow employees.
- To associate myself with employees of other districts for the purpose of discussing school problems and cooperating in the improvement of public school conditions.
- To bear in mind that the purpose of my employment is to promote the efficiency of the College operation and to raise the standards of all school employment.

Inf. A. GENERAL

1. The Governing Board

The Governing Board is the policy-making body of the District. The Board is made up of five citizens from the community elected to four-year terms. Members of the Board are representatives of, and responsible to, the electorate of the community for shaping the educational and operational policies of the District. (One student is elected to sit with the Board as a Student Board member with an advisory vote).

2. Classification of Employees

The District employs five distinct classifications: Academic/Educational Administrators, Classified Managers/Supervisors, Faculty, Classified, and Confidential employees.

- Academic/Educational Administrators are designated as academic by having direct responsibility for the operation of and formulating policy for instructional and non-instructional programs of the District. Academic Administrators include, but are not limited to, the Superintendent/President, Vice Presidents, Provosts, and Deans.
- Classified Managers/Supervisors are employed as administrators but are not designated as academic. These positions are exempt, typically supervisory in nature, and have responsibility for programs of the District. Classified Managers/Supervisors include, but are not limited to, Directors and Supervisors.
- Faculty are individuals who are employed in academic positions that are not designated as supervisory or management and for which minimum qualifications for service have been established by the Governing Board of the California Community Colleges. Faculty include, but are not limited to, instructors, professors, librarians, counselors, community college health professionals, and student programs and services professionals.
- Classified staff are employees who provide the services that enable Academic and Administrative staff to accomplish their functions in an atmosphere conducive to providing quality educational opportunities for students. Recognized Classified employees are members of the California Employees School Association (CSEA).
- Confidential staff include Administrative Assistants, Human Resources Technicians, Human Resources Secretary, Legal Affairs Assistant, Legal Affairs Secretary, and Secretary to the Office of the Superintendent/President.
- Academic Administrators, Classified Managers/Supervisors, Confidential Staff and Faculty are not members of the Classified Bargaining Unit.

Pol. B. CAMPUS VISITATION BY MINOR CHILDREN (Reference District Policy No. 2105)

Except for the circumstances described below, no minor children are to be on campus:

1. Employees: Infants and minor children of employees may be brought to the campus/Educational Centers only when they are supervised by another adult in an area specifically approved by the Superintendent/President for infants and minor children (e.g., the Child Development Center), and for participation in special events, such as "Bring Your Daughter to Work Day." Occasional brief visits to the employee's work area may be authorized by the employee's immediate supervisor.

2. Under no circumstances are infants or minor children to be exposed to hazardous activities, either as observers or participants; nor are children to be allowed in areas where their presence would distract or otherwise interfere with course activities or the normal work routine of the College.

Inf. C. CREDIT UNION

Credit Union information is available in the Payroll Services Office, Room 1660.

Pol. D. EMPLOYMENT (Reference District Staff Diversity Plan Policy No. 5109)

1. Employment Policies

- a. It is the responsibility of the Governing Board to employ all personnel and to prescribe the duties to be performed.
- b. The Superintendent/President is responsible for developing and recommending to the Governing Board position classifications which provide for standardization and classification of all positions in classified service.
- c. The Superintendent/President is responsible for establishing selection procedures which ensure the employment of the best qualified applicants based solely on merit which includes such factors as skills, knowledge, personal qualifications and potential for growth.
- d. The Superintendent/President has the authority to assign each Classified employee and such assignment shall be made in accordance with the employee's qualifications and the needs and best interest of the District.

2. Employment Procedures

- a. Applicants for an identified Classified vacancy must have an application on file in the Human Resources Office. Screening and recommendations for employment are done in accordance with the employment procedures as outlined in the District's Staff Diversity Plan. All employment opportunities are subject to approval by the Governing Board.
- b. After a hiring decision has been finalized, the Director of Human Resources will notify the unsuccessful candidates that the position has been filled.
- c. Salary placement will be in accordance with the latest approved salary schedule at the time of employment. Initial step placement will be at Step 1 of the assigned range for the position.
- d. The applicant selected for a particular position will receive a contract covering services to be rendered. In addition, information will be furnished stating classification; salary data showing annual, monthly, daily, hourly and overtime rate of compensation; assignment of work location; duty hours; and prescribed workweek (Section 88168 Education Code). If a change in the workweek or duty hours prescribed is desired, either by the supervisor or the employee, a request for such change must be submitted in writing to the Director of Human Resources.

### 3. Employment Requirements

#### a. Oath of Allegiance (Reference District Policy No. 5101)

All employees are required to sign an Oath of Allegiance upon employment (Chapter 8, Title I, Government Code).

#### b. Fingerprinting (Reference District Policy No. 5103)

Within 10 working days of the date of employment, an employee is required to be fingerprinted by a local law enforcement agency (Section 88024 Education Code). Verification of such fingerprinting is to be furnished by returning the statement of fingerprinting to the Human Resources Office. Failure to comply within 10 days can result in the employee being placed on a leave of absence without pay and/or dismissal. It shall be the responsibility of the Director of Human Resources to ensure that this requirement is met. Full cost of fingerprinting is borne by the District.

#### c. Tuberculosis Examination (Reference District Policy 5105)

All persons employed by the District are required to present evidence that they have submitted to a lung x-ray or an intradermal tuberculin (skin) test within 60 days of the initial date of employment which shows them to be free from active tuberculosis. Such x-rays, or other examination, must be renewed every four years thereafter.

### 4. Outside Employment

a. No employee shall accept outside employment which is in conflict with his/her duties, functions, responsibilities or which will directly or indirectly contribute to the lessening of his/her effectiveness as a District employee, or bring discredit upon the District.

b. Anyone who is employed by or working for another employer, should not give the appearance in any manner or form that he/she represents the District. At no time shall District equipment or supplies be used in outside employment or in conducting personal business without prior approval.

c. A regular full-time employee wishing to engage in outside employment shall inform the immediate supervisor of such desire, providing information as to the time required and the nature of such activity, and such other information as may be required; and the supervisor shall determine whether or not such activity is compatible with the employee's District employment. If the supervisor determines such activity is compatible, he/she may authorize the activity in writing and send a copy to the Director of Human Resources. If the employee wishes to engage in outside employment for a company doing business with the District, the employee shall provide information to the Director of Human Resources. The Director of Human Resources shall determine whether or not such activity is compatible with the employee's District employment. Such authorization shall be valid only for the work and period prescribed therein.

### 5. Changing Working Hours for Personal Reasons

An employee who, for personal reasons, (car pooling, attending classes, etc.), desires to vary his/her working hours from those specified in employment documents, shall submit a request in writing to the Director of Human Resources via the immediate supervisor. If the desired work schedule does not create a hardship for other employees, reduce the efficiency of the office

concerned, or in any way conflict with the Education Code or the Contract between the District and the Bargaining Unit, the request may be honored.

6. Workday, Workweek and Workyear

- a. The Classified staff is normally employed on the basis of an eight-hour workday, and a forty-hour workweek. The workyear for twelve-month employees is defined as July 1 through June 30. Employees working less than twelve months will be notified annually of the beginning and ending dates of their workyear.
- b. Upon recommendation of the Superintendent/President, the Governing Board may designate certain positions in which service shall be for less than eight (8) hours day, or forty (40) hours per week, in which case the compensation for the employee shall be prorated accordingly.

Pol. E. INCREMENTAL SALARY INCREASES (Reference District Policy No. 5219)

The incremental salary increase consists of an additional step on the salary schedule annually until the employee reaches the maximum step. In order to be eligible for an incremental (step) increase, the employee must have been employed 75% or more of a full-time assignment, and must have completed 75% of the workyear (fiscal) assigned. Employees working less than 75% of full-time will receive step advancement as follows:

Less than 40% of a full-time assignment - every third year

40% to 75% of a full-time assignment - every second year.

Granting of any incremental increases in salary is contingent upon the employee's receiving a satisfactory evaluation.

Pro. F. INJURY, ACCIDENT

1. Injury to Personnel

a. Student Injury

- (1) Aid for injured students may be obtained by calling the Campus Nurse (Ext. 5350), and/or the Campus Police (Ext. 6380).
- (2) Student injuries must be reported on Student/Non-Employee Formal Report of Accident Form by an appropriate District employee responsible for the area of the accident, and must be submitted to the Business and Operations Office on the day of the occurrence. (Forms may be obtained from the Health Services Office and/or College Police Office). Any witnesses must be identified and the physician, and/or hospital information section must be completed.
- (3) Every injury, no matter how slight, must be reported.

b. Employee Injury

- (1) Employees are covered under Workers' Compensation Insurance.
- (2) All injuries and illnesses which are, or may be, job related, must be reported promptly by filing a Formal Report of Accident at the Fiscal Affairs Office. Care must be taken

to include names of witnesses and physician and/or hospital, if applicable. Failure to properly report injury or illness may delay compensation payments.

2. Vehicle Accident (District Vehicle)

An accident packet is located in the glove compartment of each District automobile, and gives detailed instructions how to proceed in the event of an accident involving a District vehicle. It is important that the Vice President for Fiscal Affairs be notified of any accident involving a District vehicle and that an Accident Report Form be filed as soon as possible.

Pol. G. COMPLAINT/OPEN-DOOR POLICY (Reference District Policy 5217)

An employee who feels he/she has a valid complaint, which has not been resolved in the normal supervisory chain of responsibility, not only may, but is encouraged, to take it to the Director of Human Resources, the area Vice President or Provost, and/or the Superintendent/President. Discussions will be confidential to the extent possible. Furthermore, should the employee believe, after seeing the Superintendent/President, that his/her complaint is still not satisfied, he/she may request to have it referred to the Governing Board.

Pol. H. STAFF PARKING

1. The parking lot directly in front of the Administration Building (Parking Lot "A") is reserved for staff and approved visitors. Additional parking throughout the campus is designated for staff parking. A staff parking permit, obtained, in the Business & Operations Office, must be displayed at all times.
2. College Police Officers and Public Safety Assistants patrol all parking lots on the campus and will honor staff parking permits in all parking lots, except metered spaces. Use of handicap spaces requires a valid handicap parking permit.
3. Parking citations issued by College Police personnel are issued under the jurisdictional authority of the South Bay Court as permitted by California Vehicle Code Section 23113.

Pro. I. PAY PROCEDURES

1. Contract employees are paid by check on the last working day of each month. Paychecks may be picked up at the Payroll Services Office anytime after 11:00 a.m.
2. Hourly employees are paid, and payments for overtime are made, by check on the 5<sup>th</sup> of each month. Paychecks may be picked up in the Payroll Services Office anytime after 11:00 a.m. When the 5<sup>th</sup> falls on a weekend or holiday, checks will be available on the preceding working day.
3. Paychecks will not be released to anyone other than the employee, except by signed authorization of the employee. Such authorization must be addressed to the Payroll Services Office.
4. If desired, employees may authorize voluntary payroll deductions for organizational membership dues, credit union deductions, savings bonds, etc. Forms authorizing such deductions are available at the Payroll Services Office.
5. If desired, employees may also authorize direct deposit.

Pol. J. PROBATION AND PERMANENT STATUS (Reference District Policy No. 5213, CSEA Collective Bargaining Agreement - Article IV, and Education Code Section 88013)

1. All original appointments of Classified employees shall be for a probationary period of twelve (12) months from the date of employment.
2. A probationary employee may be demoted, suspended, or dismissed at any time during the probationary period without cause and without right of appeal.
3. An employee who serves the required probationary period in a satisfactory manner, and is continued in employment, shall be classified as a permanent employee, and shall be subject to dismissal only for cause.
4. An employee who is promoted shall serve a probationary period of nine (9) months in the higher salary classification position.
5. A permanent employee who is serving a probationary period as a result of a promotion, and who is found unsatisfactory in the higher salary classification position, shall be reinstated to permanent status in his/her former classification unless there is cause for dismissal as provided for in the District's procedures for suspension, demotion and dismissal.
6. This policy is in accordance with the CSEA Contract and is not applicable to classified managers and supervisors.

Pol. K. RESIGNATION AND RETIREMENT

1. Resignations (Reference District Policy No. 5211)

An employee who desires to resign in good standing shall submit his/her resignation in writing to the Human Resources Office. The supervisor, in consultation with the Director of Human Resources, will determine the effective date and the last day on duty taking into consideration the number of vacation days the employee has accumulated. The employee will be paid for any remaining days of accumulated vacation as of the last day of service. The Governing Board, upon recommendation of the Superintendent/ President, may accept the resignation.

2. Re-employment (Reference District Policy No. 5209)

If any Classified employee who is in good standing, and whose last evaluation is satisfactory, voluntarily terminates service with the District and is re-employed by the District within twelve (12) months from the termination date, the District will reinstate the following previously accrued seniority benefits: years of service for salary placement, longevity for determining length of annual vacation, and unused sick leave. Educational Incentive credit earned prior to resignation shall be recognized and applied for salary placement. If an employee returns after twelve (12) months, he/she will lose previously accrued seniority benefits.

Retirement

- a. All full-time and part-time employees working half-time or more automatically become members of the Public Employees Retirement System (PERS), of the Federal Social Security System. These plans are employee/employer supported and contribution by each is made based on a percentage of the employee's salary.
- b. Members of PERS are eligible for retirement at age 50.

- c. A person who resigns, or for any other reason is terminated from employment, with less than five years of service must be refunded his/her contribution to the retirement fund, plus earned interest. If the employee has five (5) years or more of employment, he/she has the option of leaving his/her contributions on deposit until retirement age, or withdrawing the contribution in a lump sum, at the time of termination. A request for withdrawal in lump sum must be made in writing to the Retirement System. It should be emphasized that the foregoing options apply only to the employee's contribution and do not include any funds contributed by the District.

Pro. L. SECURITY

1. All campus buildings should be secured when not in use in order to protect District and personal property. All employees should ensure that doors, windows, and gates are securely locked when not in use.
2. All campus parking lots are patrolled by Campus Police and Public Safety Assistants. All employees should remove personal property from plain view and lock their cars to prevent loss of personal property. Any losses should be reported to the College Police Office (Ext. 6380). In the event that a student reports a loss, please refer him/her to the Campus Police Office to facilitate proper reporting of the incident.
3. Any case of burglary, theft, malicious mischief, arson, or other crime affecting property of the District should be promptly reported to the immediate administrative supervisor. The Campus Police should be notified in order to facilitate the proper/necessary documentation of the incident.
4. All District employees must be alert to any possible threats or attacks against persons on campus. Immediately assist anyone so threatened, and notify the Campus Police Office (Ext. 6380).

Pol. M. SEXUAL HARASSMENT (Reference Policy No. 5111)

Southwestern Community College District recognizes that harassment on the basis of sex is a violation of both Federal and State employment discrimination laws as well as District Policy. The District is committed to providing all employees, applicants for employment, students and other persons in a business, service or professional relationship with the District with an environment free from sexual harassment, and will not tolerate such conduct on the part of any District employee or student.

Any employee, applicant for employment, student or any other person in a business, service or professional relationship with the District with a complaint of sexual harassment should implement these complaint procedures as soon as possible. No complainant will suffer reprisals for reporting any incidents of sexual harassment or making any complaints.

Sexual harassment is unacceptable conduct, is unlawful, and will not be tolerated by the Southwestern Community College District. The District will promptly and thoroughly investigate any complaints of sexual harassment, and will take expeditious action to resolve such complaints, in accordance with these policies.

A. Definitions

1. Sexual Harassment - Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature made by someone from or in the work or college setting.

- a. Sexual harassment may be considered to occur under any of the following conditions:
    - (1) Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment or progress or a student's progress at the college.
    - (2) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
    - (3) The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or academic environment.
    - (4) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs or activities available at or through Southwestern Community College District.
  - b. Forms of sexual harassment include, but are not limited to:
    - (1) Deliberate verbal comments, gestures, or physical contacts of a sexual nature or demeaning to one's gender which are unwelcome and/or interfere with work productivity or academic progress.
    - (2) Generalized sexist statements and behavior not necessarily designed to elicit sexual cooperation, but to convey insulting, degrading and/or sexist attitudes.
    - (3) Sexual behavior by any employee which has the effect of controlling, influencing or otherwise affecting the job, salary, project, performance evaluation, opportunity for employment, or career of an employee, or applicant for employment, or affecting the academic performance or opportunity for admission of any student or applying student.
    - (4) Unwelcome sexual, suggestive or obscene letters, notes or other written/printed material, derogatory comments, slurs and/or jokes.
2. Complainant - An individual who brings either a formal or informal complaint of alleged sexual harassment.
  3. Respondent - A person against whom a claim of sexual harassment has been made.
  4. Informal Complaint - An oral sexual harassment complaint brought by a complainant or a District employee on behalf of a complainant.
  5. Formal Complaint - A written complaint of sexual harassment submitted by a complainant.
  6. Superintendent/President - Where this policy specifies the performance of functions by the Superintendent/President, the Superintendent/President may designate another administrator to perform such functions.

B. General Provisions

1. Any questions regarding this policy should be directed to the Affirmative Action Officer.

2. Although this policy anticipates that the Affirmative Action Officer is responsible for investigating all complaints of sexual harassment, nothing in this policy is intended to prohibit the Superintendent/President's appointment of a different District administrator as investigator where appropriate. Where it is determined an administrator other than the Affirmative Action Officer will investigate a sexual harassment complaint that appointed administrator shall do so in accordance with these policies.
3. All allegations of sexual harassment should be brought to the District's attention at the earliest possible time. Time schedules provided in this policy are to ensure prompt consideration of complaints. Allegations of sexual harassment shall be investigated in accordance with this policy.
4. The District recognizes that confidentiality is important to all parties involved in a sexual harassment investigation. To the extent practical, the confidentiality of the complainant, respondent and witness(es) will be protected. Employee(s) and/or student(s) interviewed in accordance with these policies are directed to assist in maintaining such confidentiality.
5. The District will not tolerate retaliation against any student or employee for initiation, pursuit or assistance with a complaint of sexual harassment. Any individual who retaliates against any District employee and/or student in violation of this policy may be subject to disciplinary action.
6. Any individual who is determined to have falsely initiated, or participated in, a sexual harassment investigation may be subject to disciplinary action.
7. The District shall not undertake any disciplinary action involving any respondent or complainant until a final decision has been rendered, except as herein provided. Any individual subject to potential discipline shall have an opportunity to review all materials and provide a response. If, in the opinion of the Superintendent/ President, immediate action is necessary, reasonable efforts to first inform the respondent and allow him/her an opportunity under the circumstances to respond to the allegations will be provided. For the purposes of this policy, placement of an employee on paid administrative leave shall not be considered disciplinary action.
8. The complainant and the respondent may be assisted by a representative of his/her choice at any stage of these proceedings.
9. Nothing contained in this policy is intended to discourage informal resolution of complaints. However, prior to any informal resolution of a sexual harassment complaint, the supervisor or administrator shall contact the Affirmative Action Officer to ensure the informal resolution is consistent with the intent of these policies.

### C. Complaint Procedures

Any employee, applicant for employment, student, former student, applying student or any other person in a business, service or professional relationship with the District who believes he/she has been subjected to sexual harassment may inform any supervisor or administrator; the supervisor or administrator shall then have a duty to inform the Affirmative Action Officer. The complainant may also go directly to the Affirmative Action Officer.

Any supervisor, administrator or faculty member who receives information from a complainant, or otherwise learns that sexual harassment has allegedly occurred, shall immediately notify the Affirmative Action Officer. Any other District employee who receives information from a complainant, or otherwise learns that sexual harassment has allegedly occurred, is strongly encouraged to report such information to the Affirmative Action Officer. The Affirmative Action Officer, or designee, will investigate all formal or informal complaints in accordance with the following procedures to determine whether or not corrective action is necessary:

1. The complainant will be immediately informed of any rights under any relevant complaint procedure (including the procedure for filing a Title 5 discrimination complaint and the procedure for filing a complaint with the Federal Office For Civil Rights), policy, or in the case of an employee, the collective bargaining agreement. The complainant will be provided with a copy of this policy.
2. The Affirmative Action Officer, or designee, may first investigate all complaints on an informal level and must attempt to resolve the complaint informally. However, the complainant is not required to participate in an informal resolution.
3. At the very beginning of the process, the complainant must be notified that he/she is not required to participate in an informal resolution and that he/she may proceed to file a complaint directly under Title 5 and/or with the Federal Office for Civil Rights.
4. If, after an informal investigation, the Affirmative Action Officer or designee is unable to resolve the complaint to the satisfaction of the complainant and the respondent, the complainant shall be notified of his/her right to file a formal complaint.
5. All formal complaints shall be submitted in writing to the Affirmative Action Officer, or designee, within one (1) year after the alleged harassment has occurred.
6. All written complaints shall be signed and dated by the complainant, and shall contain at least the name(s) of the individual(s) involved, the date of the event(s) at issue and a detailed description of the action(s) constituting the alleged sexual harassment. Names, addresses and phone numbers of witnesses or potential witnesses should also be included. The Affirmative Action Officer shall immediately notify a complainant if his/her complaint is defective.
7. A copy of all written complaints shall be immediately forwarded to the Legal Affairs Division of the Chancellor's Office.
8. Nothing in these procedures is intended to limit the discretion of the Affirmative Action Officer, or designee, to investigate relevant facts which are not specified in the written complaint. Where it is appropriate, the scope of the investigation may be broadened.
9. All complaints will be reviewed and investigated by the Affirmative Action Officer or designee. The investigation may include interviews with (1) the complainant; (2) the respondent; and, (3) any other person(s) who reasonably may have relevant knowledge concerning the complaint, such as witnesses and victims of similar conduct by the respondent. The Affirmative Action Officer will notify the complainant and the Chancellor's Office that it is commencing its investigation.
10. The Affirmative Action Officer shall review all factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment. Consideration must be given to all factual information, the totality of the circumstances, including the nature of the verbal, physical or visual aspects of the action and the context in which the alleged incident(s) occurred.
11. Where the Affirmative Action Officer determines sexual harassment may have occurred, the Affirmative Action Officer shall present the respondent with a copy of the complaint and this policy and provide the respondent with an opportunity to respond in writing to the allegations. Such response must be received within a reasonable amount of time, as determined by the Affirmative Action Officer, not to exceed fifteen (15) days.
12. Upon receipt of a response by the respondent, the Affirmative Action Officer will again review all factual information presented and incorporate such information into his/her investigation.

13. Immediately following review and investigation of the complaint, the Affirmative Action Officer will prepare a written recommendation to resolve the complaint. The recommendation will include at least a description of the nature and extent of the investigation conducted by the District, action taken by the District in the event immediate action was necessary, and a proposed resolution to the complaint.
14. Within 90 days of receiving a complaint, the Affirmative Action Officer will forward the following items to the complainant and respondent: a copy of the investigative\_report, the District's administrative determination, description of action taken, the proposed resolution of the complaint and notice of the complainant's right to appeal to the Governing Board.
15. If the complainant or respondent is not satisfied with the administrative determination, he/she may appeal to the Governing Board within fifteen (15) days of receipt of the administrative determination. The appeal must be signed and in writing, and must state each and every reason for the appeal and disagreement with the administrative decision. The Governing Board will review the appeal and will, in its sole discretion, determine what, if any, further proceedings should occur. The determination of the Governing Board as to procedures and resolution of the allegations will be the final District decision. The Governing Board shall forward its final decision, or a statement indicating the date the administrative determination became final, to the complainant and to the Chancellor's Office within 45 days and shall notify the complainant of his/her rights to appeal to the Chancellor's Office. If the Governing Board does not act within 45 days, the complainant shall be notified that the decision of the administration is deemed to be final and that the complainant has the right to appeal to the Chancellor's Office.
16. In the event it is determined there is merit to the complaint, the District will take corrective action, including such discipline up to and including suspension and/or immediate termination of employment, or suspension or expulsion from academic programs, as is appropriate, in accordance with applicable law and Governing Board policies and procedures. Severity of the disciplinary action will be based upon the circumstances.
17. Within 150 days of receiving a complaint, the District shall forward to the Chancellor: the complaint, the investigative report, a copy of the notice sent to the complainant, pursuant to Section 59336 (b), a copy of the final District decision rendered by the Governing Board or a statement indicating the date on which the administrative determination became final and a copy of the notice to the complainant required pursuant to Section 59338 (a).

D. Dissemination

1. All District employees will be provided with a copy of this policy.
2. All new students will be provided with a Student Policy Manual which includes the "Sexual Harassment Policy" (No. 5111) and the "Unlawful Discrimination Complaint Policies and Procedures Policy" (No. 5323) handed out during Registration. In addition, students may obtain a complete copy of these policies at the Student Activities Office, Building 620, Room 621A.
3. A copy of this policy shall also be located in the Human Resources Office, Library and Transfer Center.

References: California Code of Regulations, Title 5, Section 59300 et seq., Education Code Sections 200 et seq., 212.5, 220, 260, Title 7 of the Civil Rights Act of 1964 including amendments of 1972 and 1991, Title 9 of the Educational Amendments of 1972.

Pol. N. ACCEPTABLE USE POLICY - INTERNET AND OTHER COMPUTER NETWORKS  
(Reference District Policy No. 3035)

1. The Southwestern Community College District promotes the use of Internet resources for purposes consistent with the educational mission and curriculum. The District's goal is to promote the free exchange of information between and among currently enrolled students, faculty, staff, and the global information community. The District provides access to local, national, and international sources of information and provides an atmosphere that encourages access to knowledge and sharing of information. Responsible use of this access includes:
  - a. Respect for the privacy of others; for example, users shall not seek information on, obtain copies of, or modify files, other data or passwords belonging to other users unless explicitly authorized to do by the user.
  - b. Respect for the legal protection of copyright and license agreements for programs and data.
  - c. Respect for the integrity of computing systems; for example, users shall not intentionally develop programs that harass other users or infiltrate a computer or computing system and/or damage or alter the software or hardware components of a computer or computing system.

District computer systems facilitate access to and distribution of information. The District has no editorial control over the content, materials or data distributed or disseminated on the network. The quality and content of the materials that exist on electronic data networks are beyond the control of the District. Users are responsible for the materials that they access through District resources.

2. GENERAL ACCEPTABLE USES OF THE NETWORK

- a. Scholarship, scientific research, or instructional applications by students, faculty and staff.
- b. Communication and exchange for professional development, to maintain currency, or to debate issues in a field or sub-field of knowledge.
- c. Discipline-society, college-association, government-advisory, or standards activities related to user's research, instructional and administrative activities.
- d. Access to college and university libraries and information and news from a variety of sources and research institutions.
- e. Access to information resources, computers and people throughout the world.
- f. Interaction with students, faculty and staff by electronic mail.
- g. Discussion groups on a wide variety of topics.
- h. Administrative activities which are part of the support infrastructure needed for instruction, scholarship, student services and institutional management.

3. UNACCEPTABLE USES OF THE NETWORK

- a. Use of any and all of the District's computer systems for any of the purposes listed in this section is strictly prohibited. Liability for violations of prohibited uses shall remain solely and exclusively with the user. By using the District's computer systems, the user further agrees to indemnify the District for any liability incurred by the District for misuse by the user.

- b. The user agrees to comply with the acceptable use guidelines for whichever outside networks or services they may access through the District's system.
- c. The user agrees that, in the event that someone does transmit, or cause to be transmitted, a message, information or material of any kind that is inconsistent with an environment conducive to learning or conducting college business or with a misleading origin, the person who performed the transmission will be solely accountable for the message, not the District, which is acting solely as the information carrier.
- d. District computer accounts and/or equipment may not be used for the following purposes:
  - (1) **Illegal Activity:** Any illegal use of the network, or its use in support of such activities, is strictly prohibited. Illegal activities shall be defined as a violation of local, state, and/or federal laws. Criminal activities include:
    - (a) **Hacking/Computer Vandalism.** Activities which interfere with or disrupt network users, services or equipment are prohibited. Such interference or disruption includes, but is not limited to:
      - Distribution of unsolicited advertising or mass mailings;
      - Propagation of computer worms or viruses; and
      - Using the network to make or attempt to make unauthorized entry to other computational, information or communications devices or resources or to other users' files.

Intentional interception of any electronic communication is considered improper access and may also be in violation of the Electronic Communications Privacy Act, Chapter 119. The submission, publication or transmission of information for the purpose of inciting crime is strictly prohibited.

Unauthorized reconfiguration of or physical tampering with District resources is not allowed. Users must not attempt unauthorized modification or repair to any equipment belonging to or under the control of the District.

- (b) **Violation of Software Licenses.** The District licenses the use of its computer software from a variety of companies. The District does not own this software or its related documentation and, unless authorized by the software developer, does not have the right to reproduce it. Users must not violate the license agreements on any software applications installed on a District computer. Use of District computing facilities for private business activities or other non-educational functions violates the software license agreements extended to educational institutions and is not permitted.
  - It is District policy that employees, students and other users of District computing facilities shall use the software only in accordance with the license agreement.
  - District employees, students or other users found to be making, acquiring or using unauthorized copies of computer software will be disciplined as appropriate under the circumstances.
- (c) **Violation of Copyrights.** Information and resources accessible via District computer accounts are the private property of the individuals and organizations who own or

hold rights to the resources and information. Users must not access information or resources unless permission to do so has been granted by the owners of rights to those resources or information. Users must not submit, publish, plagiarize, or transmit material which violates or infringes upon the copyrights held by others.

- (d) Inappropriate Use: Any inappropriate use of the network, or its use in support of such activities, is prohibited. Inappropriate use shall be defined as a violation of the goals, purposes and intended use of the network. District computing resources may not be used for political campaigns. Users must not use the District network to access, to create, publish, display, or transmit any materials that are threatening, defamatory, fraudulent, seditious, abusive, obscene, profane, or sexually oriented. Transmission of material to a person who reasonably finds such transmission offensive, obscene or discriminatory will be treated as harassment and is against District policy.

Users agree not to attempt to transmit, or cause to be transmitted, any message in which the origination is deliberately misleading.

- (e) Commercial/For Profit Activity: Any commercial, for-profit activity including marketing, sales, and distribution of mass mailings is prohibited. Users may not use the District network to make private purchases or transfer personal funds.
- (f) Extensive Personal Use: Extensive use of the District's network access for personal business is prohibited.

Unauthorized access, attempted access or use of any District computer or computer network system is a violation of Section 502 of the California Penal Code and/or other applicable Federal laws, and is subject to prosecution. The District reserves the right to prosecute any unlawful access or injury to any computer, computer system, computer network, computer program, or data to which the District provides access and or/services.

Any student or staff member who uses District resources illegally or improperly may be subject to disciplinary actions, revocation of access to the District network, and possible legal action. The District will review alleged violations of the Acceptable Use Policy on a case-by-case basis. Failure to abide by these guidelines will result in revocation of privileges to use the computer systems. Students may also be subject to disciplinary sanctions up to and including dismissal from the institution. Staff members will be subject to appropriate disciplinary action.

Pol. O. WORKPLACE VIOLENCE POLICY (Reference District Policy No. 3033)

Southwestern Community College District is committed to providing a safe environment free from acts of physical violence and threats of violence. To that end, the District hereby adopts a "zero tolerance" policy under which threats or violent behavior will not be tolerated.

It shall be the policy of the District to immediately investigate all allegations of workplace violence and take appropriate and consistent corrective action to remedy any situation in which an employee of the District is threatened. Any employee who violates this policy will be subject to appropriate and immediate disciplinary action. Incidents involving threats or acts of violence by students shall be processed pursuant to the procedures set forth in District Policy No. 6047, "Student Conduct Standards and Discipline," and in the Student Policy Manual.

Pol. P. NEPOTISM (Reference District Policy No. 5118)

1. Applicants seeking employment with Southwestern Community College District must do so on the basis of personal merit and professional qualifications. To ensure that employment is based solely upon the worth of the individual and his/her anticipated contributions to the District, extreme care must be taken to eliminate from the hiring process any favoritism based upon a family relationship. At the same time, however, it is important to recognize that a policy which arbitrarily bars employment to a relative may deny the District access to valuable skills and services.
2. Members of the same immediate family may hold positions in the District. "Immediate family" as used in this policy means spouse, son, son-in-law, brother, brother-in-law, daughter, daughter-in-law, sister, sister-in-law, grandchild, aunt, uncle, cousin, niece, nephew, step-relative in any of the above categories, or any relative living in the current staff member's home.
3. No member of the immediate family of any supervisor, manager, or administrator may be employed in the same department or office where there would be a supervisory relationship between the supervisor, manager, or administrator and the immediate family member. No staff member shall participate in the review and decision-making process or other matters concerning employment, promotion, retention, or discipline of another employee who is an immediate family member as defined above.
4. No person related to any current staff member may be employed by the District without the family relationship being brought to the Superintendent/President's attention.
5. No employee shall suffer any reprisal for reporting that a supervisor, manager, or administrator has or is engaged in behavior that violates this policy.

Pol. Q. SUSPENSION, DEMOTION AND DISMISSAL (Reference Policy No. 5215)

1. The continued employment of permanent Classified employees is contingent upon proper performance of assigned duties. A permanent employee may be demoted, suspended or dismissed for cause, which shall include but not be limited to the following:
  - a. Incompetence, inefficiency, inattention to or dereliction of duty, lack of ability, or failure to perform the assigned duties in a satisfactory manner.
  - b. Insubordination, failure to obey directions or observe rules of the District, or willful and persistent violation of the provisions of the Education Code.
  - c. Conviction of any felony; conviction of a misdemeanor involving moral turpitude; dishonesty, immoral conduct; drinking or, drunkenness on duty, addiction to or use of narcotics on duty; or fraud in obtaining employment with the District.
  - d. Political activity during the assigned hours of duty.
  - e. Discourteous treatment of the public or of fellow employees or other willful failure of good conduct tending to injure the public service.
  - f. Mental or physical impairment which renders the employee unable to perform the essential functions of the job, with or without reasonable accommodation (if disabled), or without presenting a direct threat to the health or safety of self or others.
  - g. Absence from duty without leave.

2. Procedures:

a. Notification of Recommended Disciplinary Action

The case of a permanent employee who has been recommended for disciplinary action will be reviewed by the supervisor and the Superintendent. Where disciplinary action is recommended by the Superintendent, the Superintendent will prepare a written notice of said recommendation of disciplinary action and serve it upon the employee who is the subject of said recommendation. Attached to the notice of recommendation of disciplinary action will be a form, the signing and filing of which in the Office of the Superintendent/President by the employee to be disciplined shall constitute a demand for hearing, and a denial of all charges. The written notice of recommendation of disciplinary action shall contain the following:

- (1) A statement in ordinary and concise language of specific acts and omissions upon which the disciplinary action is based, a statement of the cause for the action taken and, if it is claimed that an employee has violated a rule or regulation of the public school employer, such rule or regulation shall be set forth in said notice.
- (2) A description of the discipline which is recommended.
- (3) A statement of said employee's right to a hearing on such charges.
- (4) The time within which such hearing shall be requested.
- (5) A statement that the employee may represent himself/herself or be represented by an attorney or some other person.
- (6) A statement that the employee may offer evidence in the form of exhibits, or the testimony of witnesses, or both, and may cross-examine witnesses testifying on behalf of the Administration.

b. Request for a Hearing

A permanent employee who has been recommended for any disciplinary action under existing rules and regulations may request a hearing on such recommendation by completing and filing a form in the Office of the Superintendent/President not later than the fifth working day following the service of notice of recommended disciplinary action on the employee who is the subject of said recommendation.

c. Hearing Procedure

Hearing shall be conducted by the Governing Board in accordance with all relevant provisions in the Education Code and District rules and regulations:

- (1) Time of Hearing: A hearing by the Governing Board of the District relating to the validity of the charges upon which the recommendation of disciplinary action was based shall be commenced not later than thirty (30) days after filing of the request for hearing.
- (2) Notice of Hearing: The employee shall be given not less than ten days written notice of the date, time and place of the Board hearing. Such notice, sent to the last known address of the employee, shall be effective upon its deposit in the United States mail, registered, postage prepaid with return receipt requested.

- (3) Conduct of the Hearing: At the time and place designated, the Governing Board shall hold a hearing for the purpose of determining the validity of the charges brought against the appellant employee and of the reasonableness of the recommended discipline. Such hearing shall be in Open Session or Executive Session, at the employee's request. The employee may be present, shall have the right to be represented by counsel, present evidence and cross-examine witnesses.
- (4) Burden of Proof: The Superintendent/President shall carry the burden of proof in support of the disciplinary action. The burden of proof is preponderance of the evidence. The Superintendent/President and the appellant employee may call witnesses, shall have the right of cross-examination, and may present documentary and demonstrative evidence.
- (5) Continuance: At any time during the hearing, the Governing Board may order a continuance for a reasonable period of time.
- (6) Decision of the Governing Board: The written decision of the Governing Board shall state its findings as to the validity of the charges upon which the disciplinary action is being recommended. The decision shall also state the disciplinary action to be imposed, if any. The disciplinary action imposed shall not be more severe than that recommended, unless the employee is given notice of intention to impose more severe action and a continuance for five working days. Such notice may be given verbally at the hearing and the continuance may be waived by the employee.

d. Suspension Pending Disciplinary Action

If the Superintendent/President deems it necessary for the good of the District that an employee be immediately suspended pending a recommendation and hearing on disciplinary action, that employee may be suspended but his/her salary shall continue until disciplinary action is imposed by the Board following a hearing.