



**MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT  
GOVERNING BOARD OF TRUSTEES**

**REGULAR MEETING  
WEDNESDAY, SEPTEMBER 27, 2017**

**NEW BUSINESS**

# Monterey Peninsula Community College District

## Governing Board Agenda

September 27, 2017

**New Business Agenda Item No. A**

Superintendent/President  
College Area

**Proposal:**

That the Governing Board receives a progress report on Monterey Peninsula College's efforts to address the Accrediting Commission of Community and Junior Colleges' (ACCJC's) findings regarding the College's application for reaffirmation of accreditation.

**Background:**

On February 6, 2017, Monterey Peninsula College received an Action Letter and External Evaluation Report from the ACCJC, elucidating their findings regarding the College's application for reaffirmation of accreditation.

On September 27, 2017, Dr. Tribley will provide to the Board of Trustees his monthly progress report on Monterey Peninsula College's efforts to address the ACCJC's recommendations.

**Budgetary Implications:**

None.

**INFORMATION:** Accreditation Recommendations – Progress Report

**Recommended By:** Dr. Walter Tribley, Superintendent/President

**Prepared By:** Shawn Anderson  
Shawn Anderson, Executive Assistant to Superintendent/President and Governing Board

**Agenda Approval:** Walt A. Tribley  
Dr. Walter Tribley, Superintendent/President

## Recommendations to Meet the Standard

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1	<p>In order to meet the Standards, the team recommends that the College completes the implementation of <b>TracDat</b> and begins to assess learning outcomes for all <b>instructional programs and student and learning support services</b> as well as <b>disaggregating and analyzing</b> learning outcomes and achievement data for subpopulations of students, and when the institution identifies performance gaps, implement strategies to mitigate those gaps and evaluate the efficacy of those strategies. (Standards I.B.2, II.A.11, ER 11)</p>	<ul style="list-style-type: none"> <li>● PRIE</li> <li>● LAC</li> </ul>	<ul style="list-style-type: none"> <li>● TracDat was implemented for Course Reflections effective January 2017.</li> <li>● TracDat planning for Service Area Outcomes (SAO) assessment is in progress in spring 2017.</li> <li>● Mechanisms for completing program of study-level outcomes (PLO) assessment in TracDat (including SLO-PLO mapping) is in progress in spring 2017.</li> <li>● The PRIE committee has established initial tasks related to disaggregation of learning outcomes, identification of performance gaps, and evaluation of strategies to address gaps. Work groups for the tasks are being formed during the week of 4/17/17.</li> <li>● SAO template created for Administrative offices. Student Services has begun inputting</li> <li>● End of Summer 2017, President’s office, Human Resources, IT and Office of Academic Affairs will have SAOs complete</li> <li>● Program of Study Assessments will be done during Fall Flex “Program Reflections” for an hour and half.</li> <li>● Program Review templates for Academic Affairs, Student Services, and Administrative services have been created in the TracDat/IPA interface using existing Program Review forms as a model. Adjustments to the templates to take advantage of TracDat/IPA’s data display capabilities are in progress as of June 2017. This action also supports recommendation 4, below, as it will help create a link between student achievement/learning data and planning through the Program Review process.</li> <li>● The PRIE Committee has identified subpopulations of students relevant to the College mission that can be used to disaggregate student achievement and learning data. The subpopulations can be viewed through the broad lenses of</li> </ul>
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			<p>students' self-identified educational goals, student demographics (including categories related to the Student Equity Plan), and course attributes (e.g., instructional modality, campus location, time, etc.)</p> <ul style="list-style-type: none"> <li>● The PRIE Committee has developed a working definition of "performance gap" and a strategy for mitigating gaps when they are discovered. The PRIE Committee's general instrument for evaluating the effectiveness of its processes can be used to evaluate the effectiveness of these strategies as needed.</li> <li>● The instructional tri-chair from the PRIE Committee has launched a project to test the feasibility of using Canvas and TracDat together in order to collect and disaggregate student learning data.</li> <li>● A tool for visualizing outcomes assessment progress has been set up and is being beta-tested by the TracDat team with a goal of campus-wide roll-out by mid-September.</li> <li>● <b>The Office of PRIE released a Course Assessment Dashboard, which allows quick visualization of course outcomes assessment progress without logging into TracDat. The Dashboard allows tracking of progress by the institution as a whole, by division, or by discipline. It also allows users to quickly drill down to find the names of individual courses that still need to be assessed. The dashboard has been shared with Division Chairs, and is currently available from the PRIE Intranet site.</b></li> <li>● <b>LAC members led all but two divisions through and centered around PLOs (i.e., student learning outcomes for degree and certificate programs) at Fall flex. As a result of the activity, LAC has identified over 40 degree &amp; certificate programs that appear ready for the initial cycle of PLO assessment.</b></li> </ul>
2	In order to meet the Standards, the team recommends the College	● PRIE	● The Planning Research and Institutional Effectiveness (PRIE) committee has



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	develop a <b>process and calendar to assess College's progress and planning processes</b> in a timely manner. (Standards I.B.2, I.B.7, II.A.1, II.A.3, IV.A.6, ER 9, ER 11)		<p>been formed and is meeting.</p> <ul style="list-style-type: none"> <li>● The PRIE committee has established initial tasks related to developing a process &amp; calendar for assessing the college's progress and processes. Work groups for the tasks are being formed during the week of 4/17/17.</li> <li>● PRIE has developed a format for a planning and evaluation calendar that shows when major institutional plans and processes will be evaluated over the next 10 years. The calendar includes evaluation of progress towards goals, as well as scheduled evaluations of the effectiveness of processes.</li> <li>● A PRIE workgroup has developed a first draft of guidelines that can be used to evaluate progress towards goals and effectiveness of processes. The first draft is on the agenda for discussion at the June PRIE Committee meeting (6/19/17). The PRIE Committee will test the guidelines using the recently finished Technology Plan as a pilot for an evaluation of progress toward stated goals and effectiveness of an institutional process.</li> <li>● Interim Dean of PRIE has been hired and joins MPC on July 1, 2017.</li> </ul>
3	In order to meet the Standards, the team recommends the College <b>attain the sustainability level per the ACCJC rubric for Student Learning Outcomes (SLO) assessment by raising the percentage of courses for which SLOs have been evaluated and increasing the percentage of programs that have had PLOs assessed.</b> To do so, the team recommends that the College complete the implementation of their planning and outcomes assessment software as identified by their QFE1 and begin to assess learning outcomes for all instructional programs and student and learning support services as well as disaggregating and analyzing learning outcomes and achievement data for subpopulation of students. (Standards I.B.2, I.B.6, I.C.1, I.C.3, II.A.3, II.A.11, ER 11)	<p>Academic Senate</p> <p>LAC</p> <p>Curriculum Advisory Committee</p>	<ul style="list-style-type: none"> <li>● According to the LAC plan approved by Academic Senate, AAAG and CAC, all courses will be assessed by July 1, 2017 or be archived in CurricUNET. Only assessed courses will be included in the 2018-19 College Catalog.</li> <li>● Timelines for cycles of assessment have been established by LAC and endorsed by Academic Senate, AAAG, and CAC.</li> <li>● All instructional divisions have established course assessment plans for at least one program of study.</li> <li>● TracDat is in use for Course Reflections effective January 2017.</li> <li>● LAC has conducted TracDat training during Spring 2017 Flex, as well as at Division meetings in Social Sciences, Creative Arts, Physical Science, Physical Education, and Humanities. Thirteen (13) out of Sixteen (16) faculty in the initial training reported a positive change in their attitude towards</li> </ul>

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			<p>Reflections/assessment.</p> <ul style="list-style-type: none"> <li>● As of March 2017, all divisions have completed at least one course assessment in TracDat. Anatomy and Astronomy have assessed 100% of their courses. 20 disciplines have assessed 75% of their courses.</li> <li>● Assessments for 75 courses taught in Fall 2016 have been completed, and 9 formative assessments have been completed for courses being taught in the Spring 2017 semester.</li> <li>● Academic Senate is helping to facilitate assessments (March 16, 2017).</li> <li>● At the February 15, 2017 meeting of AAAG, it adopted the following guideline: <i>“If a course has not been offered in the last two years, and if it is not being scheduled and offered within the next academic year, it should be archived in CurricUNET and deleted in the Chancellor’s Office.”</i></li> <li>● Progress is being made in course SLO assessment: <ul style="list-style-type: none"> <li>● In March 2014, 181 out of 830 courses were reported as assessed (21.8%).</li> <li>● In October 2016, 664 out of 1417 courses were reported as assessed (46.9%).</li> <li>● In March 2017, 724 out of 1378 courses are reported as assessed (52.5%)</li> <li>● In April 2017, 707 out of 1223 courses are reported as assessed (57.8%)</li> <li>● In May 2017, 745 out of 1194 courses are reported as assessed (62.4%)</li> <li>● In June 2017, 760 out of 1159 courses are reported assessed. (65.62%).</li> </ul> <p>The goal is to have 100% of our courses assessed by December 2017, and to also make progress on the assessment at the program level (PLO assessment).</p> <ul style="list-style-type: none"> <li>● In July 2017, 772 out of 1157 courses are reported assessed (66.7%).</li> <li>● In Aug 2017, 814 out of 1156 courses are reported assessed (70.4%).</li> <li>● <b>In Sept 2017, 868 out of 1156 course are reported assessed (75.1%).</b></li> </ul> </li> </ul>
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			<p>The goal is to have 100% of our courses assessed by December 2017, and to also make progress on the assessment at the program level assessment.</p> <p><b>Courses that have not been assessed will not be scheduled effective fall 2018. The schedule development process for fall 2018 has just begun.</b></p>
4	<p>In order to meet the Standards, MPC needs to <b>engage in continuous, broad-based, systematic evaluation, and planning. The institution needs to integrate program review, planning, and resource prioritization and allocation</b> into a comprehensive process that leads to accomplishment of its mission and improvement of institutional effectiveness and academic quality. Institutional planning needs to be linked to short-range and long-range needs based on assessment of student learning and student achievement data. (Standards I.B.2, I.B.4, I.B.7, I.B.9, I.C.3, II.A.1, II.A.3, III.D.2, IV.A.6, IV.B.3, ER 11, ER19)</p>	PRIE	<ul style="list-style-type: none"> <li>● The Planning Research and Institutional Effectiveness (PRIE) committee has been formed and is meeting.</li> <li>● PRIE has identified initial tasks related to the development of a broad-based system of integrated planning, resource prioritization, and resource allocation. Work groups are being formed during the week of 4/17/17.</li> <li>● Discussions of how to time activities related to program review and resource prioritization in order to integrate needs &amp; data emerging from the plans into resource allocation with budget development activities are underway as of the 4/17/17 PRIE committee meeting.</li> <li>● Nine (9) PRIE committee members attended an IEPI Integrated Planning workshop on 4/19/17.</li> <li>● PRIE has drafted a process for prioritizing resource requests that emerge from program review and analysis of student learning &amp; achievement data. The prioritization process is intended to link resource requests to the resource allocation and budget development processes. PRIE is actively soliciting feedback on the process from College committees and governance groups, with the goal of having the new process ready for fall.</li> <li>● The Executive Committee approved a PRT Team, a resource team to assist PRIE in Fall 2017 with IEPI.</li> <li>● The Interim Dean of PRIE has been hired effective July 1, 2017.</li> <li>● PRIE has gathered substantive feedback from campus committees on its proposed process for prioritizing resource requests. Final adjustments to the process will be discussed at the June PRIE Committee meeting (6/19/17), with</li> </ul>

Dr. Walter Tribley

Board of Trustees Meeting

September 27, 2017

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			<p>the goal of recommending the process to the S/P for implementation in the fall 2017.</p> <ul style="list-style-type: none"> <li>● First draft of the prioritization and allocation process has been written.</li> <li>● Structure for Program Review has been developed.</li> <li>● Drafts of a timeline and narrative to accompany the Resource Prioritization and Allocation diagram have been developed and are in discussion at the PRIE Committee.</li> <li>● A workgroup from the PRIE Committee has met to discuss improvements to Program Review practices, with a goal of developing a program review process that allows greater interaction with program-level student achievement data. Improvements are in progress as of 8/9/2017, with a goal of having a first draft of the instructional program review template on the agenda at the 8/21/17 PRIE Committee meeting.</li> </ul>
5	In order to meet the Standard, the team recommends the College develop a process to ensure <b>student complaints</b> can be logged, resolved, reviewed, and analyzed for improvement. (Standard I.C.8)	Student Services Council	<ul style="list-style-type: none"> <li>● The MPC Administrative Procedures (AP) are being reviewed to replace existing language in the current catalog defining complaints vs grievances</li> <li>● A full student complaint log was developed prior to the on-site visit and was provided to the on-site team. Will continue to review process for improvement.</li> <li>● Student Services has a team lead by Dr. Kim McGinnis (Larry Walker, Nicole Dunne, Lyndon Schutzler). The team reviewed responses from other colleges, created a new template with a column for improvements, and is adding additional categories of student complaints to the log.</li> <li>● Reviewing all academic council petitions over the last five years. Pulling out petitions on residency and dismissal to look for trends and patterns. This task to be completed by April 30, 2017.</li> <li>● Moving forward, will revise the college catalog to remove the complaint section in catalog. The current Grievance Procedure will be the process to log</li> </ul>

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			and address student complaints. <ul style="list-style-type: none"> <li>● Added an additional column, Analysis and Improvement, to the existing log that tracks the result of evaluations of our complaint processes and indicates what revisions/modifications/improvements we are making to the process.</li> <li>● Student Discipline procedures, Student Rights and Grievances, and Complaints sections of the catalog have been revised</li> <li>● Student readmission information for the past six years (2010-2016) has been obtained from IT. The information shows the following:                             <ul style="list-style-type: none"> <li>○ 1918 student petitions for readmission</li> <li>○ 1899 “approved” petitions</li> <li>○ 13 “denied” petitions</li> <li>○ 1 no action</li> <li>○ 5 pending additional student information</li> </ul> </li> <li>● Academic Council petitions reviewed for past six years (2010-2016) and analyzed for improvement. A narrative is being formulated to address what changes have been instituted that resulted in a decrease in the number of residency related petition to the academic council.</li> <li>● Student Services will have a meeting analyze the data with the goal of completing this Recommendation by the end of June 2017.</li> <li>● The College Catalog has been updated to include this information.</li> </ul> <p style="text-align: center;"><b>RECOMMENDATION HAS BEEN MET</b></p>
8	In order to meet the Standards, the team recommends the College conduct <b>regularly scheduled library surveys</b> of all students and faculty, regardless of location, in order to gauge user satisfaction, knowledge of services, behavior and experience, and to use the results as the basis for improvement. (Standards II.B.1, II.B.3)	Office of Institutional Research  Library	<ul style="list-style-type: none"> <li>● Library faculty/staff have developed a survey instrument with assistance from the Director of Institutional Research, with a plan to administer the survey to students and faculty at the Monterey, Marina, Seaside, and online locations prior to the end of the spring 2017 semester.</li> <li>● A link to the Library survey was emailed to all students on 4/18/17, and will be</li> </ul>

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		Division	<p>emailed to MPC faculty and staff between 4/19/17 and 4/21/17.</p> <ul style="list-style-type: none"> <li>● The survey closed on 5/7/17. The Office of Institutional Research has delivered the raw results to the Library Division, where the initial review of emerging themes has begun. Goal to complete this Recommendation by Fall Flex 2017.</li> <li>● Library personnel have completed an initial review of the survey data and have identified several general areas where improvements can be made. A written report of the results and initial recommendations for improvements is in progress as of 6/16/17.</li> <li>● The Spring 2017 Library Survey identified areas for improvement in Library programs and services, which are reflected in the Library's 2017-2018 goals. The Library will continue to conduct a similar survey on an annual basis to gather feedback on programs and services to guide planning for continuous improvement.</li> <li>● Library faculty, staff, and administrators met to conduct Program Reflections on 8/26/17. Results of the Spring 2017 Library Survey were used to guide the conversation about 2016-2017 accomplishments to set goals for 2017-2018.</li> <li>● As a result of discussions in spring 2017, the Library hours have been expanded by 2 hours each day. The Library will now close at 9 pm Monday-Thursday, and at 4 pm on Fridays.</li> </ul> <p style="text-align: center;"><b>RECOMMENDATION HAS BEEN MET</b></p>
9	In order to meet the Standards, the team recommends the College <b>improve its evaluation process of student support and learning services</b> to include discussion of services offered at <b>all centers and for distance education</b> based on robust Service Area Outcomes and SLO assessments that lead to quality improvement of student	Student Services Council	<ul style="list-style-type: none"> <li>● Full review of student services at the Centers and for distance education is in process.</li> <li>● A team lead by LaKisha Bradley (Larry Walker, Grace Anongchanya, Alethea DeSoto, Nicole Dunne) met to define the available services at outreach centers and online.</li> </ul>



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	<p>support programs and services in support of the college's mission. (Standards II.C.1, II.C.2)</p>		<ul style="list-style-type: none"> <li>● Counseling through online "Cranium Café" is being provided. Counselors are going through training to serve students through this means at all physical sites and online.</li> <li>● Research Office will develop a survey for all four campuses to cover students' awareness and usage of student services, their satisfaction with service levels, and their needs for additional services. Survey will be conducted during the early/middle of the fall 2017 term.</li> <li>● Service Area planning and assessment will be included in TracDat. Team will be working to update the Student Services Program Review Calendar and develop a cycle for program level outcome assessments.</li> <li>● Data in SARS Track was reviewed to identify traffic levels and requests for counseling support at the Marina Center. Discussions are in progress to identify increased counseling support at the Marina Center to accommodate these traffic hours, an expected increase in student traffic as a result of the implementation of the ACE (Dual Admissions with CSUMB) program, and increased general education course scheduling for Fall 2017. The college will double the number of counseling hours in Marina in Fall 2017 compared to Fall 2016.</li> <li>● All Student Services Meeting occurred on May 5th. Program Review was discussed. Areas covered included: program review calendar, assessment cycle, and program review template and components; transition from Program Reflections to TracDat; review and identification of current SAOs/SLOs; also the need to include evaluation of service delivery to four MPC campuses (Monterey, Marina, PSTC, Online).</li> <li>● Student Services has identified a division wide SAO: We will provide RICH services, regardless of location or means of delivery, and students will be informed, engaged, and connected with the campus community. Programs</li> </ul>
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			<p>will add additional SAOs as needed.</p> <ul style="list-style-type: none"> <li>● Student Services developed an updated Program Review Timeline and an SAO schedule/timeline for all Student Services Programs.</li> <li>● Student Services representatives are on the PRIE committee that is updating and reviewing the Program Review processes and template at MPC to ensure that it reflects the evaluation of services based on SAOs and consideration of support at all MPC campuses.</li> <li>● Survey for student services has been developed and will be administered in early/mid Fall.</li> <li>● A series of focus group meetings were conducted to collect data about student experiences in order to better support students.</li> <li>● Dean of Student Services has been hired effective July 2017 and will be located at the Marina Center.</li> <li>● <b>Survey was launched on September 11. Emails were sent to students inviting them to provide feedback on student services at the Monterey, Marina, PSTC, and online campuses. There are also additional questions regarding food service and transportation for Marina campus respondents.</b></li> </ul>
13	In order to meet the Standards, the team recommends the College create a <b>Human Resources staffing plan</b> to ensure that staffing levels and assignments for faculty, staff, and administrators are sufficient and appropriately distributed to support the institution's mission and purpose and are interwoven into a larger integrated planning process of the college. (Standards III.A.9, III.A.10, ER 8)	HR  Cabinet	<ul style="list-style-type: none"> <li>● Cabinet members presented a high level staffing plan to the college in August 2016.</li> <li>● Collaborative Brain Trust Consulting Firm has been identified to prepare the HR Staffing Plan. The contract will be presented to the Board of Trustees June 2017 meeting for approval.</li> <li>● CBT contract was approved and initial data gathering has begun.</li> <li>● <b>August 2017, data submitted to CBT.</b></li> </ul>
14	In order to meet the Standards, the team recommends the College <b>regularly and consistently conduct employee evaluations</b> for all employee groups.	HR  Cabinet	<ul style="list-style-type: none"> <li>● Full-time and part-time faculty, and classified staff evaluations are being regularly and consistently conducted.</li> <li>● Administrative and Executive evaluations are being tracked and will be</li> </ul>



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	<p>The team further recommends that faculty, academic administrators, and others directly responsible for student learning have, <b>as a component of their evaluation, consideration of how these employees use the results of learning outcomes assessment to improve teaching and learning.</b> (Standards III.A.5, III.A.6)</p>	<p>Negotiations</p>	<p>completed more regularly and consistently in spring 2017 and on.</p> <ul style="list-style-type: none"> <li>● HR is compiling data on outstanding evaluations.               <ul style="list-style-type: none"> <li>● Full-time faculty evaluations for 2016 have been completed.</li> <li>● Some adjunct faculty, classified, and MSC evaluations are still to be completed.</li> <li>● We are striving for 100% completion by June 2017.</li> </ul> </li> <li>● Second part of the recommendation is in negotiations at this time.</li> <li>● The District has proposed changes to contract language to MPCTA to include assessment in the self-evaluation.               <ul style="list-style-type: none"> <li>● The District and CSEA have negotiated and agreed on tentative language</li> <li>● The MSC evaluation process now includes the appropriate language.</li> </ul> </li> <li>● Evaluations of Administrators, Division Chairs, Faculty and Staff are being completed and forwarded to HR to meet the June 30, 2017 goal.</li> <li>● Evaluations completed: Adjunct Evaluations Fall 2016 -73%; Classified 2016-92%; Managers and Administrators 2017-78%; Confidential 2017-80%</li> <li>● Tenured-Track completed – 100%, tenured evaluations will be completed at the end of August.</li> <li>● Spring 2017 Evaluations               <ul style="list-style-type: none"> <li>● 68% Adjunct evaluations completed. Due to HR the 6<sup>th</sup> week of the following semester (end of September 2017).</li> </ul> </li> <li>● 2016 – 2017 Evaluations               <ul style="list-style-type: none"> <li>● 100% Tenured-track faculty completed</li> <li>● 92% Classified completed</li> <li>● 85% Tenured Faculty completed</li> <li>● 78% Administrators and Managers completed</li> <li>● 80% Confidentials completed</li> </ul> </li> </ul>
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			<ul style="list-style-type: none"> <li>● Adjunct Evaluations                             <ul style="list-style-type: none"> <li>● Fall 2017 - 95% Adjunct evaluations completed.</li> <li>● Spring 2017 - 77% Adjunct evaluations completed. Due to HR the 6<sup>th</sup> week of the following semester (end of September 2017).</li> <li>● Overall, 2016-17 Adjunct Evaluations 87% completed.</li> </ul> </li> <li>● 2016 – 2017 Tenured and Staff Evaluations                             <ul style="list-style-type: none"> <li>● 100% Tenured-track faculty completed</li> <li>● 92% Classified completed</li> <li>● 95% Tenured Faculty completed</li> <li>● 88% Administrators and Managers completed</li> <li>● 80% Confidentials completed</li> </ul> </li> </ul>
15	In order to meet the Standard, the team recommends the College establish a review <b>schedule of policy and procedures relevant to Human Resources</b> . (Standards III.A.11, III.A.12, III.A.13)	HR Cabinet	<ul style="list-style-type: none"> <li>● On August 14, 2017, President’s Cabinet reviewed:                             <ul style="list-style-type: none"> <li>● 14 Board Policies in Chapter 7 Human Resources</li> <li>● 2 related Administrative Procedures to BP in Chapter 7 Human Resources</li> <li>● 5 Board Policies in Chapter 3 General Institution</li> <li>● 3 related Administrative Procedures to BP in Chapter 3 General Institution</li> </ul> </li> <li>● On Sept. 12, 2017, President’s Advisory Group reviewed; Sept. 13, 2017 EEOC Reviewed and will go to Sept. 27, 2017 Board Meeting:                             <ul style="list-style-type: none"> <li>● 14 Board Policies in Chapter 7 Human Resources</li> <li>● 2 related Administrative Procedures to BP in Chapter 7 Human Resources</li> <li>● 5 Board Policies in Chapter 3 General Institution</li> <li>● 3 related Administrative Procedures to BP in Chapter 3 General</li> </ul> </li> </ul>

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			<b>Institution</b>
16	In order to meet the Standards, the team recommends the college immediately address <b>network vulnerabilities</b> starting with implementing a firewall solution in order for the College to ensure its technology infrastructure are appropriate and adequate to support the institution's management and operational functions. (Standards III.C.1, III.C.3)	Information Services Dept.	<ul style="list-style-type: none"> <li>● Information Services Dept. has completed key changes to improve the security of the District's technology.</li> <li>● Information Services Dept. has identified the need to upgrade key components of the District's networking infrastructure.</li> <li>● Additional hardware and software has been procured and is in the process of being installed.</li> <li>● Additional hardware and software have been procured and will be installed prior to the end of March 2017.</li> </ul> <p style="text-align: center;"><b>RECOMMENDATION HAS BEEN MET</b></p>
17	In order to meet the Standards, the team recommends the college complete and roll out the Information <b>Technology Disaster Preparedness/Recovery Plan</b> in order to recover data and system functionality for the College to operate in the event of a disaster. (Standards III.C.1, III.C.2)	Information Services Dept.	<ul style="list-style-type: none"> <li>● The Information Technology Disaster Preparedness/Recovery DRAFT Plan has been completed.</li> <li>● The Technology Committee began review of the plan February 10, 2017 and recommended approval to the President. The plan is being reviewed at the Governing Board on March 22, 2017.</li> </ul> <p style="text-align: center;"><b>RECOMMENDATION HAS BEEN MET</b></p>
18	In order to meet the Standards, the team recommends the College complete the <b>revisions and implementation of all board policies</b> . The Board should fully implement the newly adopted board policies review cycle. The College should ensure that all existing, new, and revised Board policies and administrative regulations are easily accessible through the College's website and other methods it deems appropriate for the College community and the public. (Standards III.C.5, IV.C.6, IV.C.7)	President Board of Trustees	<ul style="list-style-type: none"> <li>● 30 Administrative Board Policies were reviewed and approved by the Board of Trustees in 2016.</li> <li>● 28 Student Services policies were approved in PAG in January and are ready for Board Sub-committee review.</li> <li>● 9 Academic Affairs Board policies have been approved.                             <ul style="list-style-type: none"> <li>● 3 are being forwarded to the Board Sub-Committee for review; and 6 have been forwarded to the Academic Senate for review. Last 3 are being reviewed in AAAG and Academic Senate on April 19 and April 20.</li> </ul> </li> <li>● 31 Board Policies were reviewed by the Board Subcommittee (March 13, 2017). 30 of these are included for a first reading on the March 22, 2017</li> </ul>

## Recommendations to Meet the Standard

#	Recommendation Text	Lead Responsibility	Progress (Black font = Goal or Direction) (Green font = Completed by Aug. 2017) (Blue font = Completed by Sept. 2017) (Red Font = RECOMMENDATION HAS BEEN MET)
			<p>Board Agenda.</p> <ul style="list-style-type: none"> <li>● At the April 26, 2017 Board of Trustees meeting                             <ul style="list-style-type: none"> <li>● 30 Board Policies were adopted.</li> <li>● 11 Board Policies were brought to the Board for a First Reading</li> </ul> </li> <li>● At the May 31, 2017 Board of Trustees meeting                             <ul style="list-style-type: none"> <li>● 11 Board Policies were adopted</li> <li>● 11 Board Policies are being brought to the Board for a First Reading</li> </ul> </li> <li>● At the June 21, 2017 Special Board of Trustees meeting                             <ul style="list-style-type: none"> <li>● 11 Board Policies are being recommended to the Board for adoption</li> <li>● 20 Board Policies are being brought to the Board for a first reading</li> </ul> </li> <li>● At the June 29, 2017 Board of Trustees meeting                             <ul style="list-style-type: none"> <li>● 30 Board Policies were adopted</li> <li>● 11 old Board Policies were rescinded</li> </ul> </li> <li>● At the July 26, 2017 Board of Trustees meeting                             <ul style="list-style-type: none"> <li>● 3 Board Policies are being recommended to the Board for adoption</li> </ul> </li> <li>● <b>At the Sept. 19, 2017 Board Policy Subcommittee meeting:</b> <ul style="list-style-type: none"> <li>● <b>18 Board Policies in Human Resources and General Institution were reviewed.</b> <ul style="list-style-type: none"> <li>● <b>5 related Administrative Procedures were reviewed.</b></li> </ul> </li> </ul> </li> <li>● <b>At the Sept. 27, 2017 Board of Trustees meeting:</b> <ul style="list-style-type: none"> <li>● <b>18 Board Policies are being brought to the Board for a first reading.</b></li> <li>● <b>5 related Administrative Procedures are being brought to the Board for information.</b></li> </ul> </li> </ul>
19	In order to meet the Standards, the team recommends the College	President	<ul style="list-style-type: none"> <li>● Measures to improve efficiency have been implemented such as EMS and</li> </ul>

## Recommendations to Meet the Standard

#	Recommendation Text	Lead Responsibility	Progress (Black font = Goal or Direction) (Green font = Completed by Aug. 2017) (Blue font = Completed by Sept. 2017) (Red Font = RECOMMENDATION HAS BEEN MET)
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	<p><b>discontinue deficit spending by adopting budgets that match ongoing revenue and expenditures in the unrestricted general fund</b> without the need to make significant draws against unrestricted fund balance, one-time resources, or transfers from other funds. (Standards III.D.1, III.D.11, ER 18)</p>	<p>CBO Board</p>	<p>changes to scheduling practices.</p> <ul style="list-style-type: none"> <li>● Faculty prioritization process has been improved and hiring is taking place in productive and efficient disciplines.</li> <li>● Position control and review is being implemented.</li> <li>● Short term classes were added to the second half of spring 2017 to increase FTES, while focusing on high productivity.</li> <li>● Marketing has been ramped up for second half of spring and summer enrollments.</li> <li>● Measures to increase enrollment are in process.                             <ul style="list-style-type: none"> <li>● Admission by Co-Enrollment (ACE) with CSUMB was approved by the MPC Board in March.</li> <li>● Dual Enrollment with MPUSD will go to MPC Board for its second reading on April 26, 2017.</li> <li>● Dual Enrollment with PGUSD will go to MPC Board for its first reading on April 26, 2017.</li> <li>● Scheduling in Marina is being expanded. 50% more FTES is being planned for Marina in summer 2017 and 100% more FTES is being planned for fall 2017.</li> </ul> </li> <li>● Measures to increase enrollment are progressing:                             <ul style="list-style-type: none"> <li>● Enrollments with Admission by Co-Enrollment (ACE) with CSUMB: 64 total; 24 Marine Science, 17 Business, 13 undeclared</li> <li>● Dual Enrollments with MPUSD: 120 Marina, 115 Monterey, 20 Seaside High Schools</li> <li>● Dual Enrollment with PGUSD will go to MPC Board for its second reading on May 31, 2017. Enrollments expect for Pacific Grove High School is 24.</li> </ul> </li> </ul>
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## Recommendations to Meet the Standard

#	Recommendation Text	Lead Responsibility	Progress (Black font = Goal or Direction) (Green font = Completed by Aug. 2017) (Blue font = Completed by Sept. 2017) (Red Font = RECOMMENDATION HAS BEEN MET)
			<ul style="list-style-type: none"> <li>● Measures to increase enrollment June through beginning of August 2017 when schools return for the 2017-2018 Academic Year.</li> <li>● Enrollments with Admission by Co-Enrollment (ACE) with CSUMB: MPC working with 23 students with applications and assessments.</li> <li>● Dual Enrollments: AB288 College &amp; Career Access Pathways Partnership Agreements have been finalized with MPUSD and PGUSD</li> <li>● Dual Enrollment Coordinator has been hired in Student Services.</li> <li>● Summer borrowing strategy has been implemented.</li> <li>● Summer borrowing, late spring semester, marketing and increases to California Community Colleges have generated an approximate \$1.37 million increase to MPC's revenue.</li> <li>● Tentative budget for 2017-18 was balanced with no deficit spending or large transfers.</li> <li>● Budget approved by Board of Trustees on June 29, 2017.</li> </ul> <p style="text-align: center;"><b>RECOMMENDATION HAS BEEN MET</b></p>
20	In order to meet the Standard, the team recommends the College develop a funding plan and <b>set aside funds in each year's budget to fund the Other Post-Employment Benefits (OPEB) annual required contribution (ARC)</b> each year (Standard III.D.12)	President CBO Board	<ul style="list-style-type: none"> <li>● The latest, required OPEB actuarial has been completed as of February 7, 2017. Funds have been identified to transfer to the OPEB trust.</li> <li>● The ARC will be included in budget development for 2017-18.</li> <li>● Transfer of the 2017-17 ARC (March 22, 2017 Board meeting)</li> </ul> <p style="text-align: center;"><b>RECOMMENDATION HAS BEEN MET</b></p>
21	In order to meet the Standard, the team recommends the College <b>clarify Board, administrators, classified and faculty roles in the decision-making process</b> and routinely evaluate and monitor these roles.	Academic Senate Cabinet	<ul style="list-style-type: none"> <li>● New "Decision Making Process" (handbook) was adopted by the College in fall 2016 and is being implemented.</li> <li>● President's Advisory Group (PAG) was re-envisioned.</li> <li>● Planning, Research and Institutional Effectiveness (PRIE) committee has been</li> </ul>

## Recommendations to Meet the Standard

#	Recommendation Text	Lead Responsibility	Progress (Black font = Goal or Direction) (Green font = Completed by Aug. 2017) (Blue font = Completed by Sept. 2017) (Red Font = RECOMMENDATION HAS BEEN MET)
	These roles are not distinctly <b>differentiated at faculty level between Academic Senate and the faculty bargaining unit's role</b> in participatory governance and labor relations. (Standard IV.A.6)		<p>formed and is meeting regularly.</p> <ul style="list-style-type: none"> <li>● Roles are now clarified at meetings - committees and groups - to educate the campus.</li> <li>● Senate retreat in Fall 2016 included discussions on roles and a focus on procedures/processes.</li> <li>● ASCCC visit in Fall 2016 – open session</li> </ul> <p>Regarding Roles:</p> <ul style="list-style-type: none"> <li>● Presentation of 10+1 at all campus Flex Days clarifies roles of Senate</li> <li>● Documentation clarifying the faculty roles between the Academic Senate and the faculty bargaining unit is still pending.</li> </ul>
22	In order to meet the Standard, the team recommends that the College develop a <b>calendar to regularly evaluate its policies, procedures, and processes to assure their integrity and effectiveness</b> (Standard IV.A.7)	PRIE	<ul style="list-style-type: none"> <li>● PRIE has identified initial tasks related to the development of a calendar/timeline for evaluation of policies, procedures, and processes. Work groups are being formed during the week of 4/17/17.</li> <li>● PRIE has developed a format for a planning and evaluation calendar that shows when major institutional plans and processes will be evaluated over the next 10 years. The calendar currently includes evaluation of scheduled evaluations of the effectiveness of processes.</li> <li>● A PRIE workgroup has developed a first draft of guidelines that can be used to evaluate the effectiveness of processes and procedures. The guidelines are intended to accompany the evaluation calendar, and the draft is on the agenda for discussion at the June PRIE Committee meeting (6/19/17). The PRIE Committee will test the guidelines using the recently finished Technology Plan as a pilot for an evaluation of <b>process effectiveness</b>.</li> </ul>



## Recommendations to Improve Quality

#	Recommendation Text	Lead Responsibility	Progress (Black font = Goal or Direction) (Green font = Completed by Aug. 2017) (Blue font = Completed by Sept. 2017) (Red Font = RECOMMENDATION HAS BEEN MET)
6	In order to improve, the team recommends that the College develop more <b>intentional cycles of course assessment, strengthen the link between course and program assessment cycles, and reach greater levels of participation</b> in student learning outcomes assessment from all faculty. (Standard II.A.3)	LAC	<ul style="list-style-type: none"> <li>● The LAC is working on the program-level assessment module in TracDat in spring 2017.</li> <li>● Cycles of course assessment have been developed by the LAC, and approved by the Academic Senate, AAAG, and CAC.</li> <li>● The LAC provided TracDat training on course-level assessment to a large group of faculty in Spring Flex 2017.</li> <li>● Divisions invited the LAC in spring 2017 to conduct course-level assessment TracDat training.</li> <li>● The LAC has made presentations at AAAG and at the Academic Senate to improve understanding and increase participation.</li> <li>● The LAC is working with Divisions on how to assess courses that have multiple sections.</li> <li>● LAC is working with Divisions to map SLOs from the course-level to the program-level.</li> <li>● The LAC provided workshops and support during Flex in August 2017 for faculty to complete course level SLO assessment.</li> <li>● LAC members led all but two divisions through and centered around PLOs (i.e., student learning outcomes for degree and certificate programs) at Fall flex. As a result of the activity, LAC has identified over 40 degree &amp; certificate programs that appear ready for the initial cycle of PLO assessment.</li> </ul>
7	In order to improve, the team recommends that the College <b>use enrollment data to inform scheduling decisions and implement an</b>	VPAA	<ul style="list-style-type: none"> <li>● EMS training was provided to Division Chairs and DOMS in December 2016.</li> <li>● EMS has been implemented and has been in use since January 2017.</li> </ul>



## Recommendations to Improve Quality

#	Recommendation Text	Lead Responsibility	Progress (Black font = Goal or Direction) (Green font = Completed by Aug. 2017) (Blue font = Completed by Sept. 2017) (Red Font = RECOMMENDATION HAS BEEN MET)
	<b>enrollment management system to facilitate data usage.</b> (Standards II.A.6; II.A.10)		<ul style="list-style-type: none"> <li>● EMS has been used to plan and finalize summer and fall 2017 schedules.</li> <li>● Data in EMS is being used by Division Chairs, Deans and the Office of Academic Affairs to make scheduling decisions for Summer 2017, Fall 2017 and Spring 2018 based on productivity, growth areas (Dual Admission, Dual Enrollment) and budget.</li> </ul> <p><b>RECOMMENDATION HAS BEEN MET.</b></p>
10	In order to improve, the team recommends that <b>all student services provided at the Marina Education Center be consistently scheduled and published.</b> (Standard II.C.3)	VPSS	<ul style="list-style-type: none"> <li>● All Student Services at the Marina Education Center have been reviewed. A consistent schedule of services has been published on the MPC website.</li> <li>● A "Student Services in Marina" web page has been added to the Marina website. The schedule for counseling, financial aid and assessment services is listed.</li> <li>● A staff member or a counselor offers to visit every class scheduled in Marina to promote services available for students.</li> <li>● A calendar of student services availability is regularly posted on the bulletin boards in each classroom and office on the Marina Center.</li> <li>● MPC Student Services Banners has been posted.</li> <li>● Dean of Student Services for Marina hired effective July 2017.</li> <li>● A Categorical Services Coordinator (bilingual) has been hired effective May 2017.</li> </ul> <p><b>RECOMMENDATION HAS BEEN MET.</b></p>
11	In order to improve, the team recommends that the College obtain	VPSS	<ul style="list-style-type: none"> <li>● MPC currently has accurate data on comprehensive and abbreviated student</li> </ul>

## Recommendations to Improve Quality

#	Recommendation Text	Lead Responsibility	Progress (Black font = Goal or Direction) (Green font = Completed by Aug. 2017) (Blue font = Completed by Sept. 2017) (Red Font = RECOMMENDATION HAS BEEN MET)
	<p><b>accurate data on students receiving comprehensive and abbreviated student education plans and review the data</b> regularly to make appropriate action plans to increase Student Success. (Standard II.C.5)</p>	Office of Institutional Research	<p>educational plans. They will continue to be collected and reviewed to inform actions taken to increase student success.</p> <ul style="list-style-type: none"> <li>● Documentation of improvements will be provided.</li> <li>● Current reporting format identifies the number of students who have been directed to receive an education plan, whether or not they have a plan on file. This report will be further reviewed to identify students who do not have a comprehensive education plan in order to connect them with a counselor.</li> <li>● Working with IT to develop a standing report.</li> <li>● IT created a report identifying students without a comprehensive educational plan so that counselors can further assist them.</li> </ul> <p><b>RECOMMENDATION HAS BEEN MET.</b></p>
12	<p>In order to improve, the team recommends that the College <b>update its administrative hiring procedures.</b> (Standard III.A.3)</p>	HR	<ul style="list-style-type: none"> <li>● Professional Personnel Leasing, Incorporated has been contracted with in June 2017 to research and revise the administrative hiring procedures.</li> <li>● Initial work has begun on the update to the Administrative hiring procedures.</li> </ul>

Monterey Peninsula Community College District

Governing Board Agenda

September 27, 2017

New Business Agenda Item No. B

Fiscal Services
College Area

Proposal:

That the Governing Board review and discuss the 2017-2018 Monthly Financial Report for the period ending, August 31, 2017.

Background:

The Board routinely reviews financial data regarding expenses and revenues to monitor District fiscal operations.

Budgetary Implications:

None.

[X] RESOLUTION: BE IT RESOLVED, that the 2017-2018 Monthly Financial Report for the period ending August 31, 2017, be accepted.

Recommended By: [Signature]
Steven L. Crow, Ed.D., Vice President of Administrative Services

Prepared By: [Signature]
Rosemary Barrios, Controller

Agenda Approval: [Signature]
Dr. Walter Tribley, Superintendent/President

**Monterey Peninsula College**  
**Fiscal Year 2017-2018**  
**Financial and Budgetary Report**  
**August 31, 2017**

Enclosed please find attached the Summary of All Funds Report for the month-ending August 31, 2017 for your review and approval.

Revenues are starting to be posted for the new fiscal year for enrollment fees, and other student fees, monthly apportionment revenue from the state, and expenditures continue for classroom purchases, utilities, and office supplies.

Operating Fund net revenue through August 31, 2017 is \$3,337,253 which is 6.4% of the operating budget for this fiscal year. Expenditures year-to-date total \$5,954,766 and Encumbrances of \$3,026,975, which is 17.1% of the operating budget, for a net difference of -\$5,644,488.

The Final Budget was approved in August 2017. The Final Budget numbers are those reflected on the Summary of All Funds Report.

The Beginning Fund balances will be adjusted as the district closes the books for the 2016-17 FY and the final audit has been completed.

### **Unrestricted General Fund**

#### **Revenue**

- August Apportionment Revenue received of \$1,386,638.
- Other local revenues received include: enrollment fees, non-resident fees, transcripts, and other local and state revenues totaling: \$136,918.

#### **Expenditures**

We are into the second month of the new fiscal year, we are still establishing open purchase orders for the new fiscal year. Expenditures are slowly starting to occur in this second month of the fiscal year.

### **Self Insurance Fund**

- Self Insurance Fund (SIF) expenses are at 16.3% of budgeted expense. At this time last fiscal year, we were at 14.1% of budgeted expense in the self-insurance fund.

### **Building Fund**

- We will be reviewing what we budgeted for expense in the building fund. The budgeted expense is at 134.3%. There were some projects projected to be

completed in the 16-17 fiscal year, that have continued into the 17-18 fiscal year, for the Marina Education Center, and Social Science building.

**Cash Balance:**

The total cash balance for all funds is \$26,494,938 including bond cash of \$9,392,098 and \$17,102,840 all other funds. Operating funds cash is \$12,460,780. Cash balance in the General Fund is at \$11,220,156 for the month-ending August 31, 2017.

# Monterey Peninsula Community College

Monthly Financial Report

August 31, 2017

## Summary of All Funds

Funds	Beginning Fund Balance	Revised Budgets 2017 - 2018		Ending Fund Balance	Year to Date Actual 2017 - 2018			% Actual to Budget		Cash Balance
	07/01/17	Revenue	Expense	6/30/2018	Revenue	Expense	Encumbrances	Rev	Expense/ Enc.	8/31/2017
General - Unrestricted	\$4,543,767	\$40,306,913	\$40,306,913	\$4,543,767	2,516,431	4,699,312	2,343,835	6.2%	17.5%	\$11,220,156
General - Restricted	0	10,456,521	10,456,521	0	769,773	1,102,753	538,048	7.4%	15.7%	0
Child Dev - Unrestricted	0	204,600	204,600	0	6,662	20,044	0	3.3%	9.8%	127,345
Child Dev - Restricted	0	429,737	429,737	0	0	21,366	73,450	0.0%	22.1%	0
Student Center	590,109	241,500	240,225	591,384	15,125	11,260	50,508	6.3%	25.7%	588,578
Parking	560,013	555,000	735,132	379,881	29,262	100,031	21,135	5.3%	16.5%	524,701
<b>Subtotal Operating Funds</b>	<b>\$5,693,889</b>	<b>\$52,194,271</b>	<b>\$52,373,128</b>	<b>\$5,515,032</b>	<b>\$3,337,253</b>	<b>\$5,954,766</b>	<b>\$3,026,975</b>	<b>6.4%</b>	<b>17.1%</b>	<b>\$12,460,780</b>
Self Insurance	2,547,905	7,786,867	7,385,138	2,949,634	32,270	1,158,572	46,181	0.4%	16.3%	941,395
Worker Comp	148,111	22,100	92,000	78,211	0	19,272	0	0.0%	20.9%	99,278
Other Post Employment Benefits	530,860	112,014	112,014	530,860	0	0	0	0.0%	0.0%	530,861
Capital Project	590,327	53,702	471,814	172,215	0	40,872	124,480	0.0%	35.0%	846,692
Building	9,537,578	120,000	115,110	9,542,468	0	154,537	0	0.0%	134.3%	9,392,098
Revenue Bond	22,534	20,900	20,900	22,534	0	0	0	0.0%	0.0%	22,679
Debt Service	200,604	1,000	0	201,604	0	0	0	0.0%	0.0%	200,604
Associated Student	211,320	80,000	80,000	211,320	17,156	4,246	0	21.4%	5.3%	262,117
Financial Aid	19,146	6,200,000	6,200,000	19,146	946,471	946,471	0	15.3%	15.3%	253,737
Scholarship & Loans	68,307	3,500,000	3,500,000	68,307	512,539	144,281	0	14.6%	4.1%	611,661
Trust Funds	348,636	2,135,000	2,135,000	348,636	220,162	178,884	0	10.3%	8.4%	844,124
Orr Estate	30,333	25,000	20,000	35,333	20	1,941	0	0.1%	9.7%	28,912
<b>Total all Funds</b>	<b>\$19,949,550</b>	<b>\$72,250,854</b>	<b>\$72,505,104</b>	<b>\$19,695,300</b>	<b>\$5,065,871</b>	<b>\$8,603,842</b>	<b>\$3,197,636</b>	<b>7.0%</b>	<b>11.9%</b>	<b>\$26,494,938</b>

# Monterey Peninsula Community College District

## Governing Board Agenda

September 27, 2017

New Business Agenda Item No. C

Fiscal Services  
College Area

### Proposal:

That the Governing Board review and accept the attached Quarterly Financial Status Report (Form CCFS 311Q) for the quarter-ending June 30, 2017.

### Background:

AB 2910, Chapter 1486, Statutes of 1986, requires that quarterly reports on the financial condition of each community college district be presented to local governing boards for review and acceptance. These reports must also be filed with the Chancellor's Office.

### Budgetary Implications:

Steps have been taken to ensure close monitoring of the District's budget. Monthly reports, updates and projections will be provided to the Governing Board.

**RESOLUTION: BE IT RESOLVED**, that the Quarterly Financial Status Report for the quarter Ending June 30, 2017, as presented on form CCFS 311Q, be accepted and made part of the minutes of this meeting.




Recommended By:

\_\_\_\_\_  
Steven L. Crow, Ed.D., Vice President for Administrative Services

Prepared By:

  
\_\_\_\_\_  
Rosemary Barrios, Controller

Agenda Approval:

  
\_\_\_\_\_  
Dr. Walter Tribley, Superintendent /President

**CALIFORNIA COMMUNITY COLLEGES  
CHANCELLOR'S OFFICE**

Quarterly Financial Status Report, CCFS-311Q  
VIEW QUARTERLY DATA

CHANGE THE PERIOD 

Fiscal Year: 2016-2017

District: (460) MONTEREY

Quarter Ended: (Q4) Jun 30, 2017

Line	Description	As of June 30 for the fiscal year specified			
		Actual 2013-14	Actual 2014-15	Actual 2015-16	Projected 2016-2017
<b>I. Unrestricted General Fund Revenue, Expenditure and Fund Balance:</b>					
A.	<b>Revenues:</b>				
A.1	Unrestricted General Fund Revenues (Objects 8100, 8600, 8800)	36,678,285	36,585,802	42,874,366	39,390,577
A.2	Other Financing Sources (Object 8900)	2,545,302	1,400,000	0	2,031,765
A.3	<b>Total Unrestricted Revenue (A.1 + A.2)</b>	39,223,587	37,985,802	42,874,366	41,422,342
B.	<b>Expenditures:</b>				
B.1	Unrestricted General Fund Expenditures (Objects 1000-6000)	37,336,399	36,330,317	39,406,539	40,923,643
B.2	Other Outgo (Objects 7100, 7200, 7300, 7400, 7500, 7600)	1,896,558	1,328,481	925,220	169,583
B.3	<b>Total Unrestricted Expenditures (B.1 + B.2)</b>	39,232,957	37,658,798	40,331,759	41,093,226
C.	<b>Revenues Over(Under) Expenditures (A.3 - B.3)</b>	-9,370	327,004	2,542,607	329,116
D.	<b>Fund Balance, Beginning</b>	3,895,079	3,885,709	4,212,713	6,755,552
D.1	Prior Year Adjustments + (-)	0	0	232	0
D.2	<b>Adjusted Fund Balance, Beginning (D + D.1)</b>	3,895,079	3,885,709	4,212,945	6,755,552
E.	<b>Fund Balance, Ending (C. + D.2)</b>	3,885,709	4,212,713	6,755,552	7,084,668
F.1	Percentage of GF Fund Balance to GF Expenditures (E. / B.3)	9.9%	11.2%	16.7%	17.2%

**II. Annualized Attendance FTES:**

G.1	Annualized FTES (excluding apprentice and non-resident)	6,659	6,501	0	6,701
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**III. Total General Fund Cash Balance (Unrestricted and Restricted)**

	Description	As of the specified quarter ended for each fiscal year			
		2013-14	2014-15	2015-16	2016-2017
H.1	Cash, excluding borrowed funds		9,294,773	9,554,462	14,023,400
H.2	Cash, borrowed funds only		0	0	0
H.3	<b>Total Cash (H.1 + H.2)</b>	3,909,908	9,294,773	9,554,462	14,023,400

**IV. Unrestricted General Fund Revenue, Expenditure and Fund Balance:**

Line	Description	Adopted Budget (Col. 1)	Annual Current Budget (Col. 2)	Year-to-Date Actuals (Col. 3)	Percentage (Col. 3/Col. 2)
<b>I. Revenues:</b>					
I.1	Unrestricted General Fund Revenues (Objects 8100, 8600, 8800)	38,205,924	39,235,710	39,390,577	100.4%
I.2	Other Financing Sources (Object 8900)	2,031,765	2,031,765	2,031,765	100%
I.3	<b>Total Unrestricted Revenue (I.1 + I.2)</b>	40,237,689	41,267,475	41,422,342	100.4%
<b>J. Expenditures:</b>					
J.1	Unrestricted General Fund Expenditures (Objects 1000-6000)	40,068,106	41,098,184	40,923,643	99.6%
J.2	Other Outgo (Objects 7100, 7200, 7300, 7400, 7500, 7600)	169,583	169,583	100,000	59%
J.3	<b>Total Unrestricted Expenditures (J.1 + J.2)</b>	40,237,689	41,267,767	41,023,643	99.4%
K.	<b>Revenues Over(Under) Expenditures (I.3 - J.3)</b>	0	-292	398,699	
L.	Adjusted Fund Balance, Beginning	6,755,552	6,755,552	6,755,552	
L.1	<b>Fund Balance, Ending (C. + L.2)</b>	6,755,552	6,755,260	7,154,251	
M.	Percentage of GF Fund Balance to GF Expenditures (L.1 / J.3)	16.8%	16.4%		

V. Has the district settled any employee contracts during this quarter?

NO

If yes, complete the following: (If multi-year settlement, provide information for all years covered.)

Contract Period Settled (Specify)	Management	Academic	Classified
	Permanent	Temporary	



YYYY-YY	Total Cost Increase	% *	Total Cost Increase	% *	Total Cost Increase	% *	Total Cost Increase	% *
<b>a. SALARIES:</b>								
Year 1:								
Year 2:								
Year 3:								
<b>b. BENEFITS:</b>								
Year 1:								
Year 2:								
Year 3:								

\* As specified in Collective Bargaining Agreement or other Employment Contract

c. Provide an explanation on how the district intends to fund the salary and benefit increases, and also identify the revenue source/object code.

VI. Did the district have significant events for the quarter (include incurrence of long-term debt, settlement of audit findings or legal suits, significant differences in budgeted revenues or expenditures, borrowing of funds (TRANS), issuance of COPs, etc.)? NO

If yes, list events and their financial ramifications. (Enter explanation below, include additional pages if needed.)

VII. Does the district have significant fiscal problems that must be addressed? This year? NO  
Next year? NO

If yes, what are the problems and what actions will be taken? (Enter explanation below, include additional pages if needed.)

**CALIFORNIA COMMUNITY COLLEGES  
CHANCELLOR'S OFFICE**

Quarterly Financial Status Report, CCFS-311Q  
CERTIFY QUARTERLY DATA

**CHANGE THE PERIOD** ▼

Fiscal Year: 2016-2017

Quarter Ended: (Q4) Jun 30, 2017

District: (460) MONTEREY

Your Quarterly Data is Certified for this quarter.

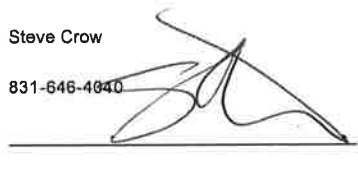
**Chief Business Officer**

**CBO Name:** Steve Crow

**CBO Phone:** 831-646-4040

**CBO Signature:**

**Date Signed:**



**Chief Executive Officer Name:** Dr. Walter Tribley

**CEO Signature:**

**Date Signed:**



**Electronic Cert Date:**

08/16/2017

**District Contact Person**

**Name:** Rosemary Barrios

**Title:** Controller

**Telephone:** 831-646-4043

**Fax:** 831-645-1315

**E-Mail:** rbarrios@mpc.edu

California Community Colleges, Chancellor's Office  
Fiscal Services Unit  
1102 Q Street, Suite 4550  
Sacramento, California 95811

Send questions to:  
Christine Atallg (916)327-5772 [catalin@ccccc.edu](mailto:catalin@ccccc.edu) or Tracy Britten (916)324-9794 [tbritten@ccccc.edu](mailto:tbritten@ccccc.edu)

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# Monterey Peninsula Community College District

## Governing Board Agenda

September 27, 2017

New Business Agenda Item No. D

Fiscal Services  
College Area

### Proposal:

That the Governing Board reviews the attached County of Monterey Investment Report for the quarter ending June 30, 2017.

### Background:


The majority of the funds are on deposit with the Monterey County Treasury pursuant to Ed Code. The County Treasurer provides a quarterly report to participating agencies detailing asset allocation and investment performance. The portfolio's net earned income yield for the period ending June 30, 2017, was 1.22%. Approximately 85% of the investment portfolio is comprised of U.S. Treasuries, Federal Agency securities and other liquid funds. The remaining 15.1% is invested in corporate debt and is rated in the higher levels of investment grade.

### Budgetary Implications:

None.

**INFORMATION:** County of Monterey Investment Report for the quarter ending June 30, 2017.

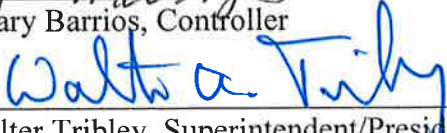
Recommended By:

  
\_\_\_\_\_  
Steven L. Crow, Ed.D., Vice President of Administrative Services

Prepared By:

  
\_\_\_\_\_  
Rosemary Barrios, Controller

Agenda Approval:

  
\_\_\_\_\_  
Dr. Walter Tribley, Superintendent/President



## Monterey County Board of Supervisors

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066

### Board Order

Upon motion of Supervisor Phillips, seconded by Supervisor Salinas and carried by those members present, the Board of Supervisors hereby:

- a. Received and accepted the Treasurer's Report of Investments for the Quarter Ending June 30, 2017;
- b. Received and approved the Treasurer's Investment Policy for FY 2017-18; and
- c. Renewed the Delegation of Investment Authority to the Treasurer-Tax Collector pursuant to California Government Code 53607.

PASSED AND ADOPTED this 25th day of July 2017, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Salinas, Parker and Adams  
NOES: None  
ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 80 for the meeting July 25, 2017.

Dated: July 28, 2017  
File ID: 17-0780

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By Denise Hancock  
Deputy



# Monterey County

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066

## Board Report

Legistar File Number: 17-0780

July 25, 2017

**Introduced:** 7/13/2017

**Current Status:** Consent Agenda

**Version:** 1

**Matter Type:** General Agenda Item

- a. Receive and Accept the Treasurer's Report of Investments for the Quarter Ending June 30, 2017;
- b. Receive and Approve the Treasurer's Investment Policy for FY 2017-18; and
- c. Renew the Delegation of Investment Authority to the Treasurer-Tax Collector pursuant to California Government Code 53607.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Receive and Accept the Treasurer's Report of Investments for the Quarter Ending June 30, 2017;
- b. Receive and Approve the Treasurer's Investment Policy for FY 2017-18; and
- c. Renew the Delegation of Investment Authority to the Treasurer-Tax Collector pursuant to California Government Code 53607.

### SUMMARY:

Government Code Section 53646 (b) (1) states the Treasurer may submit a quarterly report of investments. The attached exhibits provide a narrative portfolio review of economic and market conditions that support the investment activity during the April - June period, the investment portfolio position by investment type, a listing of historical Monterey County Treasury Pool yields versus benchmarks, and the investment portfolio by maturity range.

The Treasurer also annually reviews the Monterey County Investment Policy and has recommended updates for Board approval. These updates will provide additional clarification, revise outdated language, and more clearly define investment guidelines and categories as stated in Government Code §53601(q). In addition, annual Board delegation of investment authority to the Treasurer-Tax Collector is prescribed by Government Code sections 53646 and 53607.

### DISCUSSION:

During the April - June quarter, Treasury yields were substantially higher compared to a year ago. Short term yields rose as the Federal Open Market Committee (FOMC) raised rates to normalize policy, while longer yields moved in tandem with higher inflation expectations following the elections. The yield curve has flattened over the quarter as some of these inflation expectations moderated. The U.S. labor market continues to strengthen adding 581,000 jobs in the quarter with an average of 187,000 jobs per month over last year. The average hourly earnings, which is an important gauge of wage growth, grew 2.5% over the past 12 months. On June 30, 2017, the Monterey County investment portfolio contained an amortized book value of \$1,406,270,844.48 spread among 97 separate securities and funds. The par value of those funds was \$1,406,749,451.38, with a market value of \$1,404,654,946.58 or 99.9% of amortized book value. The portfolio's net earned income yield for the period was 1.22%. The

portfolio produced an estimated quarterly income of \$ 4,367,421.71 which will be distributed proportionally to all agencies participating in the investment pool. The investment portfolio had a weighted average maturity of 398 days. The County Treasury outperformed most of the portfolio benchmarks due to a consistent investment strategy that uses short term debt to provide liquidity while also taking advantage of higher rates in the one to three year investment range.

The investment portfolio was in compliance with all applicable provisions of state law and the adopted Investment Policy, and contains sufficient liquidity to meet all projected outflows over the next six months. Market value pricings were obtained through resources such as Bloomberg LLP, Union Bank of California and live-bid pricing of corporate securities.

OTHER AGENCY INVOLVEMENT:

A copy of this report will be distributed to all agencies participating in the County investment pool and the Treasury Oversight Committee. In addition, the report will be published on the County Treasurer's web site. A monthly report of investment transactions is provided to the Board of Supervisors as required by Government Code 53607.

FINANCING:

The investment portfolio contains sufficient liquidity to meet all projected expenditures over the next six months. We estimate that the investment earnings in the General Fund will exceed budgeted revenue.

Prepared by: Susanne King, Treasury Manager, x5490

Approved by: Mary A. Zeeb, Treasurer-Tax Collector, x5015

Attachments:

Attachment 1 Exhibit A Investment Portfolio Review 06.30.17  
Attachment 2 Exhibit B Portfolio Management Report 06.30.17  
Attachment 3 Exhibit C Mo Co Historical Yields vs. Benchmarks 06.30.17  
Attachment 4 Exhibit D Aging Summary 07.01.17  
Attachment 5 Exhibit E Mo Co Investment Policy 2016-2017 Red Line  
Attachment 6 Exhibit F Mo Co Investment Policy 2017-2018 Proposed

cc:

County Administrative Office  
County Counsel  
Auditor-Controller - Internal Audit Section  
All depositors  
Treasury Oversight Committee

## Exhibit A Investment Portfolio Review Quarter Ending June 30, 2017

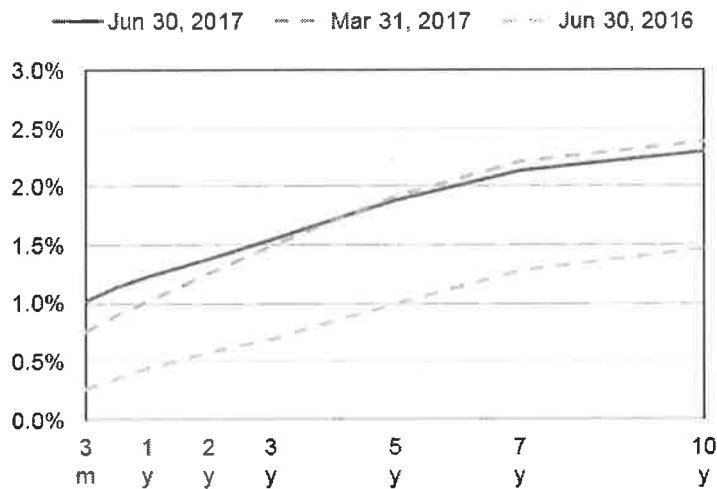
### OVERVIEW April 1, 2017 – June 30, 2017

During the April - June quarter, The Federal Open Market Committee (FOMC) raised the federal funds rate by 0.25% to a new target range of 1.0 to 1.25% at its June meeting but probabilities show only a 50% chance of another rate hike by year end. The two-year treasury yields moved modestly higher possibly due to lower expectations of future rate hikes for the remainder of 2017. Weaker economic data and low inflation kept interest rates in check. The initial market reaction to the Fed's June interest rate increase was surprisingly modest, initially moving only short-term rates higher. In recent days, longer-term yields have adjusted as well. The muted reaction is an indication of uncertainty about the pace of U.S. economic growth and future Fed policy.

### U.S. TREASURY YIELD CURVE

- Treasury yields are substantially higher compared to a year ago: short-term yields rose as the Fed raised rates to normalize policy, while longer yields moved in tandem with higher inflation expectations following the elections. The yield curve has flattened over the quarter as some of the inflation expectations moderated.

**U.S. Treasury Yield Curve**

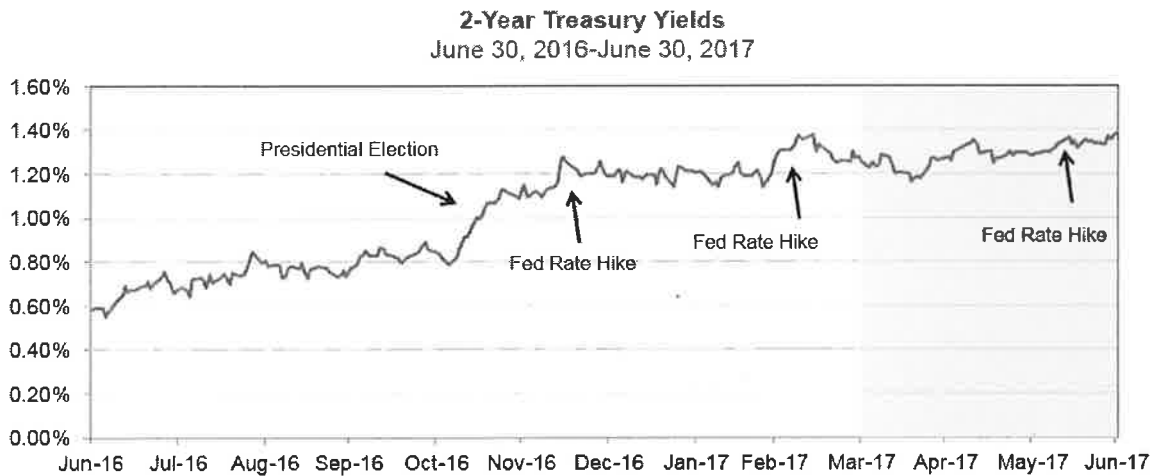


Source: Bloomberg, as of 6/30/17.

**Yield Curve History**

Maturity	6/30/16	3/31/17	6/30/17
3-Mo.	0.26	0.75	1.01
6-Mo.	0.35	0.90	1.13
1-Yr.	0.44	1.02	1.23
2-Yr.	0.58	1.26	1.38
3-Yr.	0.69	1.49	1.55
5-Yr.	1.00	1.92	1.89
7-Yr.	1.28	2.21	2.14
10-Yr.	1.47	2.39	2.31
30-Yr.	2.29	3.01	2.84

Two-year treasury yields moved modestly higher possibly due to lower expectations of future rate hikes for the remainder of 2017.



Source: Bloomberg, as of 6/30/17.

The County Treasury continues to outperform the majority of its portfolio benchmarks this quarter. Our investment strategy positions short term debt to provide liquidity and continues to take advantage of available higher yields on U.S. Treasuries, commercial paper, corporate notes and negotiable CDs as well as maintaining federal agencies with attractive rates. The following indicators reflect key aspects of the County’s investment portfolio in light of the above noted conditions:

1. **Market Access** – During the quarter, investment purchases included U.S. Treasuries, Federal Agencies, Commercial Paper, Negotiable CDs and Corporate Notes. The Treasurer continues to keep a higher level of liquid assets reflecting the need to maintain levels of available cash to ensure the ability to meet all cash flow needs.
2. **Diversification** - The Monterey County Treasurer’s portfolio consists of 97 separate fixed income investments, all of which are authorized by the State of California Government Code 53601.

The portfolio asset spread is detailed in the table below:

Portfolio Asset Composition					
Corporate Notes	Negotiable CDs	Overnight Liquid Assets	US Treasuries	Federal Agencies	Commercial Paper
15.1%	7.5%	13.0%	28.3%	32.2%	4.4%

• Total may not equal 100% due to rounding

3. **Credit Risk** – Approximately 85% of the investment portfolio is comprised of U.S. Treasuries, Federal Agency securities, Negotiable CDs and other liquid funds. All assets have an investment grade rating. U.S. Treasuries are not specifically rated, but are



considered the safest of all investments. All corporate debt (15.1%) is rated in the higher levels of investment grade and all federal agency securities have AA ratings, or are guaranteed by the U.S. Treasury. The credit quality of the County's portfolio continues to be high.

The portfolio credit composition is detailed in the table below:

Portfolio Credit Composition												
AAA	AAAm	AA+	AA	AA-	A+	A	A-	A-1+ (Short-Term)	A-1 (Short-Term)	Aaf/S1+ (CalTrust)	BBB+	Not Rated (LAIF/MMF)
1%	5%	62%	1%	9%	5%	3%	1%	1%	4%	5%	1%	2%

4. Liquidity Risk – Liquidity risk, as measured by the ability of the County's Treasury to meet withdrawal demands on invested assets, was managed during the April - June quarter. The portfolio's average weighted maturity was 398 days, and the County maintained \$175M (13%) in overnight investments to provide immediate liquidity. In addition, the County maintained \$557M (39%) in securities with maturities under a year to provide enhanced liquidity.

### **PORTFOLIO CHARACTERISTICS**

	<u>March 31, 2017</u>	<u>June 30, 2017</u>
Total Assets	\$1,348,216,995.71	\$1,406,749,451.38
Market Value	\$1,346,285,722.86	\$1,404,654,946.58
Days to Maturity	419	398
Yield	1.18%	1.22%
Estimated Earnings	\$3,869,096.96	\$4,367,421.71

## **FUTURE STRATEGY**

The Treasurer has 48% of the portfolio invested in the 1-3-year maturity range and 39% invested in maturities under one year to take advantage of the higher yields offered in those parts of the yield curve. We will continue to run the portfolio to manage safety and liquidity while maximizing the rate of return.

# Exhibit B

## Monterey County Daily Reports Portfolio Management Portfolio Details - Investments June 30, 2017

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	Moody's	S&P	YTM	Maturity Date
<b>Money Market Accts - GC 53601(k)(2)</b>												
SYS11672	11672	BlackRock			0.00	0.00	0.00	0.337			0.337	
SYS11830	11830	Federated		07/01/2016	0.00	0.00	0.00	0.101	Aaa	AAA	0.101	
SYS11578	11578	Fidelity Investments			800,000.00	800,000.00	800,000.00	0.758	Aaa	AAA	0.758	
<b>Subtotal and Average</b>			<b>5,195,604.40</b>		<b>800,000.00</b>	<b>800,000.00</b>	<b>800,000.00</b>				<b>0.758</b>	
<b>State Pool - GC 16429.1</b>												
SYS11361	11361	LAIF			31,500,000.00	31,500,000.00	31,500,000.00	0.776			0.776	
<b>Subtotal and Average</b>			<b>54,974,725.27</b>		<b>31,500,000.00</b>	<b>31,500,000.00</b>	<b>31,500,000.00</b>				<b>0.776</b>	
<b>CALTRUST/CAMP - GC 53601(p)</b>												
SYS11801	11801	CalTrust			70,000,000.00	70,000,000.00	70,000,000.00	1.142	Aaa	AAA	1.142	
SYS11802	11802	CalTrust		03/27/2017	0.00	0.00	0.00	0.774	Aaa	AAA	0.774	
SYS10379	10379	Calif. Asset Mgmt			72,500,000.00	72,500,000.00	72,500,000.00	1.071		AAA	1.071	
SYS11961	11961	Calif. Asset Mgmt			0.00	0.00	0.00	0.658		AAA	0.658	
<b>Subtotal and Average</b>			<b>145,183,516.48</b>		<b>142,500,000.00</b>	<b>142,500,000.00</b>	<b>142,500,000.00</b>				<b>1.106</b>	
<b>SWEEP ACCOUNT-MORG STNLY</b>												
SYS12041	12041	Morgan Stanley			693,451.38	693,451.38	693,451.38	0.731			0.731	
<b>Subtotal and Average</b>			<b>1,490,230.38</b>		<b>693,451.38</b>	<b>693,451.38</b>	<b>693,451.38</b>				<b>0.731</b>	
<b>Medium Term Notes - GC 53601(k)</b>												
0258M0DP1	12088	American Express Credit		06/27/2016	10,000,000.00	10,055,700.00	10,121,440.78	2.250	A2	A-	1.660	08/15/2019
037833BQ2	12066	Apple Inc Corp Notes		02/23/2016	6,000,000.00	6,011,340.00	5,999,441.32	1.700	Aa1	AA+	1.706	02/22/2019
037833AQ3	12129	Apple Inc Corp Notes		04/07/2017	10,000,000.00	10,103,612.15	10,103,612.15	2.100	Aa1	AA+	1.528	05/06/2019
06406HCZ0	12126	Bank of New York Mellon Corp		03/17/2017	10,000,000.00	10,010,188.17	10,010,188.17	2.150	A1	A	2.110	02/24/2020
084670BX5	12098	Berkshire Hathaway Finance		08/15/2016	2,415,000.00	2,402,876.70	2,414,837.39	1.150	Aa2	AA	1.156	08/15/2018
166764AE0	12049	Chevron Corp. Global		11/25/2015	8,175,000.00	8,200,015.50	8,190,593.75	1.718	Aa1	AA	1.519	06/24/2018
17275RBG6	12104	Cisco Systems Inc Corp		09/20/2016	9,000,000.00	8,901,900.00	8,992,609.25	1.400	A1		1.438	09/20/2019
172967KS9	12085	Citibank		06/09/2016	3,840,000.00	3,825,523.20	3,838,710.79	2.050	Baa1	A-	2.068	06/07/2019
191216BV1	12130	Coca-Cola Co		04/07/2017	4,431,000.00	4,417,018.79	4,417,018.79	1.375	Aa3	AA-	1.543	05/30/2019
25468PDH6	12064	The Walt Disney Copr		01/08/2016	2,710,000.00	2,712,601.60	2,708,160.76	1.650	A2	A	1.696	01/08/2019
369604BC6	12010	General Electric		01/23/2015	10,000,000.00	10,359,400.00	10,173,125.85	5.250	Aa	AA	1.150	12/06/2017
38141GVT8	12074	Goldman Sachs		04/25/2016	1,415,000.00	1,409,382.45	1,412,617.93	2.000	A3	BBB+	2.096	04/25/2019
38141GVT8	12075	Goldman Sachs		04/26/2016	7,210,000.00	7,181,376.30	7,207,203.13	2.000	A3	BBB+	2.022	04/25/2019

Data Updated: SET\_001: 07/05/2017 13:53

Run Date: 07/05/2017 - 13:53

Portfolio INVT  
AP  
PM (PRF\_PM2) 7.3.0

# Exhibit B

## Monterey County Daily Reports Portfolio Management Portfolio Details - Investments June 30, 2017

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	Moody's	S&P	YTM	Maturity Date
<b>Medium Term Notes - GC 53601(k)</b>												
02665WBA8	12068	American Honda Finance		02/23/2016	3,780,000.00	3,764,502.00	3,779,585.92	1.700	A1	A+	1.707	02/22/2019
02665WBE0	12091	American Honda Finance		07/12/2016	2,500,000.00	2,455,575.00	2,498,307.87	1.200	A1	A+	1.234	07/12/2019
459200JE2	12067	IBM Corp Notes		02/19/2016	20,000,000.00	20,008,600.00	19,995,254.11	1.800			1.812	05/17/2019
458140AZ3	12136	INTEL CORP		05/15/2017	10,000,000.00	10,016,656.13	10,016,656.13	1.850	A1		1.790	05/11/2020
24422ETE9	12063	John Deere Captital Corp		01/08/2016	8,300,000.00	8,334,943.00	8,299,747.77	1.950	A2	A	1.952	01/08/2019
46625HQU7	12081	JP Morgan Chase		05/26/2016	10,000,000.00	9,968,400.00	10,010,085.14	1.850	A3	A	1.789	03/22/2019
594918BN3	12095	MICROSOFT CORP		08/08/2016	6,500,000.00	6,412,575.00	6,495,307.30	1.100	Aaa	AAA	1.135	08/08/2019
594918BN3	12133	MICROSOFT CORP		04/07/2017	6,000,000.00	5,942,212.37	5,942,212.37	1.100	Aaa	AAA	1.568	08/08/2019
713448DE5	12070	Pepsico Inc Corp Note		02/24/2016	3,850,000.00	3,836,525.00	3,849,387.89	1.500	A1	A	1.510	02/22/2019
717081DU4	12083	PFIZER INC		06/03/2016	10,000,000.00	9,939,100.00	9,992,695.56	1.450	A1	AA	1.489	06/03/2019
89236TCA1	12009	Toyota Motor Corporation		01/16/2015	10,000,000.00	10,002,900.00	10,008,804.46	1.450	Aa	AA	1.280	01/12/2018
89233P6S0	12018	Toyota Motor Corporation		03/30/2015	10,000,000.00	9,998,700.00	10,003,676.91	1.250	Aaa	AA	1.107	10/05/2017
89236TBP9	12121	Toyota Motor Corporation		01/12/2017	5,000,000.00	5,021,963.58	5,021,963.58	2.125	Aa3	AA-	1.904	07/18/2019
94974BFG0	12021	Wells Fargo & Company		04/07/2015	10,000,000.00	9,988,000.00	10,017,840.84	1.500	Aaa	AA	1.164	01/16/2018
94974BFU9	12089	Wells Fargo & Company		06/27/2016	10,000,000.00	10,032,400.00	10,113,203.45	2.125	A2	A	1.483	04/22/2019
<b>Subtotal and Average</b>			<b>210,356,305.89</b>		<b>211,126,000.00</b>	<b>211,313,986.94</b>	<b>211,634,289.36</b>				<b>1.586</b>	
<b>Negotiable CDs - GC 53601(i)</b>												
06417GUE6	12127	Bank of Nova Scotia Hous		04/06/2017	10,000,000.00	10,000,000.00	10,000,000.00	1.910			1.910	04/05/2019
40428AR58	12047	HSBC Securites		11/18/2015	14,000,000.00	14,000,000.00	14,000,000.00	1.540	Aa2	AA-	1.540	11/17/2017
65558LWA6	12109	Nordea Bank Finland NY		12/05/2016	17,500,000.00	17,641,225.00	17,500,000.00	1.760	Aa3	AA-	1.760	11/30/2018
78009NZZ2	12072	Royal Bank of Canada		03/15/2016	18,000,000.00	18,000,000.00	18,000,000.00	1.700	Aa3	AA-	1.700	03/09/2018
83050FBG5	12046	Skandinaviska Enskilada Banken		11/17/2015	14,000,000.00	14,000,000.00	14,000,000.00	1.480	Aa3	A+	1.501	11/16/2017
86958DH54	12048	Svenska Handelsbanken NY		11/24/2015	14,000,000.00	14,007,000.00	14,000,000.00	1.642			1.261	08/24/2017
89113E5E2	12073	Toronto Dominion Bank		03/16/2016	18,000,000.00	18,000,000.00	18,000,000.00	1.720	Aa1	AA-	1.744	03/14/2018
<b>Subtotal and Average</b>			<b>104,950,549.45</b>		<b>105,500,000.00</b>	<b>105,648,225.00</b>	<b>105,500,000.00</b>				<b>1.631</b>	
<b>Commercial Paper Disc.- GC 53601(h)</b>												
06538CB83	12137	Bank of Tokyo-MITS		05/16/2017	12,000,000.00	11,887,520.00	11,887,520.00	1.520	P-1	A-1	1.561	02/08/2018
22533TWC6	12124	Credit Agricole CIB NY		03/06/2017	20,000,000.00	19,950,522.22	19,950,522.22	1.220	P-1	A-1	1.254	09/12/2017
13607EZV4	12132	Canadian Imperial Holding		04/07/2017	20,000,000.00	19,868,272.22	19,868,272.22	1.310			1.341	12/29/2017
21687AUA9	12105	Cooperatieve Rabobank USA		11/01/2016	10,000,000.00	9,931,100.00	9,997,250.00	1.100	P-1	A-1	1.119	07/10/2017
<b>Subtotal and Average</b>			<b>77,048,007.30</b>		<b>62,000,000.00</b>	<b>61,637,414.44</b>	<b>61,703,564.44</b>				<b>1.319</b>	

# Exhibit B

## Monterey County Daily Reports Portfolio Management Portfolio Details - Investments June 30, 2017

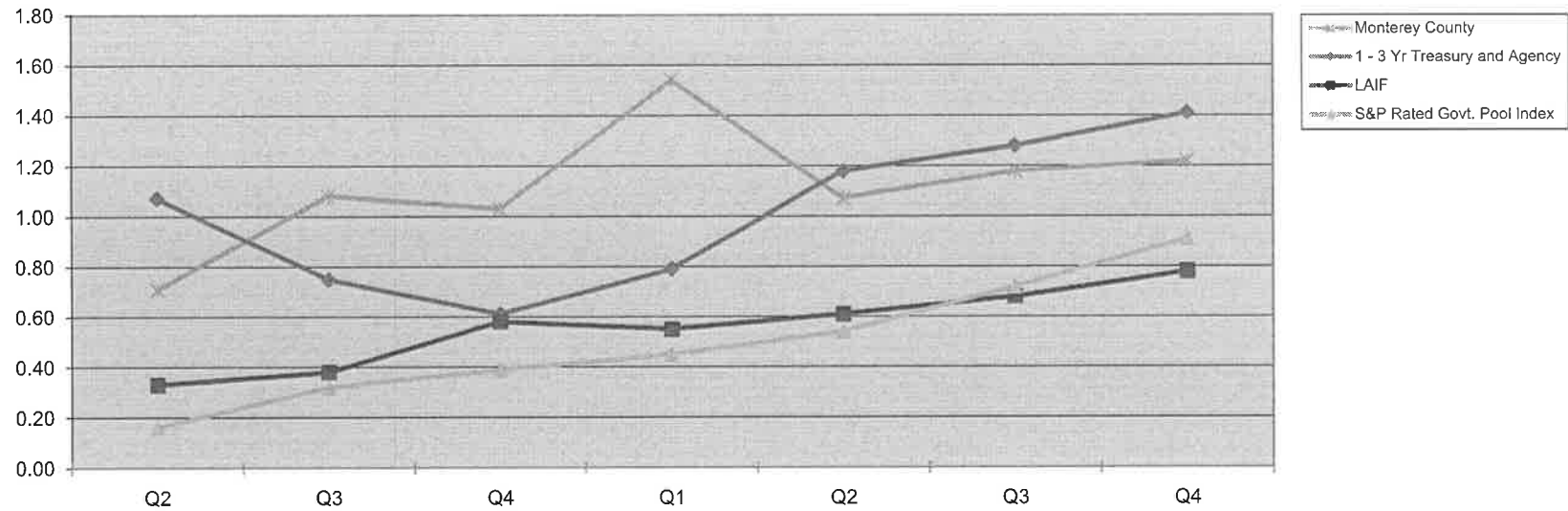
CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	Moody's	S&P	YTM	Maturity Date
<b>Fed Agcy Coupon Sec - GC 53601(f)</b>												
3133EEFE5	12008	Federal Farm Credit Bank		01/12/2015	10,000,000.00	10,019,700.00	10,006,831.82	1.125	Aaa	AA	0.975	12/18/2017
3133EEMA5	12011	Federal Farm Credit Bank		01/30/2015	10,000,000.00	9,981,300.00	10,004,774.35	1.500	Aaa	AA	1.480	12/30/2019
3133EELZ1	12012	Federal Farm Credit Bank		02/02/2015	10,000,000.00	9,979,400.00	10,008,061.21	1.000	Aaa	AA	0.890	03/29/2018
3133EETE0	12020	Federal Farm Credit Bank		04/01/2015	10,000,000.00	10,009,500.00	10,013,224.22	1.125	Aaa	AA	0.932	03/12/2018
313378A43	11925	Federal Home Loan Bank		05/02/2013	10,000,000.00	10,035,800.00	10,041,650.37	1.375	Aaa	AA	0.758	03/09/2018
313383A68	11928	Federal Home Loan Bank		06/13/2013	10,000,000.00	9,947,800.00	10,000,000.00	1.080	Aaa	AA	1.080	06/13/2018
3130A4Q70	12032	Federal Home Loan Bank		04/23/2015	10,000,000.00	10,006,100.00	10,007,050.22	1.000	Aaa	AA+	0.811	11/17/2017
3130A8BD4	12082	Federal Home Loan Bank		05/27/2016	32,000,000.00	31,888,640.00	31,963,285.96	0.875	Aaa	AA+	0.992	06/29/2018
3130A8DB6	12084	Federal Home Loan Bank		06/03/2016	16,935,000.00	16,838,639.85	16,930,400.71	1.125	Aaa	AA+	1.139	06/21/2019
3130A8DB6	12090	Federal Home Loan Bank		07/12/2016	26,000,000.00	25,852,060.00	26,165,948.25	1.125	Aaa	AA+	0.797	06/21/2019
3130A8PK3	12097	Federal Home Loan Bank		08/15/2016	18,000,000.00	17,856,900.00	17,955,349.89	0.625	Aaa	AA+	0.853	08/07/2018
3130A8BD4	12099	Federal Home Loan Bank		08/15/2016	15,250,000.00	15,196,930.00	15,251,786.85	0.875	Aaa	AA+	0.863	06/29/2018
3130A9AE1	12101	Federal Home Loan Bank		08/29/2016	17,500,000.00	17,403,750.00	17,492,598.45	0.875	Aaa	AA+	0.909	10/01/2018
3130AAXX1	12125	Federal Home Loan Bank		03/17/2017	10,000,000.00	9,985,965.60	9,985,965.60	1.375	Aaa	AA+	1.458	03/18/2019
3137EADL0	11987	Federal Home Loan Mtg Corp		08/25/2014	10,000,000.00	10,009,700.00	9,997,578.03	1.000	Aaa	AA	1.101	09/29/2017
3137EADZ9	12100	Federal Home Loan Mtg Corp		08/29/2016	17,500,000.00	17,429,125.00	17,552,061.21	1.125	Aaa	AA+	0.956	04/15/2019
3137EAED7	12103	Federal Home Loan Mtg Corp		09/16/2016	10,150,000.00	10,094,885.50	10,147,302.90	0.875	Aaa	AA+	0.896	10/12/2018
3137EAEB1	12114	Federal Home Loan Mtg Corp		12/19/2016	20,000,000.00	19,735,800.00	19,725,273.55	0.875	Aaa	AA+	1.561	07/19/2019
3137EAEE5	12131	Federal Home Loan Mtg Corp		04/07/2017	20,000,000.00	20,004,213.60	20,004,213.60	1.500		AA+	1.491	01/17/2020
3135G0XA6	11924	Federal National Mtg Assn		05/21/2013	10,000,000.00	9,930,700.00	10,000,000.00	1.030	Aaa	AA	1.030	05/21/2018
3135G0XK4	11927	Federal National Mtg Assn		05/30/2013	10,000,000.00	9,979,200.00	10,000,000.00	1.050	Aaa	AA	1.050	05/25/2018
3135G0WJ8	11929	Federal National Mtg Assn		05/28/2013	10,000,000.00	9,972,000.00	9,985,311.77	0.875	Aaa	AA	1.045	05/21/2018
3136FTS67	12013	Federal National Mtg Assn		02/03/2015	10,000,000.00	10,080,600.00	10,087,527.32	1.700	Aaa	AA	1.157	02/27/2019
3135G0YM9	12033	Federal National Mtg Assn		04/23/2015	10,000,000.00	10,115,900.00	10,096,899.84	1.875	Aaa	AA+	1.060	09/18/2018
3135G0RT2	12039	Federal National Mtg Assn		10/22/2015	10,000,000.00	9,994,500.00	10,007,190.10	0.875	Aaa	AA+	0.720	12/20/2017
3135G0TG8	12040	Federal National Mtg Assn		10/22/2015	10,000,000.00	9,993,200.00	10,007,434.75	0.875	Aaa	AA+	0.750	02/08/2018
3135G0J53	12069	Federal National Mtg Assn		02/23/2016	21,150,000.00	21,018,447.00	21,122,577.26	1.000	Aaa	AA+	1.080	02/26/2019
3135G0N33	12094	Federal National Mtg Assn		08/08/2016	18,675,000.00	18,415,604.25	18,644,573.49	0.875	Aaa	AA+	0.954	08/02/2019
3135G0J53	12096	Federal National Mtg Assn		08/09/2016	7,900,000.00	7,850,862.00	7,912,456.07	1.000	Aaa	AA+	0.903	02/26/2019
3135G0P49	12112	Federal National Mtg Assn		12/19/2016	20,000,000.00	19,777,800.00	19,770,989.47	1.000	Aaa	AA+	1.544	08/28/2019
3135G0T29	12123	Federal National Mtg Assn		02/28/2017	12,600,000.00	12,592,854.40	12,592,854.40	1.500			1.522	02/28/2020
3135G0ZA4	12134	Federal National Mtg Assn		04/07/2017	20,000,000.00	20,185,500.00	20,185,500.00	1.875	Aaa	AA	1.298	02/19/2019
<b>Subtotal and Average</b>			<b>451,580,667.38</b>		<b>453,660,000.00</b>	<b>452,183,377.20</b>	<b>453,666,671.66</b>				<b>1.079</b>	

# Exhibit B

## Monterey County Daily Reports Portfolio Management Portfolio Details - Investments June 30, 2017

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	Moody's	S&P	YTM	Maturity Date
<b>US Treasury Note-GC 53601(b)</b>												
912828A34	12042B	U.S. Treasury		11/10/2015	5,290,000.00	5,297,670.50	5,290,000.00	1.250	Aaa	AA	1.250	11/30/2018
912828VE7	12045	U.S. Treasury		11/16/2015	17,000,000.00	16,993,370.00	16,989,950.95	1.000	Aaa	AA+	1.066	05/31/2018
912828A34	12052	U.S. Treasury		11/25/2015	10,000,000.00	10,014,500.00	10,001,100.56	1.250	Aaa	AA	1.242	11/30/2018
912828WD8	12056	U.S. Treasury		12/22/2015	40,000,000.00	40,064,000.00	40,007,288.67	1.250	Aaa	AA+	1.236	10/31/2018
912828VE7	12062	U.S. Treasury		12/22/2015	20,000,000.00	19,992,200.00	19,970,128.37	1.000	Aaa	AA+	1.166	05/31/2018
912828TG5	12110	U.S. Treasury		12/19/2016	20,000,000.00	19,979,600.00	19,996,442.52	0.500	Aaa		0.716	07/31/2017
912828TM2	12111	U.S. Treasury		12/19/2016	20,000,000.00	19,984,400.00	19,995,327.82	0.625	Aaa		0.766	08/31/2017
912828S68	12113	U.S. Treasury		12/19/2016	20,000,000.00	19,893,000.00	19,903,597.20	0.750	Aaa		1.200	07/31/2018
912828RE2	12115	U.S. Treasury		12/19/2016	20,000,000.00	20,125,000.00	20,065,488.91	1.500	Aaa		1.215	08/31/2018
912828H52	12116A	U.S. Treasury		12/21/2016	12,400,000.00	12,308,984.00	12,292,127.64	1.250	Aaa		1.596	01/31/2020
912828T42	12117	U.S. Treasury		12/21/2016	25,000,000.00	24,831,000.00	24,857,060.19	0.750	Aaa		1.214	09/30/2018
912828UJ7	12118	U.S. Treasury		12/21/2016	25,000,000.00	24,981,500.00	24,985,587.28	0.875	Aaa	AA	0.974	01/31/2018
912828SD3	12119	U.S. Treasury		12/21/2016	25,000,000.00	25,014,750.00	24,980,932.34	1.250	Aaa		1.299	01/31/2019
912828UR9	12120	U.S. Treasury		12/23/2016	50,000,000.00	49,883,000.00	49,922,318.07	0.750	Aaa		0.986	02/28/2018
912828N63	12122	U.S. Treasury		01/24/2017	20,000,000.00	19,987,799.06	19,987,799.06	1.125	Aaa		1.165	01/15/2019
912828TV2	12128	U.S. Treasury		04/07/2017	19,200,000.00	19,144,760.94	19,144,760.94	1.250	Aaa		1.376	10/31/2019
912828UZ1	12135	U.S. Treasury		04/28/2017	50,080,000.00	49,882,957.12	49,882,957.12	0.625	Aaa		1.103	04/30/2018
<b>Subtotal and Average</b>			<b>382,136,549.71</b>		<b>398,970,000.00</b>	<b>398,378,491.62</b>	<b>398,272,867.64</b>				<b>1.125</b>	
<b>Total and Average</b>			<b>1,432,916,156.25</b>		<b>1,406,749,451.38</b>	<b>1,404,654,946.58</b>	<b>1,406,270,844.48</b>				<b>1.216</b>	

## Exhibit C Monterey County Historical Yields vs. Benchmarks



Quarterly Yield	FY 15/16				FY 16/17			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Monterey County	0.69	0.71	1.08	1.03	1.54	1.07	1.18	1.22
1 - 3 Yr Treasury and Agency	0.64	1.07	0.75	0.61	0.79	1.18	1.28	1.41
LAIF	0.29	0.33	0.38	0.58	0.55	0.61	0.68	0.78
S&P Rated Govt. Pool Index	0.09	0.16	0.32	0.39	0.45	0.54	0.72	0.91

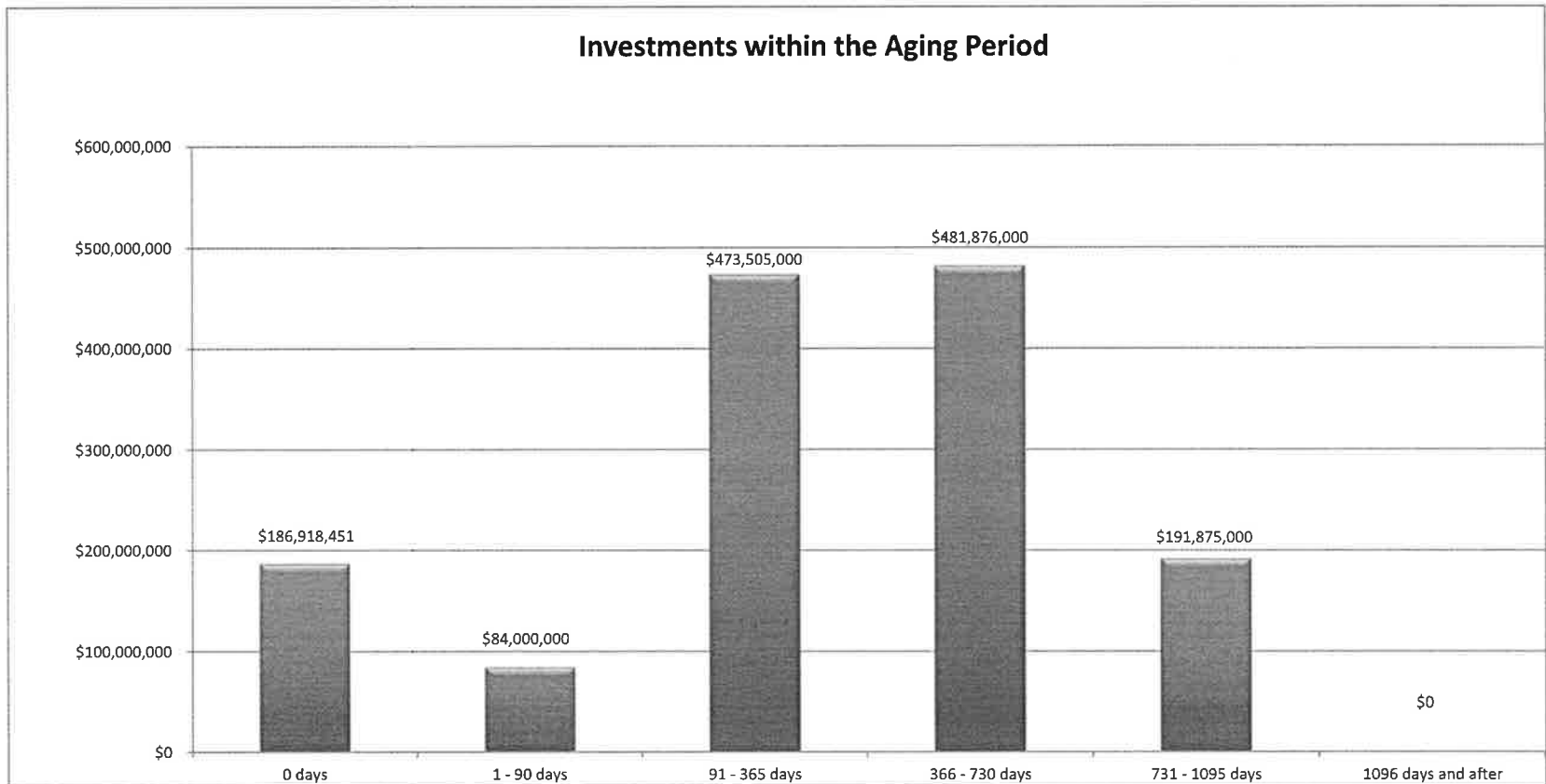
The S&P Index yields are obtained from Bloomberg

The 1-3 Yr Treasury and Agency yields are obtained from the B of A Merrill Lynch Global Bond Indices/Bloomberg



### Exhibit D Monterey County Aging Report By Maturity Date As of July 1, 2017

Aging Interval:	( )	Maturities	Maturity Par Value	Percent of Portfolio	Current Book Value	Current Market Value
Aging Interval:	0 days ( 06/30/2017 - 06/30/2017 )	9 Maturities	186,918,451.38	13.18%	186,918,451.38	186,918,451.38
Aging Interval:	1 - 90 days ( 07/01/2017 - 09/28/2017 )	5 Maturities	84,000,000.00	5.92%	83,938,364.05	83,851,944.44
Aging Interval:	91 - 365 days ( 09/29/2017 - 06/30/2018 )	30 Maturities	473,505,000.00	33.39%	473,189,375.59	472,999,120.08
Aging Interval:	366 - 730 days ( 07/01/2018 - 06/30/2019 )	37 Maturities	481,876,000.00	34.02%	482,370,075.83	481,530,187.29
Aging Interval:	731 - 1095 days ( 07/01/2019 - 06/29/2020 )	16 Maturities	191,875,000.00	13.49%	191,277,490.22	190,778,000.05
Aging Interval:	1096 days and after ( 06/30/2020 - )	0 Maturities	0.00	0.00%	0.00	0.00
<b>Total for 97 Investments</b>			<b>1,418,174,451.38</b>	<b>100.00</b>	<b>1,417,693,757.07</b>	<b>1,416,077,703.24</b>





# Monterey Peninsula Community College District

## Governing Board Agenda

September 27, 2017

New Business Agenda Item No. **E**

Fiscal Services  
College Area

### Proposal:

That the Governing Board authorize Steven L. Crow, Ed.D., Vice President for Administrative Services, to enter into an agreement with the Chancellor's Office of the California Community Colleges, State of California, to participate in the Chancellor's Office Tax Offset Program (COTOP).

### Background:

AB 2347 (Chapter 937, Statutes of 1982) authorizes the Chancellor's Office to act on behalf of local community college districts for the purpose of collecting outstanding student financial aid obligations through participation in the Franchise Tax Board's Interagency Tax Offset Program. Enhanced in 1991 through AB 3929, the offset of specific non-financial aid obligations is permitted.

By participating in the Tax Offset Program, the District can recover outstanding student obligations such as student loans, financial aid overpayments, student fees, library fines and personal checks written with non-sufficient funds and other approved debts.

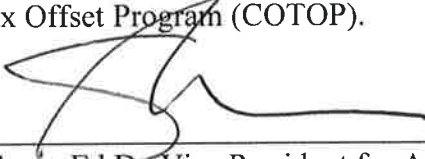
The Chancellor's Office Tax Offset Program (COTOP) requests the Franchise Tax Board to offset (deduct) the amount owed to a district from the student/debtor personal state income tax, lottery winnings, or other state refund. The Franchise Tax Board remits any amounts recovered to the Chancellor's Office, which authorizes the State Controller to disburse the offset amount, minus 25% administrative fee, to the participating local districts.

### Budgetary Implications:

None.

**RESOLUTION: BE IT RESOLVED**, that the Governing Board authorize Steven L. Crow, Ed.D., Vice President for Administrative Services, to enter into an agreement with the Chancellor's Office of the California Community Colleges, State of California, to participate in the Chancellor's Office Tax Offset Program (COTOP).

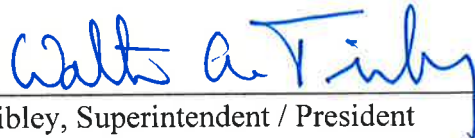
Recommended By: \_\_\_\_\_

  
Steven L. Crow, Ed.D., Vice President for Administrative Services

Prepared By: \_\_\_\_\_

  
Rosemary Barrios, Controller

Agenda Approval: \_\_\_\_\_

  
Dr. Walter Tribley, Superintendent / President



Districts must enter their *initial* COTOP debtor data to the Chancellor's Office Tax Offset Program web-based system no later than November 20, 2017. Districts may make modifications to accounts (adds/changes/deletes) until November 20, 2017. All additional modifications (add/changes/deletes) can be made after January 2, 2018. If an offset occurs prior to the implementation of the deletion or modification by the Franchise Tax Board, it will be the responsibility of the District to make restitution directly to the debtor as required by Section IV.6 below.

The Chancellor or Franchise Tax Board will delete all names which cannot be processed by the Chancellor's Office or the Franchise Tax Board.

#### IV.

The District will:

1. Submit a single record for each affected individual as specified in #3 below according to the format and specifications in Appendices A and B which are incorporated into and made a part of this contract.
2. Notify those debtors whose names are submitted for collection of the pending action no later than submitting those names to the Chancellor's Office and review any objections received from those debtors. This notification should inform the debtor that the individual is entitled to request a review of the decision to collect the debt by the offset procedure. Immediately submit to the Chancellor's Office any modifications of the amount or deletions of any record found to be submitted in error, as necessary, as a result of the review as required by Appendix C, which is incorporated into and made a part of this contract.
3. Submit for collection through the COTOP program only the following types of debtor obligations:
  - A. defaulted Perkins, Nursing, Emergency and Extended Opportunity Programs and Services (EOPS) loans;
  - B. campus financial aid funds; EOPS Grants and Board of Governors Enrollment Fee Waivers for which the student was ineligible;
  - C. other financial aid obligations.
  - D. Proper student non-financial aid obligations limited to: non-resident tuition; enrollment fees; library fines; library replacement material charges; parking fees; parking fines (incurred within 3 years of date submitted for collection only); residence hall rent contracts; cafeteria meal contracts; telephone bills; drop fees (incurred prior to January 1992); personal checks returned for non-sufficient funds (limited to bookstore and other charges listed in this section only); returned check service charges; child care charges; instructional equipment breakage/replacement charges; health fees; transcript fees; foreign student insurance charges; dental health center charges; community services fees; lost key charges; transportation charges/fees; audit fees; contract class charges; instructional material fees; damage to campus facilities/equipment charges; personal checks written to "Cash" returned for non-sufficient funds (including returned check service fee); auto repair costs (including parts, lab fee, sales tax on parts); student representation fee; student center fee.

4. For those student financial aid and non-financial aid obligations in default, send at least one written notice to the last known address of the debtor requesting that the debtor either pay the amount owed or contact the participating district regarding the debt. The written notice must be sent at least 30 days prior to Franchise Tax Board receiving the offset request. The district must retain copies of the notifications in the district/college file.
5. Do not submit names of any debtors who are:
  - A. not in default;
  - B. in litigation/bankruptcy.
6. Refund to debtor any overpayments or amounts collected in error resulting from collection through COTOP within 30 days from notification of offset by the Chancellor.

V.

The District agrees that the Chancellor is acting in reliance on the accuracy of information supplied by the District as to the names of debtors, identification of debtors, and amounts owed by debtors, and that the Chancellor shall not be liable for any damages arising from inaccuracies in information supplied by the District.

The District agrees that it will submit for collection only amounts which it is legally entitled to collect through this program.

The District agrees that it will respond to all debtor complaints received by the Chancellor regarding this program.

VI.

Each party agrees to indemnify, defend and save harmless the other, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, materialmen, laborers and any other person, firm or corporation furnishing or supplying work, services, materials or supplies in connection with the performance of this contract, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by either party in the performance of this contract.

VII.

The District and the agents and employees of the District, in the performance of this agreement, shall act in an independent capacity and not as officers or employees or agents of the State of California.

VIII.

Time is of the essence of this agreement.

IX.

No alteration or variation of the terms of this contract shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or agreement not incorporated herein, shall be binding on any of the parties hereto.

X.

The term of this contract shall be from October 1, 2017 through December 20, 2018, which as defined by the Franchise Tax Board, is the end of the 2017 interagency program processing year.

IN WITNESS WHEREOF, this agreement has been executed by the parties hereto, upon the date first above written.

CALIFORNIA COMMUNITY COLLEGES

By \_\_\_\_\_ Date  
Erik Skinner  
Deputy Chancellor

Monterey Peninsula Community College DISTRICT  
(Name of District)

By \_\_\_\_\_ Date  
(Authorized Signature)

\_\_\_\_\_  
(Printed Name of Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Address)

\_\_\_\_\_

# Monterey Peninsula Community College District

## Governing Board Agenda

September 27, 2017

New Business Agenda Item No. F

Administrative Services  
College Area

### Proposal:

That the Governing Board give Steven L. Crow authority to negotiate a lease agreement with GTE Mobilnet of California Limited Partnership, d/b/a Verizon Wireless for installation of a microwave transceiver.

### Background:

SAC Wireless approached the District with an interest to enter into a lease agreement for installation of one eighty foot light standard (New Pole) in the vicinity of the baseball field. The agreement shall be for five years and shall automatically be extended for four (4) additional five (5) year terms unless either party gives written notice to the other as per terms in the agreement. The agreement provides a one-time lump-sum rental payment of One Hundred Seventy-Five Thousand and 00/100 Dollars (\$175,000) within sixty (60) days after the completion of the installation of the New Pole.

**Budgetary Implications:** The District will receive \$175,000 in one lump sum for the initial term.

**RESOLUTION: BE IT RESOLVED,** That the Governing Board give Steven L. Crow authority to negotiate a lease agreement with GTE Mobilnet of California Limited Partnership, d/b/a Verizon Wireless for installation of a microwave transceiver.

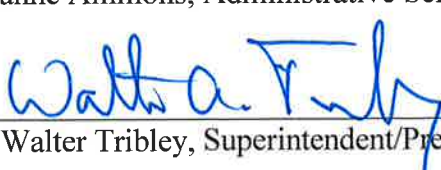
Recommended By: \_\_\_\_\_

  
Steven L. Crow, Vice President of Administrative Services

Prepared By: \_\_\_\_\_

  
Suzanne Ammons, Administrative Services

Agenda Approval: \_\_\_\_\_

  
Dr. Walter Tribley, Superintendent/President

# Monterey Peninsula Community College District Governing Board Agenda

September 27, 2017

New Business Agenda Item No. G

Administrative Services  
College Area

**Proposal:**

That the Governing Board approve extending the independent contract with Ed Johnson for professional services as related to facilities planning consultant services through December 31, 2017.


**Background:**

The District has operated without a Director of Facilities position for six years. In December 2015, Umstot Project and Facilities Solutions was contracted with to perform an evaluation and review of the District's maintenance and groundskeeping operations. The Governing Board approved the initial independent contract with Umstot Project and Facilities Solutions, LLC utilizing subcontractor Ed Johnson for professional services at the August 24, 2016 meeting. The District continued the contract with Umstot Project and Facilities Solutions, LLC to assist with facilities planning related services through June 30, 2017. Since July 1, 2017 the District has contracted with Ed Johnson directly to provide project oversight and services as outlined in **Attachment A** for services through December 31, 2017.


**Budgetary Implications:** The professional services expenses through the independent contract with Ed Johnson are anticipated to be \$34,712.50 (based on \$687.50 per day plus reimbursable expenses) and will be paid from General Fund Unrestricted one time funds reserved for consulting services.

**RESOLUTION: BE IT RESOLVED** That the Governing Board approve the independent contract with Ed Johnson for professional services as related to facilities planning consultant services through December 31, 2017.

**Recommended By:**

  
\_\_\_\_\_  
Steven L. Crow, Ed.D., Vice President of Administrative Services

**Prepared By:**

  
\_\_\_\_\_  
Suzanne Ammons, Administrative Assistant

**Agenda Approval:**

  
\_\_\_\_\_  
Dr. Walter Tribley, Superintendent/President

**MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT  
INDEPENDENT CONTRACTOR AGREEMENT**

(Lecturers, Presenters, Consultants)

This agreement is made and entered into this 1st day of October 2017 by and between Ed Johnson ("INDEPENDENT CONTRACTOR") and MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT (MPC).

WHEREAS, MPC is authorized by Section 53060 of the California Government Code to contract with and retain independent contractors; and

WHEREAS, MPC finds that the INDEPENDENT CONTRACTOR is specially trained and experienced and competent to perform special services to MPC,

NOW THEREFORE, MPC and INDEPENDENT CONTRACTOR agree as follows:

1. INDEPENDENT CONTRACTOR shall provide the following professional services as per (attached) **Proposal for As-Needed Facilities Planning Consultant Services, and as summarized below:**
  - Coordinate multiple fall Facility projects
  - Support to Prop 39 project planning, implementation and reporting
  - Set up Preventative Maintenance program in School Dude Computerized Maintenance Management System
  - Updating of State Scheduled Maintenance program and prioritization
  - Updating the FUSION data base and reporting to the System office as required
  - Updating and development of the 5-year Capital Outlay Plan for the System office
  - Assisting with capital master planning to support the institution's educational facilities master plan
  - Support of capital projects planning and implementation as required
  - Developing a retro-commissioning program for building systems using Prop 39 and other funding sources
  - Addressing IT server room cooling issues
  - Updating campus design standards
  - Other planning assignments as required
2. MPC shall pay INDEPENDENT CONTRACTOR for his/her services as follows:
 

**Monthly Rates: \$11,000 based on 4 days per week-on site or \$687.50 per day, and**  
**Lodging: \$ 3,000 based on 200.00 per night for 15 nights per month,**  
**\$ 1,000 airfare for 4 trips per month at \$250 per round trip,**  
**\$ 400 rental car based on \$100 per trip for 4 trips per month,**  
**\$ 750 meals at \$50 per day for 15 days (receipts not required).**

**Total costs are not to exceed \$34,712.50, based on actual costs incurred.**
3. TERM: The contract services are for the period from Oct 1, 2017 through December 31, 2017, for completion of approximately 43 days, based on 4 days per week on site. *This contract extends the current contract ending September 30, 2017.*
4. INDEPENDENT CONTRACTOR shall in the performance of this Agreement be and act as an Independent Contractor providing the necessary tools and equipment.
5. INDEPENDENT CONTRACTOR shall assume all expenses incurred in connection with the performance of this Agreement unless otherwise specified in paragraph 2 above. The fees specified, unless otherwise indicated and agreed to, shall be the only obligation of MPC. While engaged in carrying out and complying with any of the terms and conditions of this Agreement, INDEPENDENT CONTRACTOR is not an officer, agent or employee of MPC.
6. Independent Contractor shall indemnify, and hold the College, its officers, employees, or agents harmless from and against any and all liability, loss, or expense, including attorney fees, or claims for injury or damages arising out of the performance of this Agreement. The Instructor at his/her expense, cost, or risk shall also defend any and all actions, suits, or other legal proceedings that may be brought or instituted against the College, its officers, agents thereof on any claim or demand, and pay to satisfy any judgment that may be rendered against the College, but only in proportion to and to the extent that such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from a disregard for this agreement or the negligent or intentional acts or omissions of the Instructor.



7. Upon mutual agreement in writing of the parties hereto, this agreement may be terminated for any reason. INDEPENDENT CONTRACTOR and MPC have executed this Agreement as of this date first written above.

**INDEPENDENT CONTRACTOR**

**MPC COLLEGE DISTRICT, by:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature (V P Admin Svc, or  
Supt./Pres.)

\_\_\_\_\_  
Initials of Div  
Mgr. or Dean

\_\_\_\_\_  
Address

\_\_\_\_\_  
Steve L. Crow, Ed.D.  
Typed or Printed Name

\_\_\_\_\_  
City, State, Zip Code

Vice President, Administrative Services  
Title

\_\_\_\_\_  
Social Security Number

# Monterey Peninsula Community College District

## Governing Board Agenda

September 27, 2017

New Business Agenda Item No. H

Academic Affairs  
College Area

### Proposal:

To approve these courses which have proceeded through the institutional curriculum development process to the point of recommendation to the Board.

### Background:

The courses listed below are recommended by the Curriculum Advisory Committee and endorsed by the MPC administration.

### Budgetary Implications:

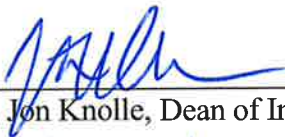
When offered, related courses and programs generate instructor and support costs, which are offset by student attendance driven income.

**RESOLUTION: BE IT RESOLVED**, that the following new course be approved:

New Course:

DANC 20D Dance Production-Ballet

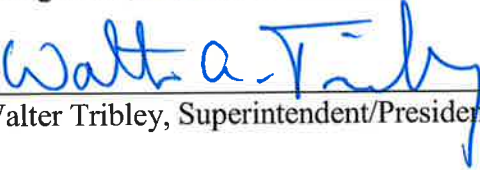
Recommended By:

  
\_\_\_\_\_  
Dr. Jon Knolle, Dean of Instruction - Library, Learning Resources, Online Education

Prepared By:

  
\_\_\_\_\_  
Kim Kingswold, Academic Technician

Agenda Approval:

  
\_\_\_\_\_  
Dr. Walter Tribley, Superintendent/President

## **NEW COURSE**

### **DANC 20D, Dance Production-Ballet**

**1 unit**

**4 hours lab/activity TBA**

**Justification:**

This course is proposed to give students a dance production opportunity in the ballet dance form.

**Description:**

The elements and techniques of staging a dance production are presented in this course, with an emphasis on ballet performances. Included are solo and group choreography and performance. Technical options include costuming, lighting, and backstage.

# Monterey Peninsula Community College District

## Governing Board Agenda

September 27, 2017

New Business Agenda Item No. I

Office of the Superintendent/President  
College Area

### Proposal:

That the Governing Board approves the second addendum to the employment agreement between the Monterey Peninsula Community College District and Dr. Paul Long, to continue serving as an Interim Dean of Instruction for the period of November 1, 2017 through December 21, 2017.

### Background:

Dr. Long was originally employed by the District to serve as the Interim Dean of Instruction from November 1, 2016 through June 30, 2017 assigned to the area of Liberal Arts. The Governing Board approved an addendum to the contract through October 31, 2017 while the District conducted the search for Dean of Instruction assigned to STEM. The search was successful and the new Dean will begin employment on November 1, 2017 pending Governing Board approval. The extension of Dr. Long's contract will provide for an effective transition in Academic Affairs. The addendum is extended under the terms and conditions of the original employment contract.

### Budgetary Implications:

This position is funded by unrestricted general funds and is included in the 2017-2018 budget.

- RESOLUTION: BE IT RESOLVED**, that the Governing Board approves the second addendum to the employment agreement with Dr. Paul Long to continue serving as Interim Dean of Instruction for the period of November 1, 2017 through December 21, 2017.

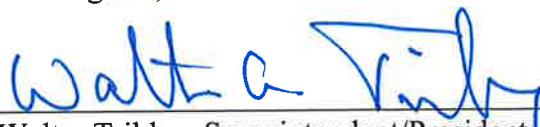
Recommended By:

  
\_\_\_\_\_  
Dr. Walter Tribley, Superintendent/President

Prepared By:

  
\_\_\_\_\_  
Susan Kitagawa, Associate Dean of Human Resources

Agenda Approval:

  
\_\_\_\_\_  
Dr. Walter Tribley, Superintendent/President

SECOND ADDENDUM TO EMPLOYMENT AGREEMENT BETWEEN  
MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT  
AND DR. PAUL LONG

Whereas, Dr. Paul Long is currently employed through October 31, 2017, as an Interim Dean of Instruction for Academic affairs;

Whereas, the Monterey Peninsula Community College District has a need to extend the term of Dr. Long's current employment agreement for two additional months to provide for an effective transition and cross training for the new Dean of Instruction for Academic Affairs;

Therefore, the Monterey Peninsula Community College District and Dr. Paul Long hereby enter into this Second Addendum to the employment agreement between the District and Dr. Long dated February 22, 2017, and amend said employment agreement as follows:

**TERM OF AGREEMENT:** The term of Dr. Long's current employment agreement is hereby extended through December 21, 2017.

**TERMINATION:** The Superintendent/President may terminate the employment of Dr. Long, without cause, upon the provision of written notice at least fourteen (14) calendar days before the effective date of termination.

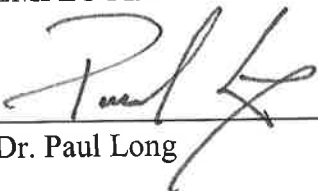
Except as modified herein, all other terms and conditions of the employment agreement between the District and Dr. Long remain unchanged. This Second Addendum shall not be effective until it is approved by the District's Governing Board.

MONTEREY PENINSULA  
COMMUNITY COLLEGE DISTRICT

\_\_\_\_\_  
Dr. Walter Tribley  
Superintendent/President

Dated: \_\_\_\_\_

EMPLOYEE

  
\_\_\_\_\_  
Dr. Paul Long

Dated: 14 Sept 2017

# Monterey Peninsula Community College District

## Governing Board Agenda

September 27, 2017

New Business Agenda Item No. J

Office of the Superintendent/President  
College Area

### Proposal:

That the Governing Board approves the employment agreement with Dr. Vincent J. van Joolen to serve as the Dean of Instruction of Monterey Peninsula Community College District.

### Background

Following a thorough recruitment and search process for the position of Dean of Instruction, the employment of Dr. Vincent J. van Joolen is being recommended by Superintendent/President Dr. Walter Tribley for the approval of the Governing Board.

Dr. van Joolen served as Dean of Natural and Health Science for Quincy College in Massachusetts from 2014 through 2017. As Dean, he managed and mentored both full-time and part-time faculty in various disciplines. He was responsible for the scheduling, hiring and evaluation of faculty. Dr. van Joolen was also involved in the preparation of reports for the upcoming accreditation visit. He worked closely with the senior and executive committees to formulate institutional policy, review academic programs and develop new programs. Dr. van Joolen retired as a US Navy Captain after serving 30 years, including 16 years as a naval officer. He also taught mathematics for 10 years as a military professor.

Dr. van Joolen was awarded a Doctorate and Masters of Science in Applied Mathematics from the Naval Postgraduate School in Monterey. He earned a Bachelor of Science in Engineering from the University of California, San Diego and an Associate of Arts from Pasadena City College.

The final contract terms have been agreed to and are attached for review and approval. Dr. van Joolen's initial salary placement is Dean Row, Step 5 on the administrative salary schedule.


### Budgetary Implications:

This position is funded by unrestricted general funds and is included in the 2017-2018 budget.



**RESOLUTION: BE IT RESOLVED**, that the Governing Board approves the employment agreement with Dr. Vincent J. van Joolen to serve as Dean of Instruction effective November 1, 2017 through June 30, 2019.

Recommended By:

  
Dr. Walter Tribley, Superintendent/President

Prepared By:

  
Susan Kitagawa, Associate Dean of Human Resources

Agenda Approval:

  
Dr. Walter Tribley, Superintendent/President



**MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT**

**EMPLOYMENT AGREEMENT**

This agreement ("Agreement") is made and entered into by and between the Monterey Peninsula Community College District ("District"), acting by and through its Governing Board ("Board"), and Dr. Vincent J van Joolen ("Dean").

**WITNESSETH**

- 1. Term of Employment.** Dean is hereby employed in the position of Dean of Instruction for the period commencing on November 1, 2017 and ending on June 30, 2019, subject to earlier termination pursuant to the terms of this Agreement.
- 2. Salary.** Dean's monthly salary shall be \$11,228 which represents Dean Row, Step 5 on the Administrative Salary Schedule. The Board may increase the salary schedule at any time during this Agreement and such change to the salary schedule shall not constitute a new contract or Agreement, not extend the term of this Agreement. Dean's salary shall reflect any changes in the Administrative Salary Schedule. Dean's salary shall be payable in twelve (12) approximately equal monthly payments, less applicable taxes and deductions. Dean will be eligible to receive a monthly stipend for an earned doctorate from an accredited institution per the administrative salary schedule.
- 3. Stipends.** Dean will also receive a stipend equal to 5% of Dean's salary for each District negotiating team(s) she serves on in accordance with the Administrative Salary Schedule. The stipends shall be payable in twelve (12) approximately equal monthly payments, less applicable taxes and deductions. This allowance shall be treated as salary for tax purposes but shall not be treated as creditable compensation for CalSTRS purposes.
- 4. Health Benefits.** Dean shall receive the same health and welfare benefits provided to all other administrative personnel.
- 5. Cell Phone Allowance.** In lieu of any reimbursement for the work-related use of a personal cell phone, the District shall pay Dean an allowance for the use of her personal cell phone for District business at the rate of \$100.00 dollars per month. This allowance shall be treated as salary for tax purposes but shall not be treated as creditable compensation for CalSTRS purposes.

A handwritten signature in black ink, appearing to be "J. J.", is located in the bottom right corner of the page.

**6. Expense Reimbursement.** The District shall reimburse Dean for actual and necessary expenses incurred within the course and scope of Dean's employment, so long as such expenses are consistent with this Agreement and District practices, and so long as the cost of the expense is not already provided for under the terms of this Agreement. For reimbursement, Dean shall submit and complete expense claims in writing prior to reimbursement in accordance with the District's policies, rules and regulations.

**8. Work Year.** The work year for Dean shall be a twelve month year.

**9. Vacation.** Dean may take up to twenty-two (22) days of vacation during the work year, which may be taken at any time agreeable to both parties. Vacation may not be earned after forty-four (44) unused days have accumulated. Board Policy 5575 shall apply to vacation. In the event of termination of employment, Dean shall be entitled to compensation for earned and unused vacation, but in no case, to exceed 44 days.

**10. Sick Leave.** In addition to any accrued sick leave forwarded from another California public school or community college district under Education Code section 87782, Dean shall accrue sick leave at the rate of twelve (12) days per contract year.

**11. Duties/Responsibilities.** Dean shall competently perform all of Dean's duties in accordance with the job description; applicable laws, rules, regulations and Board policies; and such other duties as may be assigned by the Vice President of Academic Affairs. During the term of this Agreement, Dean may be assigned or reassigned to any duties or positions for which Dean possesses the minimum qualifications required by law. However, reassignment pursuant to this section of the Agreement, during the term of this Agreement, shall not result in a reduction of compensation or benefits during the term of this Agreement.

**13. Evaluation.** The Vice President of Academic Affairs may evaluate and assess in writing the performance of Dean at any time, and shall do so at least once a year during the term of this Agreement.

**14. Termination.** District and Dean agree to the following provisions:

A. Mutual Consent. This Agreement may be terminated at any time by mutual consent of District and Dean.

B. Resignation. Dean may resign at any time by giving sixty (60) days written notice to the Superintendent/President. This Agreement shall terminate on the date the resignation is effective.

C. Non-renewal of Agreement by District. District may elect not to renew this Agreement for any reason by providing six (6) months written notice to Dean in accordance with Education Code section 72411.



D. Termination for Cause. The Board may terminate Dean for: (1) breach of this Agreement; (2) unsatisfactory performance; (3) unprofessional, immoral or dishonest conduct with regard to Dean's employment; (4) insubordination; or (5) conviction of a sex offense as defined in Education Code section 87010, conviction of a drug offense as defined in Education Code section 87011, or conviction of a crime involving moral turpitude as defined by law.

The existence of cause shall constitute a material breach of this Agreement and shall extinguish all rights and duties of the parties under this Agreement. If cause exists, the Board shall meet with Dean and shall submit a written statement of the grounds for termination and copies of written documents the Board reasonably believes support the termination. If Dean disputes the charges, Dean shall then be entitled to a conference before the Board in closed session. Dean and the Board shall each have the right to be represented by counsel at their own expense. Dean shall have a reasonable opportunity to respond to all matters raised in the charges and to submit any written documents Dean believes are relevant to the charges. The conference with the Board shall not be an evidentiary hearing and neither party shall have the opportunity to call witnesses. If the Board, after considering all information presented, decides to terminate this Agreement, it shall provide Dean with a written decision. The decision of the Board shall be final.

Dean's conference before the Board shall be deemed to satisfy Dean's entitlement to due process of law and shall be Dean's exclusive right to any conference or hearing otherwise required by law. Dean waives any other rights that may be applicable to this termination for cause proceeding with the understanding that completion of this hearing exhausts Dean's administrative remedies and then authorizes Dean to contest the Board's determination in a court of competent jurisdiction.

E. Disability of Dean. Upon expiration of Dean's sick leave entitlement and upon written evaluation by a licensed physician designated by the District indicating the inability of Dean to perform the essential functions of the position as a result of a physical or mental disability, with or without reasonable accommodation, this Agreement may be immediately terminated by the Board upon written notice to Dean.

F. Termination for Unlawful Fiscal Practices. Notwithstanding any other provision of this Agreement to the contrary, if the Board believes, and subsequently confirms through an independent audit, that Dean has engaged in fraud, misappropriation of funds, or other illegal fiscal practices, then the Board may immediately terminate Dean solely upon written notice to Dean and Dean shall not be entitled to any compensation of any nature, whether as cash, salary payments, health benefits, or other non-cash settlement as set forth above. This provision is intended to implement the requirements of Government Code section 53260, subdivision (b).

G. Abuse of Office Provisions. In accordance with Government Code section 53243 et. seq., and as a separate contractual obligation, should Dean receive a paid leave of absence or cash settlement if this Agreement is terminated with or without cause, such paid leave or cash settlement shall be fully reimbursed to the District by Dean if Dean is

convicted of a crime involving an abuse of office or position. In addition, if the District funds the criminal defense of Dean against charges involving abuse of office or position and Dean is then convicted of such charges, Dean shall fully reimburse the District all funds expended for Dean's criminal defense.

**15. Tax/Retirement Issues.** The District has made no representations or warranties regarding any tax or retirement consequences of this Agreement. All tax and retirement consequences of this Agreement shall be borne exclusively by Dean. Notwithstanding any other provision of this Agreement, the District shall not be liable for any state or federal tax consequences or any retirement consequences of any nature as a result of this Agreement, including any benefits provided to Dean or any designated beneficiary, heirs, administrators, executors, successors or assigns of Dean. Dean shall assume sole liability for all state and federal tax consequences and all retirement consequences of any nature occurring at any time. Dean agrees to defend, indemnify and hold the District harmless from all related state, federal and employment tax consequences and retirement consequences of this Agreement.

**16. Management Hours.** The demands of Dean's position require more than eight (8) hours a day and/or forty (40) hours per work week. Dean is not entitled to overtime compensation for hours worked in excess of eight (8) hours per day or forty (40) hours per week.

**17. Application of Board Policy.** Unless otherwise specified in this Agreement, Governing Board policies for Management, Supervisory, and Confidential Employees (Series 5500) shall also apply to the Dean.

**18. General Terms.**

A. Integration. This Agreement contains the entire agreement of the parties and supersedes all prior negotiations, understandings or agreements. Neither of the parties has relied upon any oral or written representation or written information given to the party by any representative of the other party not contained in this Agreement.

B. Severability. If one or more of the provisions of this Agreement are declared invalid or unenforceable by judicial, legislative or administrative authority of competent jurisdiction, then the parties agree that the invalidity or unenforceability of any of the provisions shall not in any way affect the validity or enforceability of any other provisions of this Agreement.

C. Modification. No change to the terms or provisions of this Agreement shall be deemed valid unless set forth in writing and signed by both parties.

D. Construction of Agreement. This Agreement shall not be construed more strongly in favor or against either party regardless of which party is responsible for its preparation.

E. Waiver. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a party shall give the other party any contractual rights by custom, estoppel, or otherwise.

F. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be an original, but all of which shall constitute one and the same instrument.

G. Board Approval. The effectiveness of this Agreement shall be contingent upon approval by District's governing board at a regular meeting in open session as required by law.

H. Binding Effect. This Agreement shall be for the benefit of and shall be binding upon all parties and their respective successors, heirs, and assigns.

I. Execution of Other Documents. The parties shall cooperate fully in the execution of any other documents and in the completion of any other acts that may be necessary or appropriate to give full force and effect to this Agreement.

J. Public Record. The parties recognize that, once final, this Agreement is a public record and must be made available to the public upon request.


In witness thereof, the Monterey Peninsula Community College District of Monterey County, State of California, has caused its name to be signed by its Governing Board Chair, and its Superintendent/President, both of whom are duly authorized, and Dean has signed his/her name signifying acceptance of the terms of this agreement.

By: \_\_\_\_\_  
Ms. Marilyn Gustafson, Chair, Governing Board  
Monterey Peninsula Community College District

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Dr. Walter Tribley, Superintendent/President  
Monterey Peninsula Community College District

Date: \_\_\_\_\_

By:   
Dr. Vincent J. van Joolen, Dean of Instruction

Date: 2/13/17

cc: Personnel File

# Monterey Peninsula Community College District

## Governing Board Agenda

September 27, 2017

**New Business Agenda Item No. K**

Superintendent/President  
College Area

### **Proposal:**

That the Governing Board review Board Policies: 3430 – Prohibition of Harassment; 3510 – Workplace Violence; 3518 – Child Abuse Reporting; 3540 – Sexual and Other Assaults on Campus; 7130 – Compensation; 7240 – Confidential Employees; 7310 – Nepotism; 7330 – Communicable Disease; 7335 – Health Examinations; 7342 – Holidays; 7345 – Catastrophic Leave Program; 7350 – Resignations; 7370 – Political Activity; 7400 – Travel; 7440 – Whistleblower Protection; 7500 – Volunteers; 7510 – Domestic Partners; 7600 – Campus Security Officers

### **Background:**

In May 2012, the District approved a new approach for revision of board policies where the policy language provided through the Community College League of California (CCLC) policies and procedure subscription service would be adopted without change, including the numbering, except in limited circumstances. The goal of the new approach is to adopt CCLC's policy manual in its entirety, as a replacement for the District's existing policies. This approach will ensure the District has the essential policies in place and the deleting of out-of-date or noncompliant policies will be accomplished more efficiently. The acceptance of the CCLC policy language without revision is advised to safeguard the District and avoid the need for review of language modifications by local legal counsel, saving District legal costs.

An extensive update of board policies is currently underway to reflect CCLC policy language and policies will be presented to the Board in a group for review and approval to facilitate the policy update. Completion of this update will address one of the recommendations from the District's accreditation evaluation report.

The Board Policies Subcommittee recently completed a review of policies for the general institution and human resources areas and recommends approval. The policies for the general institution were reviewed by the President's Advisory Group. The policies for the human resources area was reviewed by the Equal Employment Opportunity Advancement Committee (EEOAC) and by the President's Advisory Group.

The attached policies are presented for a first reading for Governing Board review and will return for action at the next board meeting:

Board Policy 3430	Prohibition of Harassment (replaces existing MPC policy 5105) <i>Administrative procedures 3430 and 3435 also attached for information.</i>
Board Policy 3510	Workplace Violence (no existing MPC policy)
Board Policy 3518	Child Abuse Reporting (no existing MPC policy)
Board Policy 3540	Sexual and Other Assaults on Campus (no existing MPC policy) <i>Administrative procedure 3540 also attached for information.</i>

Board Policy 7130	Compensation (replaces existing MPC policies 5590 and 5720)
Board Policy 7240	Confidential Employees (no existing MPC policy)
Board Policy 7310	Nepotism (no existing MPC policy)
Board Policy 7330	Communicable Disease (replaces existing MPC policies 2255 and 5120)
Board Policy 7335	Health Examinations (no existing MPC policy) <i>Administrative procedure 7336 also attached for information.</i>
Board Policy 7342	Holidays (replaces existing MPC policy 5565)
Board Policy 7345	Catastrophic Leave Program (no existing MPC policy)
Board Policy 7350	Resignations (replaces existing MPC policy 5420)
Board Policy 7370	Political Activity (replaces existing MPC policy 5040) <i>Administrative procedure 7370 also attached for information.</i>
Board Policy 7400	Travel (replaces existing MPC policy 2145)
Board Policy 7440	Whistleblower Protection (no existing MPC policy)
Board Policy 7500	Volunteers (replaces existing MPC policy 5800)
Board Policy 7510	Domestic Partners (no existing MPC policy)
Board Policy 7600	Campus Security Officers (no existing MPC policy)

**Budgetary Implications:**

None.

**INFORMATION:** First Reading of Board Policies: 3430 – Prohibition of Harassment; 3510 – Workplace Violence; 3518 – Child Abuse Reporting; 3540 – Sexual and Other Assaults on Campus; 7130 – Compensation; 7240 – Confidential Employees; 7310 – Nepotism; 7330 – Communicable Disease; 7335 – Health Examinations; 7342 – Holidays; 7345 – Catastrophic Leave Program; 7350 – Resignations; 7370 – Political Activity; 7400 – Travel; 7440 – Whistleblower Protection; 7500 – Volunteers; 7510 – Domestic Partners; 7600 – Campus Security Officers

**Recommended By:** Dr. Walter Tribley, Superintendent/President

**Prepared By:** Shawn Anderson  
Shawn Anderson, Executive Assistant to Superintendent/President and Governing Board

**Agenda Approval:** Walter Tribley  
Dr. Walter Tribley, Superintendent/President



MONTEREY PENINSULA  
COLLEGE

## GOVERNING BOARD POLICIES

### Chapter 3 General Institution

3430

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

#### BP 3430 Prohibition of Harassment

All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence. It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation of any person, or military and veteran status, or because he/she is perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees, students, unpaid interns, and volunteers feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student, employee, unpaid intern, or volunteer who believes that he/she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

To this end the Superintendent/President shall ensure that the institution undertakes education and training activities to counter discrimination and to prevent, minimize and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.



## GOVERNING BOARD POLICIES

The Superintendent/President shall establish procedures that define harassment on campus. The Superintendent/President shall further establish procedures for employees, students, unpaid interns, volunteers, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures for students to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents.

This policy and related written procedures (including the procedure for making complaints) shall be widely published and publicized to administrators, faculty, staff, students, unpaid interns, and volunteers particularly when they are new to the institution. They shall be available for students, employees, unpaid interns, and volunteers in all administrative offices and shall be posted on the district's website.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion. Unpaid interns who violate this policy and related procedures may be subject to disciplinary measure up to and including termination from the internship or other unpaid work experience program.

**References:** Education Code Sections 212.5, 44100, 66252, and 66281.5;  
Government Code Sections 12940 and 12950.1;  
Title 2 Sections 10500 et seq.;  
Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e

### **Formerly Governing Board Policy 5105 – Sexual Harassment**

**Adopted:** May 11, 1983

**Revised and Adopted:** May 10, 1989 and September 28, 1993

**Renumbered, Revised, and Adopted:**



MONTEREY PENINSULA COLLEGE  
GOVERNING BOARD POLICIES

5000 SERIES PERSONNEL

B. Equal Employment Opportunity and Non Discrimination

~~5105~~ Sexual Harassment

~~1.~~ General Purpose

~~It is the policy of the Monterey Peninsula Community College District to maintain an institutional environment free of sexual suggestions or advances, expressed or implied requests for sexual favors, and/or other conduct constituting sexual harassment, as defined and otherwise prohibited by state and Federal law.~~

~~Engaging in sexual harassment shall be a violation of this policy for those authorized either to recommend or take personnel or academic actions affecting employees or students, those otherwise authorized to transact business or perform other acts or services on behalf of the Monterey Peninsula Community College District.~~

~~Sexual harassment is inappropriate and is prohibited within the college institution. No person in the institution, whether an elected member of the Board of Trustees, an appointed officer of the District, a member of the administration, a member of the faculty, employee, student, or any other person who is a supervisor, teacher, mentor, tutor, or who otherwise exercises authority within the institution, whether in a paid position or as a volunteer, shall engage in any conduct which constitutes a sexual threat or suggestion in violation of this policy.~~

~~The complete Procedure for the Prevention of Sexual Harassment is maintained as Appendix 5105 and as part of the District Affirmative Action Plan, Appendix 5100, and contains definitions, examples, timelines, and procedures for filing a claim and for investigating complaints.~~

~~2.~~ Definition of Sexual Harassment

~~Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:~~

~~(a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.~~

~~(b) Submission to, or rejection of, the conduct by the individual is used on the basis of employment or academic decisions affecting the individual.~~



~~MONTEREY PENINSULA COLLEGE  
GOVERNING BOARD POLICIES~~

~~5000 SERIES PERSONNEL~~

~~A. All Employees~~

~~5105 Sexual Harassment (continued)~~

~~(c) 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 educational environment.~~

~~(d) 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 the educational institution. (Added by Stats. 184, c.1371, SS 1)~~

~~3. Disciplinary Action~~

~~Monterey Peninsula Community College District forbids any form of sexual harassment, including the acts of non-employees. Prompt disciplinary action, up to and including expulsion or termination, will be taken against any student or employee determined to be engaging in sexual harassment. Employees committing harassment as defined in this policy are deemed to be acting outside the scope of their employment.~~

~~4. Complaint Procedure~~

~~Recognizing that the failure to act may threaten the status of a victim, sexual harassment is a matter requiring prompt attention by the College. Since the College recognizes the delicate nature of such situations, each step in the complaint procedure (as described in the Procedure for the Prevention of Sexual Harassment) must be conducted with discretion in order to maintain confidentiality. It is the intent of this procedure to result in prompt recourse and to ensure fairness and equity to both the individual alleging sexual harassment and to the person accused of such behavior.~~

~~5. Responsible Officer~~

~~The Affirmative Action Officer is designated as the officer to receive and process complaints.~~

~~6. Reporting~~

~~The President will present an annual status report to the Governing Board.~~

~~7. Campus Awareness~~

~~The Monterey Peninsula Community College District will distribute annually information about the Sexual Harassment Policy and Procedure for~~

~~MONTEREY PENINSULA COLLEGE  
GOVERNING BOARD POLICIES~~

~~5000 SERIES PERSONNEL~~

~~A: All Employees~~

~~5105 Sexual Harassment (continued)~~

~~the Prevention of Sexual Harassment. Training sessions related to sexual harassment will be conducted to make employees aware of the policy and to aid in the prevention of sexual harassment.~~

~~References: Civil Rights Restoration Act of 1987  
California Code of Regulations, Title 5  
California Education Code Section 212.5  
Title IX of the Education Amendments of 1972  
Civil Rights Act of 1964 as amended by the Civil Rights Act of 1991  
California Fair Employment and Housing Commission, California Code of Regulations, Title 2, SS 7291.1 & 7287.6  
Equal Employment Opportunity Commission, Policy Guidelines on Issues of Sexual Harassment  
Sex Equity in Education Act  
Monterey Peninsula College's Affirmative Action Plan, Appendix 5100~~

~~Originally adopted as Governing Board Policy: May 11, 1983~~

~~Revised: May 10, 1989~~

~~Revised and Re-Adopted: September 28, 1993~~



ADMINISTRATIVE PROCEDURES

Chapter 3 General Institution

3430

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

**AP 3430 Prohibition of Harassment**

The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines sexual harassment and other forms of harassment on campus, and sets forth a procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member or student within the District.

This procedure and the related policy protects students, employees, unpaid interns, and volunteers in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, a District bus, or at a class or training program sponsored by the District at another location.

**Definitions**

**General Harassment:** Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation of any person, military and veteran status, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Harassment shall be found where, in aggregate, the incidents are sufficiently pervasive, persistent, or severe that a reasonable person with the same characteristics as the victim of the harassing conduct would be adversely affected to a degree that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource.

Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment if it meets the definition above. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct that could, depending on the circumstances, meet the definition above, or could contribute to a set of circumstances that meets the definition:

**Verbal:** Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's race gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race nationality, sexual orientation or other protected status.



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**Physical:** Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation or other protected status. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.

**Visual or Written:** The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation, or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.

**Environmental:** A hostile academic or work environment may exist where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

**Sexual Harassment:** In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from, or in, the work or educational setting when:

- submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, progress, internship, or volunteer activity;
- submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;





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- 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 educational environment (as more fully described below); or
- 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 the community college.

This definition encompasses two kinds of sexual harassment:

**"Quid pro quo"** sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.

**"Hostile environment"** sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e. a sexual assault.

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

### **Consensual Relationships**

Romantic or sexual relationships between supervisors and employees, or between administrators, faculty, or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.



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**NOTE: *The following is legally advised.***

### **Academic Freedom**

No provision of this Administrative Procedure shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. Freedom of speech and academic freedom are, however, not limitless and this procedure will not protect speech or expressive conduct that violates federal or California anti-discrimination laws.

**References:** Education Code Sections 212.5, 44100, and 66281.5;  
Government Code Section 12940;  
Title 2 Sections 10500 et seq.;  
Title IX, Education Amendments of 1972; Title 5 Sections 59320 et seq.;  
Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e

**Formerly Administrative Procedure 5105 - Procedures for Complaints of Unlawful Discrimination, Including Sexual Harassment**

**President's Cabinet Approved:** August 14, 2017

**Adopted:** April 29, 2003

**Revised:** May 2008

**Renumbered, Revised, and Adopted:**



**NOTE: This procedure is legally required**

**AP 3435 Discrimination and Harassment Complaints and Investigations**

**Complaints**

The law prohibits coworkers, supervisors, managers, and third parties with whom an employee comes into contact from engaging in harassment, discrimination, or retaliation. Any person who has suffered harassment, discrimination, or retaliation may file a formal or informal complaint of harassment, discrimination, or retaliation.

A formal complaint is a written and signed statement filed with the District or the California Community Colleges Chancellor's Office that alleges harassment, discrimination, or retaliation in violation of the District's Board Policies, Administrative Procedures or in violation of state or federal law. An informal complaint is any of the following: (1) An unwritten allegation of harassment, discrimination, or retaliation; (2) a written allegation of harassment, discrimination, or retaliation that falls outside the timelines for a formal complaint; or (3) a written complaint alleging harassment, discrimination, or retaliation filed by an individual who expressly indicates that he/she does not want to file a formal complaint.

**Informal Complaints**

Any person may submit an informal complaint to the Chief Human Resources Officer or any other District or college administrator. Administrators receiving an informal complaint shall immediately notify the Chief Human Resources Officer in writing of all pertinent information and facts alleged in the informal complaint.

Upon receipt of an informal complaint, the Chief Human Resources Officer will notify the person bringing the informal complaint of his/her right to file a formal complaint, if the incident falls within the timeline for a formal complaint, and explain the procedure for doing so. The complainant may later decide to file a formal complaint, if within the timelines to do so. If the individual chooses not to file a formal complaint, or if the alleged conduct falls outside the timeline to file a formal complaint, the Chief Human Resources Officer shall consider the allegations contained in the informal complaint and determine the appropriate course of action. This may include efforts to informally resolve the matter, or a fact-finding investigation.

Investigation of an informal complaint will be appropriate if the Chief Human Resources Officer determines that the allegation(s), if proven true, would constitute a violation of the District policy prohibiting harassment, discrimination, or retaliation. The Chief Human Resources Officer will explain to any individual bringing an informal complaint that the Chief Human Resources Officer may decide to initiate an investigation, even if the individual does not wish the Chief Human Resources Officer to do so. The Chief Human Resources Officer shall not disregard any allegations

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of harassment, discrimination, or retaliation solely on the basis that the alleged conduct falls outside the deadline to file a formal complaint.

### **Formal Complaints**

Formal Complaints must be filed with the Chancellor of the California Community Colleges or the Chief Human Resources Officer unless the party submitting the Formal Complaint alleges discrimination, harassment, or retaliation against the responsible district officer, in which case it should be submitted directly to the Superintendent/President or the Chancellor of the California Community Colleges.

Formal Complaints should be submitted on the form prescribed by the Chancellor of the California Community Colleges. A copy of the form will be available at the Office of Human Resources and on the District's website.

If any party submits a written allegation of harassment, discrimination, or retaliation not on the form described above, the District will seek to have the individual complete and submit the form. However, if the individual chooses not to do so, the District will attach the written allegation(s) to the form and treat it as a Formal Complaint. In no instance will the District reject a written allegation of harassment, discrimination, or retaliation on the basis that it was not submitted on the proper form.

A Formal Complaint must meet each of the following criteria:

- It must allege facts with enough specificity to show that the allegations, if true, would constitute a violation of District policies or procedures prohibiting discrimination, harassment, or retaliation;
- The complainant must sign and date the Formal Complaint;
- The complainant must file any Formal Complaint not involving employment within one year of the date of the alleged discriminatory, harassing, or retaliatory conduct or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation(s) of discrimination, harassment, or retaliation.
- The complainant must file any Formal Complaint alleging discrimination, harassment, or retaliation in employment within 180 days of the date of the alleged discriminatory, harassing, or retaliatory conduct, except that this period shall be extended by no more than 90 days following the expiration of the 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.

If the Formal Complaint does not meet the requirements set forth above, the Chief Human Resources Officer will promptly return it to the complainant and specify the defect. If the sole





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defect is that the Formal Complaint was filed outside the applicable prescribed timeline, the Chief Human Resources Officer will handle the matter as an informal complaint.

**Oversight of Complaint Procedure:** The Chief Human Resources Officer is the "responsible District officer" charged with receiving complaints of discrimination or harassment, and coordinating their investigation.

The actual investigation of complaints may be assigned by the Chief Human Resources Officer or Superintendent/President to other staff or to outside persons or organizations under contract with the District. This shall occur whenever the Chief Human Resources Officer is named in the complaint or implicated by the allegations in the complaint.

**Who May File a Complaint:** Any student, employee, or third party who believes he/she has been discriminated against or harassed by a student, employee, or third party in violation of this procedure and the related policy.

**Where to File a Complaint:** A student, employee, or third party who believes he/she has been discriminated against or harassed in violation of these policy and procedures may make a complaint orally or in writing.

If a complainant decides to file a formal written unlawful discrimination or harassment complaint against the District, he/she must file the complaint on a form prescribed by the California Community Colleges Chancellor's Office. These approved forms are available from the Chief Human Resources Officer and at the California Community Colleges Chancellor's Office's website.

The completed form must be filed with any of the following:

- the Chief Human Resources Officer;
- the California Community Colleges Chancellor's Office.

### **Employment-Related Complaints**

Complainants filing employment-related complaints shall be notified that they may file employment discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH).

Complaints filed with the EEOC or the DFEH should be forwarded to the California Community Colleges Chancellor's Office.

Any District employee who receives a harassment or discrimination complaint shall notify the Chief Human Resources Officer immediately.

**Filing a Timely Complaint:** Since failure to report harassment and discrimination impedes the District's ability to stop the behavior, the District strongly encourages anyone who believes they

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are being harassed or discriminated against, to file a complaint. The District also strongly encourages the filing of such complaints within 30 days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the District's ability to investigate and remediate.

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination; the existence of a hostile, offensive or intimidating work environment, and acts of retaliation.

The District will investigate complaints involving acts that occur off campus if they are related to an academic or work activity.

**Communicating that the Conduct is Unwelcome:** The District further encourages students and staff to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste or inappropriate.

**Intake and Processing of the Complaint:** Upon receiving notification of a harassment or discrimination complaint, the Chief Human Resources Officer shall:

- Undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules; obtaining apologies; providing informal counseling, training, etc.
- Advise the complainant that he/she need not participate in an informal resolution of the complaint, as described above, and has the right to end the informal resolution process at any time. Mediation is not appropriate for resolving incidents involving sexual violence.
- Advise a student complainant that he/she may file a complaint with the Office of Civil Rights of the U.S. Department of Education and employee complainants may file a complaint with the Department of Fair Employment and Housing. All complainants should be advised that they have a right to file a complaint with local law enforcement, if the act complained of is also a criminal act. The District must investigate even if the complainant files a complaint with local law enforcement. In addition, the District should ensure that complainants are aware of any available resources, such as counseling, health, and mental health services. The Chief Human Resources Officer shall also notify the California Community Colleges Chancellor's Office of the complaint.
- Take interim steps to protect a complainant from coming into contact with an accused individual, especially if the complainant is a victim of sexual violence. The Chief Human Resources Officer should notify the complainant of his/her options to avoid contact with the accused individual and allow students to change academic situations

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as appropriate. For instance, the District may prohibit the accused individual from having any contact with the complainant pending the results of the investigation. When taking steps to separate the complainant and accused individual, the District shall minimize the burden on the complainant. For example, it is not appropriate to remove complainants from classes or housing while allowing accused individuals to remain.

### **Investigation**

The Chief Human Resources Officer shall:

- Authorize the investigation of the complaint, and supervise or conduct a thorough, prompt and impartial investigation of the complaint, as set forth below. Where complainants opt for informal resolution, the designated officer will determine whether further investigation is necessary to ensure resolution of the matter and utilize the investigation process outlined below as appropriate. In the case of a formal complaint, the investigation will include interviews with the complainant, the accused, and any other persons who may have relevant knowledge concerning the complaint. This may include victims of similar conduct.
- Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, or other unlawful discriminatory conduct, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.

**Investigation of the Complaint:** The District shall promptly investigate every complaint of harassment or discrimination. No claim of workplace or academic harassment or discrimination shall remain unexamined. This includes complaints involving activities that occur off campus and in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, on a District bus, or at a class or training program sponsored by the District at another location.

As set forth above, where the complainant opts for an informal resolution, the Chief Human Resources Officer may limit the scope of the investigation, as appropriate. The District will keep the investigation confidential to the extent possible, but cannot guarantee absolute confidentiality because release of some information on a "need-to-know-basis" is essential to a thorough investigation. When determining whether to maintain confidentiality, the District may weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the complainant's age; whether there have been other harassment complaints about the same individual; and the accused individual's rights to receive information about the allegations if the information is maintained by the District as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S. Code Section 1232g; 34 Code Federal

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Regulations Part 99.15. The District will inform the complainant if it cannot maintain confidentiality.

**Investigation Steps:** The District will fairly and objectively investigate harassment and discrimination complaints. Employees designated to serve as investigators under this policy shall have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the District's grievance procedures operate. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially.

Investigators will use the following steps: interviewing the complainant(s); interviewing the accused individual(s); identifying and interviewing witnesses and evidence identified by each party; identifying and interviewing any other witnesses, if needed; reminding all individuals interviewed of the District's no-retaliation policy; considering whether any involved person should be removed from the campus pending completion of the investigation; reviewing personnel/academic files of all involved parties; reach a conclusion as to the allegations and any appropriate disciplinary and remedial action; and see that all recommended action is carried out in a timely fashion. When the District evaluates the complaint, it shall do so using a preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that discrimination or harassment has occurred.

**Timeline for Completion:** The District will undertake its investigation as promptly and swiftly as possible. To that end, the investigator shall complete the above steps, and prepare a written report within 90 days of the District receiving the complaint.

**Cooperation Encouraged:** All employees are expected to cooperate with a District investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a complainant or witnesses does not relieve the District of its obligation to investigate. The District will conduct an investigation if it is discovered that harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed. No employee will be retaliated against as a result of lodging a complaint or participating in any workplace investigation.

### Written Report

The results of the investigation of a complaint shall be set forth in a written report that will include at least all of the following information:

- A description of the circumstances giving rise to the Formal Complaint;
- A summary of the testimony provided by each witness interviewed by the investigator;
- An analysis of relevant evidence collected during the course of the investigation;

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- A specific finding as to whether there is probable cause to believe that discrimination, harassment, or retaliation occurred with respect to each allegation in the complaint; and
- Any other information deemed appropriate by the District.

### **Confidentiality of the Process**

Investigations are best conducted within a confidential climate. Therefore, the District does not reveal information about ongoing investigations except as necessary to fulfill its legal obligations. The District will keep the investigation confidential to the extent possible, but it cannot guarantee absolute confidentiality because release of some information on a “need-to-know-basis” is essential to a thorough investigation and to protect the rights of Accused students and employees during the investigation process and any ensuing discipline.

### **Administrative Determination**

- In any case not involving employment discrimination, within 90 days of receiving a complaint, the District shall complete its investigation and forward a copy of the investigative report to the Chancellor of the California Community Colleges, a copy or summary of the report to the complainant, and written notice setting forth all of the following to both the complainant and the Chancellor of the California Community Colleges:
  - The determination of the Chief Human Resources Officer or designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
  - A description of actions taken, if any, to prevent similar problems from occurring in the future;
  - The proposed resolution of the complaint; and
  - The complainant's right to appeal to the District's Governing Board and the Chancellor of the California Community Colleges.
- In any case involving employment discrimination, within 90 days of receiving a complaint, the district shall complete its investigation and forward a copy or summary of the report to the complainant, and written notice setting forth all the following to the complainant:
  - The determination of the Chief Human Resources Officer or designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
  - A description of actions taken, if any, to prevent similar problems from occurring in the future;
  - The proposed resolution of the complaint; and
  - The complainant's right to appeal to the district governing board and to file a complaint with Department of Fair Employment and Housing or the U.S Equal Employment Opportunity Commission.



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### **Discipline and Corrective Action**

If harassment, discrimination or retaliation occurred in violation of the policy or procedure, the District shall take disciplinary action against the accused and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense. Remedies for the complainant might include, but are not limited to:

- providing an escort to ensure that the complainant can move safely between classes and activities;
- ensuring that the complainant and alleged perpetrator do not attend the same classes or work in the same work area;
- preventing offending third parties from entering campus;
- providing counseling services or a referral to counseling services;
- providing medical services or a referral to medical services;
- providing academic support services, such as tutoring;
- arranging for a student-complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record; and
- reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the complainant being disciplined.

If the District imposes discipline, the nature of the discipline will not be communicated to the complainant. However, the District may disclose information about the sanction imposed on an individual who was found to have engaged in harassment when the sanction directly relates to the complainant; for example, the District may inform the complainant that the harasser must stay away from the complainant.

Disciplinary actions against faculty, staff, and students will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.

The District shall also take reasonable steps to protect the complainant from further harassment, or discrimination, and to protect the complainant and witnesses from retaliation as a result of communicating the complaint or assisting in the investigation.



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The District will ensure that complainants and witnesses know how to report any subsequent problems, and should follow-up with complainants to determine whether any retaliation or new incidents of harassment have occurred. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties to the extent possible without impeding the District's ability to investigate and respond effectively to the complaint.

If the District cannot take disciplinary action against the accused individual because the complainant refuses to participate in the investigation, it should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence.

### **Appeals**

If the District imposes discipline against a student or employee as a result of the findings in its investigation, the student or employee may appeal the decision using the procedure for appealing a disciplinary decision.

If the complainant is not satisfied with the results of the administrative determination, he/she may, within fifteen days, submit a written appeal to the Governing Board. The Governing Board shall review the original complaint, the investigative report, the administrative decision, and the appeal. The Governing Board shall issue a final District decision in the matter within 45 days after receiving the appeal. A copy of the decision rendered by the Governing Board shall be forwarded to the complainant and to the Chancellor of the California Community Colleges. The complainant shall also be notified of his/her right to appeal this decision.

If the Governing Board does not act within 45 days the administrative determination shall be deemed approved and shall become the final decision of the District in the matter.

In any case not involving workplace discrimination, harassment, or retaliation, the complainant shall have the right to file a written appeal with the Chancellor of the California Community Colleges within 30 days after the Board issued the final District decision or permitted the administrative decision to become final. Such appeals shall be processed pursuant to the provision of Title 5 Section 59350.

In any case involving employment discrimination, including workplace harassment, the complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the Department of Fair Employment and Housing.

### **Extension of Time**

Within 150 days of receiving a formal complaint, the District shall forward to the Chancellor of the California Community Colleges the original complaint, the investigative report, a copy of the written notice to the complainant setting forth the results of the investigation, a copy of the final administrative decision rendered by the Governing Board or indicating the date upon which the

## ADMINISTRATIVE PROCEDURES

decision became final, and a copy of the notification to the complainant of his/her appeal rights. If, due to circumstances beyond its control, the District is unable to comply with the 150-day deadline for submission of materials, it may file a written request for an extension of time no later than ten days prior to the expiration of the deadline.

### **File Retention**

The District will retain on file for a period of at least three years after closing the case copies of:

- the original complaint;
- the investigatory report;
- the summary of the report if one is prepared;
- the notice provided to the complainant, of the District's administrative determination and his/her right to appeal;
- any appeal; and
- the District's final decision.

The District will make such documents available to the Chancellor of the California Community Colleges upon request.

**NOTE:** *The language below is **optional language** regarding sexual misconduct and includes recommendations from the U.S. Department of Education Office for Civil Rights (OCR) "Dear Colleague" Letters and the April 2014 "Not Alone" White House Task Force Report to Protect Students From Sexual Assault. The suggested language goes beyond the strict requirements of the law, but complies with suggestions from the OCR's "Dear Colleague Letters" and other sources.*

**Where the complaint allegation consists of Sexual Misconduct, as defined by Title IX, the following applies:**

### **Sexual Misconduct:**

Sexual misconduct includes sexual harassment and sexual violence.

- Sexual harassment may include unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or education setting.
- Sexual violence refers to physical sexual acts perpetrated against a person's will or when a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion.
- Affirmative consent means an affirmative, conscious, and voluntary agreement to engage in sexual activity.



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Sexual misconduct creates a hostile environment if the conduct is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the District's program. A single or isolated incident may create a hostile environment if the incident is sufficiently severe.

### **Complaint Procedure:**

Where the complaint involves a minor, the District will comply with California mandated reporting requirements.

All responsible employees are required to report all actual or suspected sexual misconduct to the Title IX Coordinator immediately. A responsible employee is any employee who has the authority to take action to redress sexual misconduct, who has been given the duty of reporting incidents of sexual misconduct to the Title IX Coordinator or the Chief Human Resources Officer, or whom a student or employee could reasonably believe has this authority or duty. The District is on notice if a responsible employee knew, or in the exercise of reasonable care should have known, about the sexual misconduct.

Any person may make a complaint by contacting the Title IX Coordinator directly. The District's Title IX Coordinator is Susan Kitagawa, Associate Dean of Human Resources, located in the Administrative Building and can be contacted at [skitagawa@mpc.edu](mailto:skitagawa@mpc.edu) or at (831)646-4014. The Title IX Coordinator will receive all relevant details about the alleged sexual misconduct reported to the District responsible employee in order to determine what occurred and how to resolve the situation. This includes the names of alleged victim and alleged perpetrator (if known), and the date, time, and location of the alleged sexual misconduct.

### **Privileged or Confidential Reporting:**

A District employee should, whenever possible, before a student or employee reveals information that he or she may wish to keep confidential, ensure that the person making the report understands the employee's obligations to report to the Title IX Coordinator, the victims option to request confidentiality, which the District will take into consideration, and the victims ability to share the information confidentially with designated District employees.

Professional, licensed, mental health counselors who provide mental-health counseling to members of the District community, or interns, graduate students, and others supervised by professional licensed counselors, are not required to report any information to the Title IX Coordinator.

Non-professional counselors who work or volunteer in Student Health Services, including front desk personnel and student employees in the course of their duties, may maintain confidentiality. They are not required to report actual or suspected sexual misconduct to the Title IX Coordinator in a way that identifies the student without the victim's consent. These individuals are limited to those affiliated with Student Health Services located on the first floor of the Student Services Building.



## ADMINISTRATIVE PROCEDURES

### **Authority over Parties:**

The District has authority over students, employees, and third parties for alleged violations of this policy that occur on District property. The District has authority over District employees and students for alleged violations of this policy that occur at District activities or events. The District may exercise authority over events that occur off-campus to determine if the conduct occurred in the context of an education program or activity or had continuing effects on campus or in an off-campus education program or activity.

### **Standard of Proof:**

The District will use a “preponderance of the evidence” standard of proof in determining whether there has been a violation of this policy. This standard of proof is also known as “more likely than not” standard.

### **Upon Receiving the Complaint – Health and Safety:**

The Title IX Coordinator, together with members of the Behavioral Assessment Resource Team (BART) or appropriate members of the Administration, will make an immediate assessment concerning the health and safety of the victim and campus community as a whole. The District will provide the victim with immediate, interim measures necessary to protect his or her health and safety. These immediate, interim measures may include providing an escort to ensure that the victim can move safely between classes, ensuring that the victim and perpetrator do not attend the same classes or work in the same area, preventing offending third parties from entering campus, providing counseling services or a referral to counseling services, providing academic support services, such as tutoring, arranging for a victim to retake a course or withdraw from a course without penalty, including ensuring that any changes do not adversely affect the victim’s academic record, and reviewing any disciplinary actions taken against the victim to see if there is a causal connection between the harassment, discrimination, or retaliation and the misconduct that may have resulted in the victim being disciplined.

Where the District determines that there is a substantial threat to the campus community, it will issue a timely warning. The District will issue the warning according to the District’s administrative procedures. The District will not to disclose the victim’s name or other identifying information when issuing the warning.

### **Communicating that the Conduct is Unwelcome:**

The employee or student may, but is not required, to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste, or inappropriate. This is not required.

### **Intake and Processing of the Complaint:**

The Title IX Coordinator will not use mediation or any similar process to informally resolve a sexual misconduct complaint.



## ADMINISTRATIVE PROCEDURES

### **Confidentiality:**

Where the victim requests confidentiality or that the District not conduct an investigation, the District will take all reasonable steps to investigate while honoring the request. Where the victim insists that the District not disclose his or her name or other identifiable information to the alleged perpetrator, the District will inform the victim that its ability to respond will be limited. The District will evaluate this request in the context of its responsibility to provide a safe and nondiscriminatory environment for all employees and students. When weighing a request for confidentiality against the seriousness of the alleged harassment, the Title IX Coordinator will take the factors listed above into consideration.

### **Fact-Finding Investigation:**

Where the victim has filed a criminal complaint with local law enforcement, the District will consider what information the District is able to share, pursuant to state and federal law, to ensure that victims are not unnecessarily required to give multiple statements about a traumatic event. The District will continue to conduct its own thorough, reliable, prompt, and impartial investigation. The District will normally complete its sexual misconduct investigation within 60 business days of receiving the complaint, unless extended by the Title IX Coordinator for good cause. The Title IX Coordinator will notify the victim and accused in writing of the reason for the extension and the projected new timeline.

The victim and accused will have equal opportunity to present relevant witnesses and other evidence to the District investigator. The District will provide the same opportunities to the victim and accused, for example, the opportunity to have an advocate or union representative present, it must do so for the other party.

The results of the fact-finding investigation will be set out in a formal investigative report which will include the requirements listed above and a credibility determination of the victim, accused, and witnesses.

### **Reporting to California Community Colleges Chancellor's Office:**

The District considers all sexual misconduct complaints to be formal complaints. The Title IX Coordinator must notify the California Community Colleges Chancellor's Office of any sexual misconduct complaints. Upon completing the investigation, the District shall forward to the California Community Colleges Chancellor's Office a copy of the investigative report and administrative determination and to the complainant a copy or summary of the investigative report and administrative determination.

### **Dissemination of Policy and Procedures**

District policy and procedures related to harassment will include information that specifically addresses sexual violence. District policy and procedures will be provided to all students, faculty

## ADMINISTRATIVE PROCEDURES

members, members of the administrative staff and members of the support staff, and will be posted on campus and on the District's website.

When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee's personnel file. In addition, these policies and procedures are summarized in the District's course catalogs and orientation materials for new students.

### **Training**

By January 1, 2006, the District shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees who are employed as of July 1, 2005. All new supervisory employees must be provided with the training and education within six months of their assumption of a supervisory position. After January 1, 2006, the District shall provide sexual harassment training and education to each supervisory employee once every two years.

The training and education required by this procedure shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and the remedies available to victims of sexual harassment in employment. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. Supervisor's harassment training must also address potential exposure and liability for employers and individuals, supervisor's obligation to report sexual harassment, discrimination, and retaliation when they become aware of it, appropriate remedial measures to correct harassing behavior, and a review of "abusive conduct."

The District will maintain appropriate records of the training provided, including the names of the supervisory employees trained, the date of training, sign in sheets, copies of all certificates of attendance or completion issued, the type of training provided, a copy of all written or recorded training materials, and the name of the training provider. If the training is provided by webinar, the District will maintain a copy of the webinar, all written materials used by the training and all written questions submitted during the webinar, and document all written response or guidance the trainer provided during the webinar. The District will retain these records for at least two years.

Also see BP/AP 3410 titled Nondiscrimination and BP/AP 3430 titled Prohibition of Harassment

**References:** Education Code Sections 212.5, 66281.5, and 67386;  
Government Code Section 12950.1;  
Title 5 Sections 59320, 59324, 59326, 59328, and 59300 et seq.;



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Title 2 Sections 11023 and 11024;  
34 Code of Federal Regulations Section 106.8(b)

**Formerly Administrative Procedure 5105 - Procedures for Complaints of Unlawful  
Discrimination, Including Sexual Harassment**

**President's Cabinet Approved:** August 14, 2017

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~~**Procedures**~~  
~~**For**~~  
~~**Complaints of**~~  
~~**Unlawful Discrimination,**~~  
~~**Including**~~  
~~**Sexual Harassment**~~

~~**Filed Under**~~  
~~**Title 5, Sections 59300, et. seq.**~~

~~**May 2008**~~

~~Based on State Chancellor's Model Plan~~

**Monterey Peninsula Community College District  
Procedures  
For  
Complaints of  
Unlawful Discrimination,  
Including  
Sexual Harassment  
filed under  
Title 5, Sections 59300, et. seq.**

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## **I. Introduction & Scope**

These are the written policies and procedures for filing and processing complaints of unlawful discrimination, including sexual harassment, at Monterey Peninsula Community College District (MPC). These policies and procedures incorporate the legal principles contained in unlawful discrimination provisions of the California Code of Regulations, Title 5, Sections 59300 et seq. as well as other state and federal substantive and procedural requirements.

A copy of these written policies on unlawful discrimination, including sexual harassment, shall be displayed in a prominent location in the main administrative building and other areas where notices regarding MPC's rules, regulations, procedures, and standards of conduct are posted.

The Monterey Peninsula Community College District Governing Board on May 27, 2008, adopted these *Procedures for Complaints of Unlawful Discrimination, Including Sexual Harassment, 2008*, in accordance with the procedures of the Board.

Authority: Cal. Code Regs., Title 5, § 59326; Ed. Code, § 66281.5; 20 U.S.C. § 1681 et. seq. Reference: Cal. Code Regs., Title 5, § 59300 et seq.; 34 C.F.R. § 106.8(b).

## **II. Notice, Training and Education for Students and Employees**

The Monterey Peninsula Community College District's responsible officer shall make arrangements for or provide training to employees and students on the District's unlawful discrimination policies and procedures. Faculty members, members of the administrative staff, and all members of the support staff will be provided with a copy of the District's written policy on unlawful discrimination, including sexual harassment, at the beginning of the first semester of the college year after the policy is adopted.

District employees hired after adoption of these procedures will receive training and a copy of the policies and procedures regarding unlawful discrimination, including sexual harassment, during the first year of their employment. Because of their special responsibilities under the law, supervisors will undergo mandatory training within six months of assuming a supervisory position and bi-annually thereafter.

A training program or informational services will be made available to all students at least once annually. The student training or informational services will include an explanation of the policy in existence, how it works, and how to file a complaint. In addition, a copy of the District's written policy on unlawful discrimination, as it pertains to students, will be provided as part of any orientation program conducted for new students at the beginning of each semester or summer session, as applicable.

Authority: Ed. Code, § 66281.5; Cal. Code Regs., Title 5, §§ 59324 and 59326; Reference: Cal. Code Regs., Title 5, § 59300 et seq.; 34 C.F.R. § 106.8(b).



### **III. Policy on Unlawful Discrimination, Including Sexual Harassment**

Per Board Policy 5100, it is the policy of the Monterey Peninsula Community College District to provide an educational and employment environment in which no person shall be unlawfully denied full and equal access to, the benefits of, or be unlawfully subjected to discrimination, in whole or in part, on the basis of ethnic group identification, national origin, religion, age, sex, race, color, ancestry, sexual orientation, or physical or mental disability, or on the basis of these perceived characteristics or based on association with a person or group with one or more of these actual or perceived characteristics. This policy applies to any program or activity that is administered by, funded directly by, or that receives any financial assistance from the State Chancellor or Board of Governors of the California Community Colleges.

Per Board Policy 5105, it is the policy of the Monterey Peninsula Community College District to provide an educational and employment environment free from unwelcome sexual advances, requests for sexual favors, sexual favoritism, and other verbal or physical conduct or communications constituting sexual harassment.

The policy of Monterey Peninsula Community College District is to comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973 in the development, procurement, maintenance, or use of electronic or information technology and to respond to and resolve unlawful discrimination complaints regarding accessibility. Such complaints will be treated as complaints of discrimination on the basis of disability.

Employees, students, or other persons acting on behalf of the District who engage in unlawful discrimination as defined in this policy or by state or federal law may be subject to discipline up to and including discharge, expulsion, or termination of contract. Applicable due process procedures will be followed regarding disciplinary procedures.

In so providing, the Monterey Peninsula Community College District hereby implements the provisions of California Government Code Sections 11135 through 11139.5, the Sex Equity in Education Act (Ed. Code, § 66250 et seq.), Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794d), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12100 et seq.) and the Age Discrimination Act (42 U.S.C. § 6101).

Authority: Cal. Code Regs., Title 5, § 59300; Gov. Code, §§ 11135-11139.5; Ed. Code, § 66250 et seq.; 42 U.S.C. § 2000d; 20 U.S.C. § 1681; 29 U.S.C. § 794; 42 U.S.C. § 12100 et seq.; 42 U.S.C. § 6101; 29 U.S.C. § 794d; 36 C.F.R. § 1194.

### **IV. Retaliation**

It is unlawful for anyone to retaliate against someone who files a complaint of unlawful discrimination, including sexual harassment; who refers a matter for investigation or complaint; who participates in an investigation of a complaint; who represents or serves as an advocate for an alleged victim or alleged offender; or who otherwise furthers the principles of this unlawful discrimination policy.

Authority: 20 U.S.C. § 1681 et seq.; 34 C.F.R. § 106; Cal. Code Regs., Title 5, § 59300 et seq.; *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, Title IX*, Office of Civil Rights, January 19, 2001.

### **V. Academic Freedom**

The Monterey Peninsula Community College District Board of Trustees reaffirms its commitment to academic freedom, but recognizes that academic freedom does not allow any form of unlawful discrimination, including sexual harassment. The lecture, content, and discourse that are an intrinsic part of the course content shall in no event constitute sexual harassment or other form of unlawful discrimination. It is recognized that an essential function of education is a probing of opinions and an exploration of ideas that may cause some students discomfort. It is further recognized that academic freedom ensures the faculty's right to teach and the student's right to learn. Finally, nothing in these policies and procedures shall be interpreted to prohibit bona fide academic requirements for a specific community college program, course or activity.

When investigating complaints of unlawful discrimination, including sexual harassment, containing issues of academic freedom, Monterey Peninsula Community College District will consult with a faculty member appointed by the Academic Senate with respect to contemporary practices and standards for course content and delivery.

Reference: *Cohen v. San Bernardino Valley College* (1995) 883 F. Supp. 1407, 1412-1414 affd. in part and revd. in part on other grounds, (1996) 92 F.3d 968; Cal. Code Regs., Title 5, § 59302.

## **VI. Definitions**

Definitions applicable to nondiscrimination policies are as follows:

- A. ~~“Appeal” means a request by a complainant made in writing to a community college District governing board pursuant to Title 5, Section 59338 and/or to the Chancellor’s Office pursuant to Section 59339 to review the administrative determination of a community college District regarding a complaint of discrimination.~~
- B. ~~“Association with a person or group with these actual or perceived characteristics” includes advocacy for or identification with people who have one or more characteristics of a protected category listed under “Unlawful Discrimination Policy” and Title 5, Section 59300, participation in a group associated with persons having such characteristics, or use of a facility associated with use by such persons.~~
- C. ~~“Complaint” means a written and signed statement meeting the requirements of Title 5, Section 59328, which alleges unlawful discrimination in violation of this subchapter.~~
- D. ~~“Days” means calendar days.~~
- E. ~~“Discrimination on the basis of sex” means sexual harassment or discrimination on the basis of gender.~~
- F. ~~“Gender” includes a person’s gender identity and gender related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.~~
- G. ~~“Mental disability” includes, but is not limited to, all of the following:~~
  1. ~~Having any mental or psychological disorder or condition - such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities - that limits a major life activity. For purposes of this Section:~~
    - a. ~~“Limits” shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.~~
    - b. ~~A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.~~
    - c. ~~“Major life activities” shall be broadly construed and shall include physical, mental, and social activities and working.~~
  2. ~~Any other mental or psychological disorder or condition not described in paragraph 1 that requires specialized supportive services.~~
  3. ~~Having a record or history of a mental or psychological disorder or condition described in paragraph 1 or 2, which is known to the District.~~
  4. ~~Being regarded or treated by the District as having, or having had, any mental condition that makes achievement of a major life activity difficult.~~
  5. ~~Being regarded or treated by the District as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph 1 or 2.~~

~~“Mental disability” does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.~~
- H. ~~“Physical disability” includes, but is not limited to, all of the following:~~
  1. ~~Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:~~
    - a. ~~Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine.~~
    - b. ~~Limits a major life activity. For purposes of this Section:~~
      - (1) ~~“Limits” shall be determined without regard to mitigating measures, such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.~~

- (2) A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.
- (3) "Major life activities" shall be broadly construed and shall include physical, mental, and social activities and working.
2. Any other health impairment not described in paragraph 1 that requires specialized supportive services.
  3. Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph 1 or 2, which is known to the District.
  4. Being regarded or treated by the District as having, or having had, any physical condition that makes achievement of a major life activity difficult.
  5. Being regarded or treated by the District as having, or having had, a disease, disorder, condition, cosmetic disfigurement, or anatomical loss or health impairment that has no present disabling effect, but that may become a physical disability as described in paragraph 1 or 2.
- "Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.
- I. "District" means the Monterey Peninsula Community College District or any District program or activity that is funded directly by the state or receives financial assistance from the state. This includes any organization associated with the District that receives state funding or financial assistance through the District.
  - J. "Responsible District Officer" means the District officer identified by the District to the State Chancellor's Office as the person responsible for receiving complaints filed pursuant to Title 5, Section 59328, and coordinating their investigation.
  - K. "Sexual harassment" is unlawful discrimination in the form of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the workplace or in the educational setting, and includes but is not limited to:
    1. Making unsolicited written, verbal, physical, and/or visual contacts with sexual overtones. (Examples of sexual harassment in written form include, but are not limited to: suggestive or obscene letters, notes, and invitations. Examples of verbal sexual harassment include, but are not limited to: leering, gestures, display of sexually aggressive objects or pictures, cartoons, or posters.)
    2. Continuing to express sexual interest after being informed that the interest is unwelcome.
    3. Making reprisals, threats of reprisal, or implied threats of reprisal following a rebuff of harassing behavior. The following are examples of this type of sexual harassment within the work place: implying or actually withholding grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied.
    4. Engaging in explicit or implicit coercive sexual behavior within the work environment which is used to control, influence, or affect the employee's career, salary, and/or work environment.
    5. Engaging in explicit or implicit coercive sexual behavior within the educational environment that is used to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.
    6. Offering favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.
    7. Awarding educational or employment benefits, such as grades or duties or shifts, recommendations, reclassifications, etc., to any student or employee with whom the decision-maker has a sexual relationship and denying such benefits to other students or employees.
  - L. "Sexual orientation" means heterosexuality, homosexuality, or bisexuality.
  - M. "Unlawful discrimination" means discrimination based on a category protected under Title 5, Section 59300, including sexual harassment and retaliation.

Authority: Gov. Code, §12926; Cal. Code Regs., Title 5, §§ 59300, 59311; *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, Title IX, Office of Civil Rights, January 19, 2001.*

## VII. Responsible District Officer

The Monterey Peninsula Community College District has identified Susan Kitagawa, Associate Dean of Human Resources, to the State Chancellor's Office and to the public as the single District officer responsible for receiving complaints of unlawful discrimination filed pursuant to Section 59328 and for coordinating their investigation. The actual



investigation of complaints may be assigned to other staff or to outside persons or organizations under contract with the District. Such delegation procedures will be used whenever the officer designated to receive complaints is named in the complaint or is implicated by the allegations in the complaint.<sup>1</sup>

Authority: Cal. Code Regs., Title 5, § 59324; 34 C.F.R. § 106.8.

### **VIII. Filing A Complaint**

An individual who believes he/she has been discriminated against unlawfully or sexually harassed in any program or activity that is funded directly by, or that receives any financial assistance from, the Chancellor or Board of Governors of the California Community Colleges may file a complaint with the District's responsible officer. (See Sections IX and X below.) At the earliest possible time, but within five days of the filing of a complaint, the individual or individuals that allegedly engaged in discriminatory conduct shall be advised of the charges against them.<sup>2</sup>

Authority: Cal. Code Regs., Title 5, § 59311.

### **IX. Informal/Formal Complaint Procedure**

When a person brings charges of unlawful discrimination to the attention of the District's responsible officer or designee, that officer will:

- (1) Undertake efforts to resolve the charges informally;
- (2) Advise the complainant that he or she need not participate in informal resolution;
- (3) Notify the complainant bringing the charges of his or her right to file a formal complaint and explain the procedure for filing a formal complaint;
- (4) Assure the complainant that he or she will not be required to confront or work out problems with the person accused of unlawful discrimination;
- (5) Advise the complainant that he or she may file a nonemployment-based complaint with the Office of Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency's jurisdiction;
- (6) If the complaint is employment-related, the complainant should also be advised that he or she may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) and/or the Department of Fair Employment and Housing (DFEH) where such a complaint is within that agency's jurisdiction.

The purpose of the informal resolution process is to allow an individual who believes she/he has been discriminated against unlawfully or sexually harassed to resolve the issue through a mediation process rather than the formal complaint process. Typically, the informal process will be invoked when there is a simple misunderstanding or the complainant does not wish to file a formal complaint. Resolution of an informal complaint may require nothing more than a clarification of the misunderstanding or an apology from the respondent and an assurance that the offending behavior will cease. The District officer shall advise the complainant of his or her rights and responsibilities under both the formal and informal processes by providing a copy of the *Procedures for Complaints of Unlawful Discrimination, Including Sexual Harassment*. The informal resolution process will not be made a predicate to the process and investigation of a formal complaint. If a complaint is filed, an investigation must be completed within the time required unless a complainant, as a result of a successful informal resolution, voluntarily rescinds it.

Efforts at informal resolution need not include any investigation unless the responsible District officer determines that an investigation is warranted by the seriousness of the charges. Efforts at informal resolution may continue after the filing of a formal written complaint, but after a complaint is filed an investigation is required to be conducted pursuant to Title 5

<sup>1</sup> The federal Office for Civil Rights (OCR) advises educational institutions to give one official responsibility for oversight and coordination of all sexual harassment complaints to ensure consistent practices and standards in handling complaints as well as coordination of record keeping. This will help ensure that the educational institution can and will resolve recurring problems and identify students or employees who have multiple complaints filed against them. The State Chancellor's Office advises that having the responsible District officer, named pursuant to Title 5, Section 59324, coordinate both sexual harassment and other complaints of unlawful discrimination satisfies OCR's instruction on this subject.

<sup>2</sup> This is important in order to allow the accused an opportunity to prepare for the investigation. This initial contact may also provide the responsible District officer with information that would facilitate an informal resolution.

Section 59334 and will be completed unless the matter is informally resolved and the complainant dismisses the complaint. Even if the complainant does dismiss the complaint, the responsible District officer may require the investigation to continue if he or she determines that the allegations are serious enough to warrant an investigation. Any efforts at informal resolution after the filing of a written complaint will not exceed the 90-day period for rendering the administrative determination pursuant to Title 5, Section 59336.

In employment-related cases, if the complainant files with the Department of Fair Employment and Housing, a copy of that filing will be sent to the State Chancellor's Office requesting a determination of whether a further investigation under Title 5 is required. Unless the State Chancellor's Office determines that a separate investigation is required, the District will discontinue its investigation under Title 5 and the matter will be resolved through the Department of Fair Employment and Housing.

The District will allow for representation where required by law and may allow for representation for the accused and complainant in other circumstances on a case-by-case basis.

Authority: Cal. Code Regs., Title 5, §§ 59327, 59328, 59334, 59336, and 59339; *NLRB v. Weingarten, Inc.* (1975) 420 U.S. 251.

#### **X. Filing of Formal Written Complaint**

If a complainant decides to file a formal written unlawful discrimination complaint against the District, he or she will file the complaint on a form prescribed by the State Chancellor. These approved forms are available from the District and also at the State Chancellor's website, as follows:

<http://www.cccco.edu/divisions/legal/discrimination/discrimination.htm>

A copy of the approved form is attached in the Appendix. The completed form must be filed with the District representative or mailed directly to the State Chancellor's Office of the California Community Colleges.

Once a complaint is filed, the individual(s) accused of engaging in prohibited discriminatory conduct shall be advised of that filing and the general nature of the complaint. This shall occur as soon as possible and in a manner that is appropriate under the circumstances. The District will also advise the accused that an assessment of the accuracy of the allegations has not yet been made, that the complaint will be investigated, that the accused will be provided an opportunity to present his/her side of the matter, and that any conduct that could be viewed as retaliatory against the complainant or any witnesses must be avoided.

Authority: Cal. Code Regs., Title 5, §§ 59311 and 59328.

#### **XI. Threshold Requirements Prior to Investigation of a Formal Written Complaint**

When a formal written complaint is filed, it will be reviewed to determine if the complaint meets the following requirements:

- (1) The complaint must allege unlawful discrimination prohibited under Title 5, Section 59300.
- (2) The complaint must be filed on a form prescribed by the State Chancellor's Office.
- (3) The complaint must be filed by one who alleges that he or she has personally suffered unlawful discrimination or by one who has learned of such unlawful discrimination in his or her official capacity as an employee of Monterey Peninsula Community College District.
- (4) In any complaint not involving employment, the complaint must be filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation of unlawful discrimination.
- (5) In any complaint involving employment the complaint shall be filed within 180 days of the date the alleged unlawful discrimination occurred, except that this period will be extended by no more than 90 days following the expiration of that 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of 180 days.

~~If a complaint is found to be defective, it will be immediately returned to the complainant with a complete explanation of why an investigation could not be initiated under Title 5, California Code of Regulations, Section 59300 et seq. The notice will inform the complainant that the complaint does not meet the requirements of Title 5, Section 59328, and shall specify in what requirement the complaint is defective. A copy of the notice to the claimant will also be sent to the State Chancellor's Office.~~

~~Authority: Cal. Code Regs., Title 5, §§ 59328, 59332.~~

## **~~XII. Notice to State Chancellor or District~~**

~~Immediately upon receiving a complaint filed in accordance with the Title 5 regulations, the District will forward a copy of the complaint to the State Chancellor's Office. Similarly, when the State Chancellor's Office receives a complaint filed in accordance with the regulations, a copy will be forwarded to the District.~~

~~Authority: Cal. Code Regs., Title 5, § 59330.~~

## **~~XIII. Confidentiality of the Process and the Right to Privacy~~**

~~Investigative processes can best be conducted within a confidential climate. Therefore, the District will not reveal information about such matters except as necessary to fulfill its legal obligations.~~

~~Potential complainants are sometimes reluctant to pursue a complaint if their names will be revealed. The inability to reveal the name of a complainant or facts that are likely to reveal the identity of the complainant can severely limit the ability of the District to respond. Complainants must also recognize that persons who are accused of wrongdoing have a right to present their side of the matter, and this right may be jeopardized if the District is prohibited from revealing the name of the complainant or facts that are likely to disclose the identity of the complainant.~~

~~If a complainant insists that his or her name not be revealed, the responsible officer should take all reasonable steps to investigate and respond to the complaint consistent with the complainant's request as long as doing so does not jeopardize the rights of other students or employees.~~

~~It is also important that complainants and witnesses understand the possibility that they may be charged with allegations of defamation if they circulate the charges outside of the District's process. In general, persons who are participating in a District investigative or disciplinary process that is related to a charge of discrimination are protected from tort claims such as defamation. However, persons who make allegations outside of these processes or who discuss their claims with persons outside of the process may expose themselves to tort charges. Complainants, witnesses, and those accused of discrimination will each be asked to sign a confidentiality acknowledgement statement, stating that he/she has been advised of the confidentiality requirements. A copy of the statement is attached in the Appendix.~~

~~Where an investigation reveals the need for disciplinary action, the complainant may wish to have information about what disciplinary actions the District took. However, the privacy rights of the persons involved often prevent the District from providing such information. In student disciplinary actions for sexual assault/physical abuse charges, Education Code Section 76234 provides that the victim shall be informed of the disciplinary action, but that the victim must keep the information confidential. Disciplinary actions taken against employees are generally considered confidential.<sup>3</sup>~~

~~Authority: Cal. Const. Art. I, § 1; Civil Code § 47; Ed. Code §§ 76234 and 87740; *Silberg v. Anderson* (1990) 50 Cal.3d.205; *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, Title IX, Office of*~~

<sup>3</sup> ~~In cases of severe discipline, such as suspension or termination, the complainant would in all likelihood be required to testify at a hearing on the subject, and would therefore be aware of the proposed discipline. In the less severe cases, however, it is incumbent on the District to advise the complainant of the seriousness of the privacy issue. The complainant should be able to trust the District to take appropriate action and understand that the District is not at liberty to discuss personnel matters. If a disclosure is made to the accuser, the District should require that the accuser keep the information confidential; otherwise, the District exposes itself to possible litigation.~~

#### **~~XIV. Administrative Determination~~**

~~In any case not involving employment discrimination, within ninety (90) days of receiving an unlawful discrimination, including sexual harassment, complaint filed under Title 5, Sections 59300 et seq., the District will complete its investigation and forward a copy of the investigative report to the State Chancellor, a copy or summary of the report to the complainant, and written notice setting forth all the following to both the complainant and the State Chancellor:~~

- ~~(1) the determination of the chief executive officer or his/her designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;~~
- ~~(2) a description of actions taken, if any, to prevent similar problems from occurring in the future;<sup>3</sup>~~
- ~~(3) the proposed resolution of the complaint; and~~
- ~~(4) the complainant's right to appeal to the District governing board and the State Chancellor.~~

~~In any case involving employment discrimination, within ninety (90) days of receiving an unlawful discrimination or sexual harassment complaint filed under Title 5, Sections 59300 et seq., the responsible District officer will complete the investigation and forward a copy of the investigative report to the State Chancellor, a copy or summary of the report to the complainant, and written notice setting forth all the following to the complainant:~~

- ~~(1) the determination of the chief executive officer or his/her designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;~~
- ~~(2) a description of actions taken, if any, to prevent similar problems from occurring in the future;<sup>4</sup>~~
- ~~(3) the proposed resolution of the complaint; and~~
- ~~(4) the complainant's right to appeal to the District governing board and to file a complaint with the Department of Fair Employment and Housing.~~

~~The District will keep these documents on file for a period of at least three years after closing the case, and make them available to the State Chancellor upon request.~~

~~Monterey Peninsula College recognizes the importance of and is therefore committed to completing investigations and resolving complaints as quickly as possible, consistent with the requirements for a thorough investigation.~~

~~Authority: Cal. Code Regs., Title 5, § 59336.~~

#### **~~XV. Complainant's Appeal Rights~~**

~~Complainants have appeal rights that they may exercise if they are not satisfied with the results of the District's administrative determination. At the time the administrative determination and summary are mailed to the complainant, the District will notify the complainant of his or her appeal rights as follows:~~

- ~~a) First level of appeal: The complainant has the right to file an appeal to the District's governing board within 15 days from the date of the administrative determination. The District's governing board will review the original complaint, the investigative report, the administrative determination, and the appeal.~~
- ~~b) The District's governing board will issue a final District decision in the matter within 45 days after receiving the appeal. Or, the District's governing board may elect to take no action within 45 days, in which case the original decision in the administrative determination will be deemed to be affirmed and shall become the final District~~

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<sup>4</sup> If it is determined that discrimination did occur, possible remedies to prevent similar problems from occurring in the future include all the standard District disciplinary actions for students and employees, ranging from undocumented reprimand to termination or expulsion. If formal disciplinary action is inappropriate, other possible remedies include, training in the pertinent area(s) of unlawful discrimination, apology, and restricting or forbidding contact between the perpetrator and victim.



decision in the matter. A copy of the final decision rendered by the District's governing board will be forwarded to the complainant and to the State Chancellor's Office.

- e) ~~Second level of appeal: The complainant has the right to file an appeal with the California Community College Chancellor's Office in any case not involving employment related discrimination within 30 days from the date that the governing board issues the final District decision or permits the administrative determination to become final by taking no action within 45 days.<sup>5</sup> The appeal must be accompanied by a copy of the decision of the governing board or evidence showing the date on which the complainant filed an appeal with the governing board, and a statement under penalty of perjury that no response was received from the governing board within 45 days from that date.~~

~~Complainants must submit all appeals in writing.~~

~~Authority: Cal. Code Regs., Title 5, §§ 59338 and 59339.~~

#### ~~**XVI. Forward Documents to Chancellor**~~

~~In any case not involving employment discrimination, within 150 days of receiving a complaint, the District will forward the following to the Chancellor:~~

- ~~a) 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 as a result of taking no action on the appeal within 45 days.~~
- ~~b) A copy of the notice of appeal rights the District sent the complainant.~~
- ~~c) Any other information the Chancellor may require.~~

~~The District will keep these documents on file for a period of at least three years after closing the case, and in any case involving employment discrimination, make them available to the State Chancellor upon request.~~

~~Authority: Cal. Code Regs., Title 5, §§ 59338 and 59340.~~

#### ~~**XVII. Extensions**~~

~~If for reasons beyond its control, the District is unable to comply with the 90-day or 150-day deadlines specified above for submission of materials to the complainant and the State Chancellor's Office, the responsible District officer will file a written request that the State Chancellor grant an extension of the deadline. The request will be submitted no later than 10 days prior to the expiration of the deadlines established by Title 5 in Sections 59336 and/or 59340 and will set forth the reasons for the request and the date by which the District expects to be able to submit the required materials.~~

~~A copy of the request for an extension will be sent to the complainant who may file written objections with the State Chancellor within five (5) days of receipt.~~

~~The State Chancellor may grant the request unless delay would be prejudicial to the complainant. If the Chancellor grants an extension of the 90-day deadline, the 150-day deadline is automatically extended by an equal amount.~~

~~Authority: Cal. Code Regs., Title 5, § 59342.~~

#### ~~**XVII. Records Retention**~~

~~Unlawful discrimination records that are part of an employee's employment records may be classified as class-1 permanent records and retained indefinitely or microfilmed in accordance with Title 5, California Code of Regulations, Section 59022. Unlawful discrimination records of a student that are deemed worthy of preservation but not classified as class-1 permanent may be classified as class-2 optional records or as class-3 disposable records, to be retained for a period of three years.~~

~~Authority: Cal. Code Regs., Title 5, § 59020.~~

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<sup>5</sup> The Department of Fair Employment and Housing (DFEH) has final jurisdiction over employment-related cases. Therefore, the State Chancellor's Office has agreed to accept DFEH decisions and does not accept appeals in employment discrimination cases.



## **XIX. Appendix**

Forms available from Human Resources:

- ~~Chancellor's Office Complaint Form~~
- ~~Confidentiality Acknowledgement Statement~~



**CONFIDENTIALITY ACKNOWLEDGEMENT STATEMENT-  
DISCRIMINATION INVESTIGATIONS**

Investigations and discipline related to complaints of discrimination, including sexual harassment, are confidential. Complainants, witnesses and others contacted in the course of an investigation are subject to this requirement of confidentiality.

Complainants and witnesses participating in an investigation of discrimination may be charged with allegations of defamation if they circulate the charges outside of the Monterey Peninsula Community College District's process. In general, persons who are participating in a District investigative or disciplinary process that is related to a charge of discrimination are protected from tort claims such as defamation. However, persons who make allegations outside of these processes or who discuss claims with persons outside of the process may expose themselves to tort charges.

I have been advised of the confidentiality requirements for the complaint of discrimination currently under investigation.

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Form provided by:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date



## ~~Unlawful Discrimination Complaint Form~~

~~Name: \_\_\_\_\_~~

~~Last~~

~~First~~

~~Address: \_\_\_\_\_~~

~~Street or P.O. Box~~

~~City~~

~~State~~

~~Zip~~

~~Phone: Day ( ) \_\_\_\_\_ Evening ( ) \_\_\_\_\_~~

~~I Am A:  Student  Employee  Other: \_\_\_\_\_~~

~~I Wish To Complain Against: \_\_\_\_\_~~

~~District: \_\_\_\_\_ College: \_\_\_\_\_~~

### ~~Date of Most Recent Incident of Alleged Discrimination:~~

~~(Nonemployment complaints must be filed within one year of the date of the alleged unlawful discrimination. Employment complaints must be filed within six months of the date of the alleged unlawful discrimination.)~~

### ~~I Allege Discrimination Based on the Following Category Protected under Title 5 (you must select at least one):~~

- ~~Age~~
- ~~Ethnic Group Identification~~
- ~~Physical Disability~~
- ~~Religion~~
- ~~Ancestry~~
- ~~Mental Disability~~
- ~~Race~~
- ~~Sex/Gender (includes Harassment)~~
- ~~Color~~
- ~~National Origin~~
- ~~Retaliation\*\*~~
- ~~Sexual Orientation~~
- ~~Perceived to be in protected category or associated with those in protected category~~

~~Clearly state your complaint. Describe each incident of alleged discrimination separately. For each incident provide the following information: 1) date(s) the discriminatory action occurred; 2) name of individual(s) who discriminated; 3) what happened; 4) witnesses (if any); and 5) why you believe the discrimination was because of your religion, age, race, sex or whatever basis you indicated above. \*\*If applicable, explain why you believe you were retaliated against for filing a complaint or asserting your right to be free from discrimination on any of the above grounds. (Attach additional pages as necessary.)~~

~~What would you like the District to do as a result of your complaint -- what remedy are you seeking?~~ \_\_\_\_\_

~~I certify that this information is correct to the best of my knowledge.~~

~~\_\_\_\_\_  
*Signature of Complainant*~~

~~\_\_\_\_\_  
*Date*~~

~~Send **Original** to the District, or: Chancellor's Office, California Community Colleges  
1102 Q Street  
Sacramento, California 95811-6549  
(Revised 02/08) Attention: Legal Affairs Division~~



GOVERNING BOARD POLICIES

**Chapter 3      General Institution**

**3510**

**NOTE:** *This policy is legally required. Local practice may be inserted. Safety in the workplace is addressed in AP 6800. Districts may merge the two procedures if desired.*

**BP 3510      Workplace Violence**

The District is committed to providing a safe work environment that is free of violence and the threat of violence.

**Responding to Threats of Violence**

The top priority in this process is effectively handling critical workplace incidents, especially those dealing with actual or potential violence.

Violence or the threat of violence against or by any employee of the District or any other person is unacceptable.

Should a non-employee on District property demonstrate or threaten violent behavior, he/she may be subject to criminal prosecution.

Should an employee, during working hours, demonstrate or threaten violent behavior he/she may be subject to disciplinary action.

The following actions are considered violent acts:

- Striking, punching, slapping, or assaulting another person.
- Fighting or challenging another person to fight.
- Grabbing, pinching, or touching another person in an unwanted way whether sexually or otherwise.
- Engaging in dangerous, threatening, or unwanted horseplay.
- Possession, use, or threat of use, of a firearm, knife, explosive, or other dangerous object, including but not limited to any facsimile firearm, knife, or explosive, on District property, including parking lots, other exterior premises, District vehicles, or while engaged in activities for the District in other locations, unless such possession or use is a requirement of the job.
- Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm.
- Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2½ inches upon the grounds, unless the person is authorized to possess such a weapon in the course of his/her employment, has been authorized by a District employee to have the knife, or is a duly appointed peace officer who is engaged in the performance of his/her duties.





## GOVERNING BOARD POLICIES

Any employee who is the victim of any violent threatening or harassing conduct, any witness to such conduct, or anyone receiving a report of such conduct, whether the perpetrator is a District employee or a non-employee, shall immediately report the incident to his/her supervisor or other appropriate person.

***[List the names of those in the chain of command with a contact number for each person. Included would also be the contact number for the local law enforcement or indicate 911.]***

Campus Security – (831)646-4099

Director of Security and Emergency Operations – (831)646-4005

Vice President, Administrative Services – (831)646-4040

Emergency Law Enforcement- 911

No one, acting in good faith, who initiates a complaint or reports an incident under this policy will be subject to retaliation or harassment.

Any employee reported to be a perpetrator will be provided both due process and representation before disciplinary action is taken.

In the event the District fears for the safety of the perpetrator or the safety of others at the scene of the violent act, local law enforcement will be called.

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

**Adopted:** [Insert First Board Adoption Date]  
*(This is a new policy.)*



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

**BP 3518    Child Abuse Reporting**

The Superintendent/President shall establish procedures related to the responsibility of employees, within the scope of employment or in their professional capacity, to report suspected abuse and neglect of children.

**References:** Penal Code Sections 261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a, and 11164-11174.3;  
Welfare and Institutions Code Sections 300, 318, and 601;  
Family Code Sections 7802, 7807, 7808, 7820-7829, 7890, and 7892

**Adopted:**  
*(This is a new policy)*



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

**BP 3540 Sexual and Other Assaults on Campus**

Any sexual assault or physical abuse, including, but not limited to rape as defined by California law, whether committed by an employee, student or member of the public, that occurs on District property, is a violation of District policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

The Superintendent/President shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational information about preventing sexual violence is provided and publicized as required by law.

The procedures shall meet the criteria contained in Education Code Sections 67385, 67385.7, and 67386 and 34 Code of Federal Regulations Section 668.46.

Also see Board Policies 3430 Prohibition of Harassment and 3510 Workplace Violence

**References:** Education Code Sections 67382, 67385, 67385.7, and 67386;  
20 U.S. Code Section 1092(f);  
34 Code of Federal Regulations Section 668.46(b)(11)

**Adopted:**

*(This is a new policy)*





ADMINISTRATIVE PROCEDURES

**NOTE:** *This procedure is **legally required**. This procedure was revised/updated by the Policy & Procedure Service in February 2003, February 2006, August 2006, March 2012, June 2013, November 2014, April 2015, and October 2015. Local practice may be inserted.*

*The following are **the minimum requirements** contained in the Education Code and in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("The Clery Act," 20 U.S. Code Section 1092(f)). The requirements of the Clery Act are broader than those found in California's Education Code, and apply to all institutions of higher learning that receive federal aid. Districts may insert local procedures: the following example may be used as a guide.*

*In addition, the District may wish to include procedures on responding to domestic violence, dating violence, sexual assaults, or stalking at District sponsored activities on non-District property.*

*This sample procedure addresses domestic violence, dating violence, sexual assaults and stalking. Board Policy 3540 addresses both sexual and physical assaults. Districts may wish to cross reference the administrative procedures related to other physical assaults, including AP 3500, 3510, and 3515.*

*For additional information and resources on sexual assault, domestic violence, dating violence, and stalking in the educational/campus environment, the Department of Justice has established a clearinghouse of resources geared towards colleges and universities, which can be accessed at the California Attorney General's website.*

**AP 3540 Sexual and Other Assaults on Campus**

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking, as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities or at another location, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all

## ADMINISTRATIVE PROCEDURES

applicable punishment, including criminal procedures and employee or student discipline procedures. (See also AP 5500 titled Standards of Student Conduct.)

“Sexual assault” includes but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

“Domestic violence” includes felony or misdemeanor crimes of violence committed by:

- a current or former spouse of the victim;
- a person with whom the victim shares a child in common;
- a person who is cohabitating with or has cohabitated with the victim as a spouse;
- a person similarly situated to a spouse of the victim under California law; or
- any other person against an adult or youth victim who is protected from that person’s acts under California law.

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others, or to suffer substantial emotional distress.

It is the responsibility of each person involved in sexual activity to ensure that he/she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

“Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity.

These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, see also AP 3500, 3510, and 3515.)

All students, faculty members or staff members who allege they are the victims of domestic violence, dating violence, sexual assault or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the Title IX Coordinator which shall maintain the identity and other information about

ADMINISTRATIVE PROCEDURES

alleged sexual assault victims as confidential unless and until the Title IX Coordinator is authorized to release such information.

The Title IX Coordinator shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with the following:

- A copy of the District's policy and procedure regarding domestic violence, dating violence, sexual assault, or stalking;
- A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents;
  - Campus Security
  - Student Health Services
- Information about the importance of preserving evidence and the identification and location of witnesses;
- A description of available services, and the persons on campus available to provide those services if requested. Services and those responsible for provided or arranging them include:
  - Referral for counseling on and off campus by Student Health Services;
  - A list of other available campus resources or appropriate off-campus resources by Student Health Services;
  - Escort services by Campus Security
- The victim's option to:
  - notify proper law enforcement authorities, including on-campus and local police;
  - be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
  - decline to notify such authorities;
- The rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court;
- Information about how the District will protect the confidentiality of victims; and
- Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- A description of each of the following procedures:
  - criminal prosecution;
  - civil prosecution (i.e., lawsuit);
  - District disciplinary procedures, both student and employee;
  - modification of class schedules;
  - tutoring, if necessary.

The Title IX Coordinator should be available to provide assistance to Campus Security regarding how to respond appropriately to reports of sexual violence.



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## ADMINISTRATIVE PROCEDURES

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 3435, regardless of whether a complaint is filed with local law enforcement.

All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the Title IX Coordinator of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

A complainant or witness who participates in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District's student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic honesty.

In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:

- The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused.
- The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

- The complainant was asleep or unconscious.
- The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
- The complainant was unable to communicate due to a mental or physical condition.



## ADMINISTRATIVE PROCEDURES

The District shall maintain the identity of any alleged victim, witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence unless the alleged victim, witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on District property shall be referred to the District's Office of the Superintendent/President which shall work with the Title IX Coordinator to assure that all confidentiality rights are maintained.

Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent sexual assault, domestic violence, dating violence, and stalking and procedures that should be followed after an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any District proceeding arising from such a report. The statement must include the following:

- A description of educational programs to promote the awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;
- Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
- Information on a student's right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests, and the right to decline to notify these authorities;
- Information about how the District will protect the confidentiality of victims;
- Information for students about existing on- and off-campus counseling, mental health, victim advocacy, legal assistance, or other services for victims;
- Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement;
- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sexual assault, or stalking including a clear statement that:
  - Such proceedings shall provide a prompt, fair, and impartial resolution;
  - Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
  - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
  - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged domestic violence,



## ADMINISTRATIVE PROCEDURES

dating violence, sexual assault, or stalking, the procedures for the accused and victim to appeal the results of the disciplinary proceeding, of any changes to the results that occur prior to the time that such results become final, and when such results become final. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused.

- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.

### **Education and Prevention Information**

The Title IX Coordinator shall:

- Provide, as part of each campus established orientation program, education and prevention information about domestic violence, dating violence, sexual assault, and stalking. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations, and shall include the District's sexual assault policy and prevention strategies including empowerment programming for victim prevention, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction.
- Post sexual violence prevention and education information on the campus internet website regarding domestic violence, dating violence, sexual assault and stalking.

### **References:**

Education Code Sections 67385, 67385.7, and 67386;  
20 U.S. Code Section 1092(f);  
34 Code of Federal Regulations Section 668.46(b)(11)

**President's Cabinet Approved:** August 14, 2017

**Adopted:** [Approval Date]

*(This is a new procedure.)*



## GOVERNING BOARD POLICIES

### Chapter 7 Human Resources

7130

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

#### BP 7130 Compensation

Salary schedules, compensation, and benefits, including health and welfare benefits, for all classes of employees and each administrator employed pursuant to a contract under Education Code Section 72411 shall be established by the Board of Trustees.

#### Prohibition of Incentive Compensation

The District shall not provide any commission, bonus, or other incentive payment based, directly or indirectly, on the success in securing enrollments or financial aid, to any person or entity engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance. Employees covered by this ban shall be referred to as “covered employees” for purposes of this policy.

**From current MPC Policy 5590 titled Salary**

#### Management, Supervisory, and Confidential Personnel

The Governing Board shall enter into contracts with management personnel as required or permitted by law, or shall place management, supervisory, and confidential personnel on Board adopted salary schedules which are posted on the Human Resources website.

**From current MPC Policy 5720 titled Compensation**

#### Other Employees and Contractors

Compensation shall be authorized for short-term, non-certificated personnel, professional experts and consultants when approved by the Governing Board upon recommendation by the Superintendent/President.

See also the applicable collective bargaining agreements for specific compensation-related details.

**References:** Education Code Sections 70902(b)(4), 72411, 87801, and 88160;  
Government Code Section 53200;  
34 Code of Federal Regulations 668 (U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended)

#### Formerly Governing Board Policies 5590 – Salary and 5720 – Compensation

**Adopted:** March 10, 1982 for Policy 5590 and May 10, 1989 for Policy 5720

**Revised:** May 10, 1989 for Policy 5590

**Renumbered, Revised, and Adopted:**

MONTEREY PENINSULA COLLEGE  
GOVERNING BOARD POLICIES

5000 SERIES PERSONNEL

F. Management, Supervisory and Confidential Personnel

~~5590—Salary~~

~~The Governing Board shall enter into contracts with management personnel as required or permitted by law or shall place MSC personnel on Board adopted salary schedules which are included as Appendix 5590 of the Governing Board Policies Handbook.~~

~~Originally Adopted as Governing Board Policy: March 10, 1982.~~

~~Numbered and Re-adopted: May 10, 1989.~~



MONTEREY PENINSULA COLLEGE  
GOVERNING BOARD POLICIES

5000 SERIES PERSONNEL

H. Other Employees and Contractors

5720 Compensation

~~Compensation shall be authorized for short term non-certificated personnel, professional experts and consultants when approved by the Governing Board upon recommendation by the Superintendent/President.~~

~~Adopted: May 10, 1989~~



MONTEREY PENINSULA  
COLLEGE

GOVERNANCE BOARD POLICIES

**Chapter 7 Human Resources**

**7240**

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

**BP 7240 Confidential Employees**

Confidential employees are those who are required to develop or represent management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. The fact that an employee has access to confidential or sensitive information shall not in and of itself make the employee a confidential employee.

A determination whether a position is a confidential one shall be made by the Board of Trustees in accordance with applicable law and with the regulations of the California Public Employment Relations Board.

Confidential employees are not eligible for inclusion in a bargaining unit represented by an exclusive representative and the terms and conditions of their employment are not controlled by any collective bargaining agreement.

The terms and conditions of employment for confidential employees shall be provided for by procedures developed by the Superintendent/President. Such terms and conditions of employment shall include, but not be limited to, procedures for evaluation and rules regarding leaves, transfers, and reassignments.

**References:** Government Code Section 3540.1(c)

**Adopted:**

*(This is a new policy)*



MONTEREY PENINSULA  
COLLEGE

## GOVERNING BOARD POLICIES

### Chapter 7 Human Resources

7310

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

#### BP 7310 Nepotism

The District does not prohibit the employment of relatives or domestic partners as defined by Family Code Sections 297 et seq. in the same department or division, with the exception that they shall not be assigned to a regular position within the same department, division or site that has an immediate family member who is in a position to recommend or influence personnel decisions.

Personnel decisions include appointment, retention, evaluation, tenure, work assignment, promotion, discipline, demotion, or salary of the relative or domestic partner as defined by Family Code Sections 297 et seq.

Immediate family means spouse, parents, grandparents, siblings, children, grandchildren and in-laws or any other relative living in the employee's home.

The District will make reasonable efforts to assign job duties to minimize the potential for creating an adverse impact on supervision, safety, security, or morale, or creating other potential conflicts of interest.

Notwithstanding the above, the District retains the right where such placement has the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest, to refuse to place spouses in the same department, division or facility. The District retains the right to reassign or transfer any person to eliminate the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest.

**References:** Government Code Sections 1090 et seq. and 12940 et seq.

**Adopted:** [Insert First Board Adoption Date]

*(This is a new policy)*



GOVERNING BOARD POLICIES

**Chapter 7 Human Resources**

**7330**

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

**BP 7330 Communicable Disease**

All newly hired academic employees shall have on file a medical certificate indicating freedom from communicable diseases, including tuberculosis, unfitting the applicant to instruct or associate with students. No academic employee shall commence service until such medical certificate has been provided to the District.

All newly hired academic or classified employees must show that within the past 60 days they have submitted to a tuberculosis risk assessment and, if risk factors are present, been examined to determine that they are free from active tuberculosis. If risk factors were present at the tuberculosis risk assessment, and an examination occurs, after the examination the employee shall provide the District with a certificate from the employee's examining physician showing that the employee was examined and found to be free from active tuberculosis.

All employees shall be required to undergo a tuberculosis risk assessment within four years of employment and every four years thereafter, to determine if they are free from tuberculosis.

**References:** Education Code Sections 87408, 87408.6, and 88021

**Formerly Governing Board Policies 2255-Bloodborne Pathogens Control Policy and 5120-HIV/ARC/AIDS**

**Adopted:** February 21, 1995 for Policy 2255 and May 10, 1989 for Policy 5120

**Revised:** May 10, 1989 for Policy 5590

**Renumbered, Revised, and Adopted:**

MONTEREY PENINSULA COLLEGE  
GOVERNING BOARD POLICIES

2000 SERIES ADMINISTRATION & BUSINESS SERVICES

C. General Campus Policies

2255 Bloodborne Pathogens Control Policy

~~Monterey Peninsula College is committed to maintaining, insofar as it is reasonably within the feasibility of the college to do so, administrative and engineering controls to eliminate unprotected employee exposure to pathogenic organisms that may be found in the blood or other body fluids of infected individuals. Primary concern is given to, but is not necessarily limited to human immunodeficiency virus (HIV) and hepatitis B virus (HBV). Work-related activities of certain designated MPC employees having normal exposure to bloodborne pathogens will be regulated pursuant to 29 CFR 1910 and Title 8 CCR section 5193.~~

~~The MPC Bloodborne Pathogens Exposure Control Plan outlines the procedures to be used to prevent or minimize employee contact with blood or other potentially infectious materials.~~

~~Reference: Title 29 Code of Federal Regulations 1910;  
Title 8 California Code of Regulations Section 5193~~

~~Adopted: February 21, 1995.~~

MONTEREY PENINSULA COLLEGE  
GOVERNING BOARD POLICIES

5000 SERIES PERSONNEL

B. Equal Employment Opportunity and Non Discrimination

~~5120~~ HIV/ARC/AIDS

~~The District is committed to providing a safe as well as fair, sensitive and non-discriminatory environment which is in compliance with federal, state, and local regulations. According to medical evidence, individuals with Human Immune Deficiency Virus (HIV) infection, AIDS-related complex (ARC), or with Acquired Immune Deficiency Syndrome (AIDS), or who are perceived as having ARC/AIDS, do not present a health risk to others in the classroom nor in the work place. Whenever possible, the District will provide faculty and staff with current information on HIV/ARC/AIDS from available medical sources.~~

~~The District will treat all employees equally, regardless of whether they have HIV/ARC/AIDS, are perceived to have HIV/ARC/AIDS, belong to a group thought to be particularly susceptible to HIV/ARC/AIDS, are related to or reside with persons having HIV/ARC/AIDS, or have tested positive for the HIV antibody. An individual with HIV/ARC/AIDS will not be denied employment in the District as long as he/she is able to perform in accordance with the respective standards of each position. Furthermore, the District will not require an individual to undergo antibody testing, nor other HIV/ARC/AIDS medical screening, as a condition of employment. The District will not deny a person who has HIV/ARC/AIDS any benefits for which he/she is eligible, and, in accordance with State law, such information shall be confidential.~~

~~Reference: Federal Rehabilitation Act~~

~~Adopted: May 10, 1989.~~



GOVERNING BOARD POLICIES

**Chapter 7 Human Resources**

**7335**

**BP 7335 Health Examinations**

**NOTE:** *The language below is legally advised for those districts that administer pre-employment medical exams.*

The Superintendent/President shall establish administrative procedures related to medical examinations of candidates for appropriate positions prior to assuming the duties of the position. Such pre-employment medical examinations may only be required after a conditional job offer has been made, and shall be required of any candidate for a position for which a pre-employment medical examination has been deemed appropriate. No candidate shall be required to participate in such an examination solely on the basis of the candidate's age or disability.

The procedures may require any employee to undergo a physical or mental examination where such a fitness for duty exam is job related and consistent with business necessity. Such medical examinations shall be at the District's expense and shall be conducted by a physician chosen by the District.

Also see AP 7335 titled Health Examinations and AP 7336 titled Certification of Freedom from Tuberculosis

**References:** Government Code Section 12940;  
42 U.S. Code Section 12112(d);  
29 Code of Federal Regulations, Part 1630

**Adopted:** [Insert First Board Adoption Date]  
*(This is a new policy)*





ADMINISTRATIVE PROCEDURES

**AP 7336 Certification of Freedom from Tuberculosis**

Except as provided herein, no person shall be initially employed by the District in an academic or classified position unless the person has within the last 60 days submitted to a tuberculosis risk assessment developed by the State Department of Public Health and the California Tuberculosis Controllers Association and, if risk factors are present, an examination to determine that he/she is free of active tuberculosis, by a physician and surgeon licensed under the California Business and Professions Code. This examination shall consist of an X-ray of the lungs, or an approved intra-dermal tuberculin test, that, if positive, shall be followed by an X-ray of the lungs. This examination is a condition of initial employment and the expense shall be borne by the applicant.

The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a physician and surgeon licensed under the Business and Professions Code.

The Chief Human Resources Officer may exempt, for a period not to exceed 60 days following termination of the pregnancy, a pregnant employee from the requirement that a positive intra-dermal tuberculin test be followed by an X-ray of the lungs.

Thereafter, employees who are skin test negative, or were not tested because of a lack of risk factors, are required to undergo the foregoing tuberculosis risk assessment and, if risk factors exist, examination at least once each four years upon recommendation of the local health officer for so long as the employee remains skin test negative. Once an employee has a documented positive skin test that has been followed by an X-ray, the foregoing tuberculosis risk assessments and examinations shall no longer be required and referral shall be made within 30 days of completion of the examination to the local health officer to determine the need for follow up care.

If risk factors were present at the tuberculosis risk assessment and an examination occurs, after the examination, an employee shall cause to be on file with the District a certificate from the examining physician and surgeon showing the employee was examined and found free from active tuberculosis.

This procedure shall not apply to any employee of the District who files an affidavit stating that he/she adheres to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion and that to the best of his/her knowledge and belief he/she is free from active tuberculosis. If at any time there should be probable cause to believe that the



## ADMINISTRATIVE PROCEDURES

applicant is afflicted with active tuberculosis, he/she may be excluded from service until the Chief Human Resources Officer is satisfied that he/she is not so afflicted.

A person who transfers his/her employment from another school or community college District shall be deemed to meet the requirements of this procedure if the person can produce a certificate that shows that he/she within the past four years had a tuberculosis risk assessment that showed no risk factors were present or was examined and was found to be free of communicable tuberculosis, or if it is verified by the college previously employing him/her that it has a certificate on file that contains that showing.

A person who transfers his/her employment from a private or parochial elementary school, secondary school, or nursery school to the District shall be deemed to meet the requirements of this procedure if the person can produce a certificate as provided for in Health and Safety Code Section 121525 that shows that he/she within the last four years had a tuberculosis risk assessment that showed no risk factors were present or was examined and was found to be free of communicable tuberculosis, or if it is verified by the school previously employing him/her that it has the certificate on file.

Also see BP 7300 titled Communicable Disease.

**References:** Education Code Section 87408.6

**President's Cabinet Approved:** August 14, 2017

**Adopted:**

*(This is a new procedure.)*



## GOVERNING BOARD POLICIES

### Chapter 7 Human Resources

7342

**NOTE:** *This policy is unique to MPC.*  
**From current MPC Policy 5565 titled Holiday**

#### BP 7342 Holidays

Management, supervisory, and confidential personnel are entitled to the same paid holidays that are extended to the classified personnel. Certificated management personnel paid on a ten month basis with extra pay for extra days worked are not scheduled for work on designated holidays and are not paid for these holidays.

Also see BP 4010 Academic Calendar and the applicable collective bargaining agreements for specific holiday related details.

**References:** Education Code Section 79020

**Formerly Governing Board Policies 5565 - Holidays**

**Adopted:** May 10, 1982

**Revised and Adopted:** May 10, 1989

**Renumbered, Revised, and Adopted:**

MONTEREY PENINSULA COLLEGE  
GOVERNING BOARD POLICIES

5000 SERIES PERSONNEL

F. Management, Supervisory and Confidential Personnel

~~5565~~ Holidays

~~Management, supervisory, and confidential personnel are entitled to the same paid holidays that are extended to the classified personnel. Certificated management personnel paid on a ten-month basis with extra pay for extra days worked are not scheduled for work on designated holidays and are not paid for these holidays.~~

Originally Adopted as Governing Board Policy: March 10, 1982.

Numbered and Re-adopted: May 10, 1989.



**BP 7345 Catastrophic Leave Program**

**NOTE:** *The Board has discretion whether to implement a Catastrophic Leave Program under Education Code Section 87045. A Catastrophic Leave Program may be the subject of negotiations between a district and a union representing a unit of employees. The following language satisfies the requirements of Education Code Section 87045 if the District wishes to implement a program for un-represented employees.*

The Board of Trustees authorizes implementation of a catastrophic leave program to permit employees of the District to donate eligible leave credits to an employee when that employee or a member of his/her family suffers from a catastrophic illness or injury.

The Superintendent/President shall establish administrative procedures to administer the program that complies with the requirements established by the Education Code. The administrative procedures shall assure that the program is administered in a nondiscriminatory way.

Also see applicable collective bargaining agreements for catastrophic leave related details.

**References:** Education Code Section 87045

**Adopted:** [Insert First Board Adoption Date]

*(This is a new policy)*



MONTEREY PENINSULA  
COLLEGE

## GOVERNING BOARD POLICIES

### Chapter 7 Human Resources

7350

**NOTE:** *The language in current MPC Policy 5030 is similar to the language recommended by the Policy & Procedure Service.*

#### ❖ **From current MPC Policy 5030 titled Resignations (All Employees)**

#### **BP 7350 Resignations**

The Superintendent/President is delegated the authority to accept written resignations of employees of the District. The resignation shall be deemed accepted by the Governing Board when accepted in writing by the Superintendent/President whose acceptance shall be final and conclusive. The resignation may not be withdrawn without the consent of the Board. The Board shall fix the date when the resignation takes effect, ordinarily on the date tendered by the employee but in no event later than the close of the current academic year.

**References:** Education Code Sections 87730 and 88201

**Formerly Governing Board Policy 5420 Resignation (Classified Personnel) and 5030 Resignations (All Employees)**

**Adopted:** May 10, 1989

**Renumbered, Revised, and Adopted:**

MONTEREY PENINSULA COLLEGE  
GOVERNING BOARD POLICIES

5000 SERIES PERSONNEL

E. Classified Personnel

~~5420~~ Resignation

~~Any employee planning to leave the employ of the District shall submit to the Governing Board through the Director of Personnel, a written resignation giving at least two weeks notice. Employees who have completed six months of regular or restricted status will be compensated for earned but unused vacation leave accrued up to the effective date of resignation.~~

~~Adopted: May 10, 1989.~~





GOVERNING BOARD POLICIES

BP 7370 Political Activity

**NOTE:** *The following language is legally required.*

Employees shall not use District funds, services, supplies, or equipment to urge the passage or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the Board of Trustees. This policy prohibits political activity during an employee's working hours, but shall not be construed to prohibit an employee from urging the support or defeat of a ballot measure or candidate during nonworking time.

**NOTE:** *The language (below) is unique to MPC.*

❖ **From current MPC Policy 5040 titled Civil Rights of Employees**

**Political**

The Governing Board recognizes the right of any employee to take or refrain from taking a stand on a political issue and to support or oppose any issue or candidate. Such activities, however, must be conducted on the employee's own time and he/she must not use materials, equipment, telephones, or clerical time furnished by the District. Employees will exercise reasonable care to show that they are acting in their capacity as private citizens.

**Organizational**

Employees have the right to form, join, and participate in lawful activities of employee organizations. They also have the right to refuse to form, join, or participate in employee organization activities. However, employees represented by MPCEA/CSEA must pay dues, a service fee, or make a contribution in the same amount to a District-designated scholarship or foundation.

Also see BP 7140 titled Collective Bargaining and BP 2716 titled Political Activity

**References:** Education Code Sections 7054 and 7056;  
Government Code Section 8314  
Government Code 3540 et. seq.  
First Amendment, U.S. Constitution.  
Education Code 7050 et. seq.  
Article I, Section 2, California Constitution.  
MPCCD/MPCEA Agreement

**Formerly Governing Board Policy 5040 Civil Rights of Employees**



MONTEREY PENINSULA  
COLLEGE

## GOVERNING BOARD POLICIES

**Adopted:** May 10, 1989

**Renumbered, Revised, and Adopted:**

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MONTEREY PENINSULA COLLEGE  
GOVERNING BOARD POLICIES

5000 SERIES PERSONNEL

A. All Employees

~~5040~~ Civil Rights of Employees

~~1.~~ Political

~~The Governing Board recognizes the right of any employee to take or refrain from taking a stand on a political issue and to support or oppose any issue or candidate. Such activities, however, must be conducted on the employee's own time and he/she must not use materials, equipment, telephones, or clerical time furnished by the District. Employees will exercise reasonable care to show that they are acting in their capacity as private citizens.~~

~~2.~~ Organizational

~~Employees have the right to form, join, and participate in lawful activities of employee organizations. They also have the right to refuse to form, join, or participate in employee organization activities. However, employees represented by MPCEA/CSEA must pay dues, a service fee, or make a contribution in the same amount to a District designated scholarship or foundation.~~

~~Reference: Government Code 3540 et. seq.  
First Amendment, U.S. Constitution.  
Education Code 7050 et. seq.  
Article I, Section 2, California Constitution.  
MPCCD/MPCEA Agreement.  
Governing Board Policy 3120.~~

~~Formerly Governing Board Policy 5.7.~~

~~Revised, Renumbered and Adopted: May 10, 1989.~~



ADMINISTRATIVE PROCEDURES

**Chapter 7 Human Resources**

**7370**

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

**AP 7370 Political Activity**

No restriction shall be placed on the political activities of any employee of the District except as provided in board policy and these procedures.

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

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

The informational activities are otherwise authorized by the Constitution or laws of the State of California; and

The information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.

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

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

**References:** Education Code Sections 7050 et seq

**President's Cabinet Approved:** August 14, 2017

**Adopted:**

*(This is a new procedure.)*



GOVERNING BOARD POLICIES

**Chapter 7 Human Resources**

**7400**

**NOTE:** *The language in current Policy 2145 addresses the language recommended by the Policy & Procedure Service.*

❖ **From current MPC Policy 2145 titled Staff Travel/Mileage Reimbursement**

**BP 7400 Travel**

The Governing Board recognizes the need for representation at conferences and other activities, which relate to the mission of the District.

Board members and the Superintendent/President are authorized to attend conferences, meetings, workshops, and other functions, which relate to the mission and objectives of the District. The District shall reimburse them for expenses incurred therefrom. ([See BP/AP 2735 titled Governing Board Member Travel](#))

The Superintendent/President is encouraged to attend local community functions or activities as the representative of the College, and to meet or confer with local business representatives in order that Monterey Peninsula College will better serve our community.

The Superintendent/President or designee may approve the attendance by other employees at conferences, meetings, workshops, and other necessary functions relating to the mission and objectives of the District. Reimbursement to employees for expenses incurred thereby shall be in accordance with the District's Administrative Procedures. ([See AP 7400 titled Travel](#))

Out-of-state travel requires advance written approval of the Superintendent/President. Except in emergencies, out-of-country travel requires advance approval by the Governing Board. In the event of emergency approval by the Superintendent/President, the Board will receive notification and reason for emergency approval at the next regular meeting of the Governing Board.

Reimbursement for employees not covered by an employee contract for the use of their automobile in connection with related District business shall be the prevailing Internal Revenue Service rate. This rate shall be adjusted accordingly upon announcements made by the Internal Revenue Service that such rate has changed.

[Also see BP/AP 2735 titled Governing Board Member Travel, BP/AP 4300 titled Field Trips and Excursions, and BP/AP 6530 titled District Vehicles](#)

**Reference:** Education Code Section 87032  
**Formerly Governing Board Policy 2145 Staff Travel/Mileage Reimbursement**



MONTEREY PENINSULA  
COLLEGE

## GOVERNING BOARD POLICIES

**Adopted: June 1988**

**Revised and Adopted: May 21, 1991**

**Renumbered, Revised, and Adopted:**



MONTEREY PENINSULA COLLEGE  
GOVERNING BOARD POLICIES

2000 SERIES ADMINISTRATION & BUSINESS SERVICES

B. Business Services

~~2145 Staff Travel/Mileage Reimbursement~~

~~The Governing Board recognizes the need for representation at conferences and other activities, which relate to the mission of the District.~~

~~Board members and the Superintendent/President are authorized to attend conferences, meetings, workshops, and other functions, which relate to the mission and objectives of the District. The District shall reimburse them for expenses incurred therefrom.~~

~~The Superintendent/President is encouraged to attend local community functions or activities as the representative of the College, and to meet or confer with local business representatives in order that Monterey Peninsula College will better serve our community.~~

~~The Superintendent/President or designee may approve the attendance by other employees at conferences, meetings, workshops, and other necessary functions relating to the mission and objectives of the District. Reimbursement to employees for expenses incurred thereby shall be in accordance with the District's Administrative Procedures.~~

~~Out-of-state travel requires advance written approval of the Superintendent/President. Except in emergencies, out-of-country travel requires advance approval by the Governing Board. In the event of emergency approval by the Superintendent/President, the Board will receive notification and reason for emergency approval at the next regular meeting of the Governing Board.~~

~~Reimbursement for employees not covered by an employee contract for the use of their automobile in connection with related District business shall be the prevailing Internal Revenue Service rate. This rate shall be adjusted accordingly upon announcements made by the Internal Revenue Service that such rate has changed.~~

~~Reference: Education Code 72423, 87032.  
Formerly Governing Board Policy 3.16.~~

~~Adopted: June 1, 1988.~~

~~Revised: May 21, 1991.~~





GOVERNING BOARD POLICIES

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

**BP 7440 Whistleblower Protection**

The Superintendent/President shall establish procedures regarding the reporting and investigation of suspected unlawful activities by district employees, and the protection from retaliation of those who make such reports in good faith and/or assist in the investigation of such reports. For the purposes of this policy and any implementing procedures, “unlawful activity” refers to any activity—intentional or negligent—that violates state or federal law, local ordinances, or District policy.

The procedures shall provide that individuals are encouraged to report suspected incidents of unlawful activities without fear of retaliation, that such reports are investigated thoroughly and promptly, remedies are applied for any unlawful practices and protections are provided to those employees who, in good faith, report these activities and/or assist the District in its investigation.

Furthermore, District employees shall not:

- retaliate against an employee or applicant for employment who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order;
- retaliate against an employee or applicant for employment because the employee or applicant is a family member of a person who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order; or
- directly or indirectly use or attempt to use the official authority or influence of his/her position for the purpose of interfering with the right of an applicant or an employee to make a protected disclosure to the District. The District will not tolerate retaliation, and will take whatever action may be needed to prevent and correct activities that violate this policy, including discipline of those who violate it up to and including termination.

**References:** Education Code Sections 87160-87164;  
Labor Code Section 1102.5;  
Government Code Section 53296;  
Private Attorney General Act of 2004 (Labor Code Section 2698);  
Affordable Care Act (29 U.S. Code Section 218C)

**Adopted:** [Insert First Board Adoption Date]

*(This is a new policy)*



MONTEREY PENINSULA  
COLLEGE

## GOVERNING BOARD POLICIES

**Chapter 7     Human Resources**

**7500**

**NOTE:** *This policy is unique to MPC.*

**From current MPC Policy 5800 titled Volunteer Service**

### **BP 7500     Volunteers**

The Governing Board encourages the use of volunteers to perform supplemental services beyond those offered by District employees. Any District volunteer must be approved by the Superintendent/President or designee and must complete a form available through the Office of Human Resources, which is required for institutional liability and Worker's Compensation purposes.

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

**Formerly Governing Board Policy 5800 Volunteer Service**

**Adopted:** May 10, 1989

**Renumbered, Revised, and Adopted:**

MONTEREY PENINSULA COLLEGE  
GOVERNING BOARD POLICIES

5000 SERIES PERSONNEL

I. Volunteers

~~5800~~ Volunteer Service

~~The Governing Board encourages the use of volunteers to perform supplemental services beyond those offered by District employees. Any District volunteer must be approved by the Superintendent/President or designee and must complete a form available in the Personnel Services Office, which is required for institutional liability and Worker's Compensation purposes.~~

Adopted: May 10, 1989



MONTEREY PENINSULA  
COLLEGE

## GOVERNING BOARD POLICIES

### Chapter 7 Human Resources

7510

**NOTE:** *The following is legally required.*

#### BP 7510 Domestic Partners

Domestic partners registered with the California Secretary of State shall have, insofar as permitted by California law, all of the same rights, protections, and benefits, as well as the same obligations, responsibilities, and duties of married persons (spouses) under state law. Former domestic partners shall have all of the rights and obligations of former spouses. Surviving domestic partners shall have the same rights, protections, and benefits as are granted to a surviving spouse of a decedent.

Therefore, all references to “spouses” in the District’s policies or procedures shall be read to include registered domestic partners as permitted by California law.

**References:** Family Code Sections 297, 298, 298.5, 297.5, 299, 299.2, and 299.3

**Adopted:**

*(This is a new policy)*



GOVERNING BOARD POLICIES

**Chapter 7 Human Resources**

**7600**

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

**BP 7600 Campus Security Officers**

The District shall employ campus security officers, who shall provide services as security guards, or patrol persons on or about the campus(es) owned or operated by the District. Their duties include, but are not limited to protecting persons or property, preventing the theft of District property, and reporting any unlawful activity to the District and local law enforcement.

The Superintendent/President shall establish procedures necessary for administration of campus security. In addition, the Superintendent/President shall enter into an agreement with local law enforcement, which includes that campus security officers shall cooperate with local law enforcement in performing their duties.

Every campus security officer who works more than 20 hours per week shall complete a course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs as required by Education Code Section 72330.5 (b). If an officer is required to carry a firearm, he/she shall also satisfy the training requirements of Penal Code Section 832.

Every campus security officer shall meet other requirements set out in Education Code Section 72330.5.

**References:** Education Code Section 72330.5

**Adopted:** [Insert First Board Adoption Date]  
*(This is a new policy)*

# Monterey Peninsula Community College District

## Governing Board Agenda

September 27, 2017

**New Business Agenda Item No. L**

Superintendent/President  
College Area

**Proposal:**

To review the attached Calendar of Events.

**Background:**

The Trustees request that the Calendar of Events be placed on each regular Governing Board meeting agenda for review and that volunteer assignments be made so that the Trustees become more visible on campus.

Trustees will attend meetings as observers and will not represent the Board's view on issues/topics.

**Budgetary Implications:**

None.

**INFORMATION:** Calendar of Events.

**Recommended By:** Dr. Walter Tribley, Superintendent/President

**Prepared By:**

Shawn Anderson

Shawn Anderson, Executive Assistant to Superintendent/President and Governing Board

**Agenda Approval:**

Walter A. Tribley

Dr. Walter Tribley, Superintendent/President

## MPC Governing Board 2017 Calendar of Events

### SEPTEMBER 2017

Monday, September 4	Holiday – Labor Day
Tuesday, September 12	MPC Mobile Blood Drive, 10:00am-2:00pm, MPC Library – Carolyn Page Garden
Wednesday, September 13	Fall Lobo Day: 10:00am-2:00pm, Student Center
Wednesday, September 27	Regular Board Meeting, MPC Library & Technology Center Closed Session: 11:00am, Stutzman Room Regular Meeting: 1:30pm, Sam Karas Room
<b>Saturday, September 30</b>	<b>Alumni Reunion Celebration, 3:00 pm, Dance Studio Building next to the MPC Stadium</b>

### OCTOBER 2017

Wednesday, October 25	Regular Board Meeting, Public Safety Training Center, Seaside Closed Session: 11:00am, Room to be determined Regular Meeting: 1:30pm, Room to be determined
<b>Saturday, October 28</b>	<b>4<sup>th</sup> Annual Rubber Chicken Drop, 12:00pm VIP Party, 1:00 p.m. Football game, MPC Stadium</b>

### NOVEMBER 2017

Friday, November 10	Holiday – Veterans' Day Observance
Thursday, November 16	MCOE Education Leadership Summit for Governance Teams, 7:30am-3:00pm, Inn at Spanish Bay, Pebble Beach
Thursday, Nov. 16 through Saturday, Nov. 18	CCLC Annual Convention, San Jose Fairmont
Saturday, November 18	MPC Foundation Fundraising Gala – “An Evening of Opportunity,” 5:00pm, Folktale Winery & Vineyards, Carmel
Thursday, Nov. 23 through Saturday, Nov. 25	Holiday - Thanksgiving
Wednesday, November 29	Regular Board Meeting, MPC Library & Technology Center Closed Session: 11:00am, Stutzman Room Regular Meeting: 1:30pm, Sam Karas Room

### DECEMBER 2017

<b>Thursday, December 14</b>	<b>MPC Foundation New Board Member Orientation, 12:00-4:30 p.m., Monterey Peninsula College, Large Administration Conference Room</b>
<b>Thursday, December 14</b>	<b>MPC Foundation Board &amp; Volunteer Holiday Party, La Mirada, Time TBA</b>
Friday, December 15	Fall 2017 Semester Ends
Tuesday, December 19	Fire Academy Graduation, MPC Theater, 10:00am
Wednesday, December 20	Regular Board Organization Meeting and Swearing-in Ceremony, Monterey Peninsula College Closed Session: 11:00am, Stutzman Room Regular Meeting: 1:30pm, Sam Karas Room
Friday, Dec. 22 through Monday, Jan. 1	Winter Break



# Monterey Peninsula Community College District

## Governing Board Agenda

September 27, 2017

**New Business Agenda Item No. M**

Superintendent/President  
College Area

### **Proposal:**

That the Governing Board approves a resolution in support of codifying the Deferred Action for Childhood Arrivals program into federal law to secure the opportunity for a higher education at Monterey Peninsula College and at other institutions in the United States and its territories.

### **Background:**

Monterey Peninsula College's mission is to be "... an open access institution that fosters student learning achievement within its diverse community." In December 2016, the Superintendent/President and Board of Trustees reiterated their commitment to the District's mission and approved a resolution of support and commitment to undocumented students who were, at the time, facing potential changes to immigration policies.

On September 5, 2017, one such policy, the program known as Deferred Action for Childhood Arrivals (DACA), was rescinded. DACA protects from deportation undocumented individuals who were brought to the United States as children. It is difficult to estimate the number of California community college students with protections through DACA, as that data is not disaggregated by system or institution. Experts estimate, however, that approximately half of the students who receive in-state tuition via Assembly Bill 540 – Public Postsecondary Education: Exemption from Nonresident Tuition, have applied for and receive protections under DACA, putting the number of DACA students at around 30,000.

A number of bills have been introduced that would codify various elements of DACA into law: 2017 Dream Act (S. 1615 and H.R. 3440), Bridge Act (H.R. 496), Recognizing America's Children Act (H.R. 1468), and Hope Act (H.R. 3591). While exact details of the proposals are different, they all provide protection from deportation for those who were brought to the United States as children.

The attached resolution reaffirms Monterey Peninsula Community College District's commitment to our undocumented students through our support for codifying the Deferred Action for Childhood Arrivals program into federal law.

### **Budgetary Implications:**

None.

**RESOLUTION: BE IT RESOLVED**, that the resolution in support of codifying the Deferred Action for Childhood Arrivals program into federal law, be approved.

**Recommended By:** Dr. Walter Tribley, Superintendent/President

**Prepared By:** Shawn Anderson  
Shawn Anderson, Executive Assistant to Superintendent/President and Governing Board

**Agenda Approval:** Walter Tribley  
Dr. Walter Tribley, Superintendent/President



**MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT**

**RESOLUTION NO. 2017-2018/31**

**RESOLUTION IN SUPPORT OF CODIFYING DEFERRED ACTION FOR CHILDHOOD ARRIVALS  
INTO FEDERAL LAW**

**WHEREAS**, on September 5, 2017, the Trump Administration ordered an end to the program known as Deferred Action for Childhood Arrivals, or DACA, and the Administration has urged Congress to identify a replacement within six months before the Administration phases out DACA's protections. The outcome will determine the legal status and ultimate fate of approximately 800,000 immigrants, known as "Dreamers," who were brought into the United States as children and who are eligible—under the existing DACA program—to apply for temporary residency in the United States; and

**WHEREAS**, in an act of faith and trust in America's promise of opportunity and the historical legal principle of not punishing children for the actions of their parents and/or guardians, "Dreamers" gave their names, addresses, and telephone numbers to the United States government to participate in the DACA program; and

**WHEREAS**, the callous decision to end the Deferred Action on Childhood Arrivals (DACA) program is antithetical to American values and abandons the promise made to over 800,000 individuals pursuing the American Dream;

**WHEREAS**, the average DACA recipient immigrated to the United States at six years of age and has spent the majority of their lives living in the U.S.;

**WHEREAS**, the DACA program has offered the opportunity for hundreds of thousands of Americans to reach their educational goals regardless of their immigration status;

**WHEREAS**, this shortsighted political calculation of ending DACA inhibits the aspirations of 222,795 Californians, including many of the 72,000 estimated to be AB 540-eligible California community college students; and

**WHEREAS**, our vision for California's community colleges is to provide access to a quality public higher education for all Californians, and as the largest public system of higher education in the U.S., we take great pride in being the pathway to opportunity for Californians of all backgrounds.

**WHEREAS**, a study of DACA recipients by the University of California, San Diego, found that the incomes of those participating in the program increased by 45%;

**WHEREAS**, a recent analysis by the CATO Institute found that the U.S. economy could be reduced by \$215 billion, and the federal government would lose \$60 billion in tax revenues with the elimination of DACA;

**WHEREAS**, DACA recipients are ineligible for federally funded financial aid programs such as subsidized loans, grants, scholarships or work study, subsidies provided by the Affordable Care Act, Medicaid, food stamps, or cash assistance despite paying income, sales, and other taxes;

**WHEREAS**, seventy percent of DACA recipients are in school and 92% of them identify DACA as permitting them to pursue educational opportunities previously unavailable to them;

**WHEREAS**, to qualify for DACA, eligible applicants must not have committed a felony or significant misdemeanor, have been brought into the country under the age of 16, have lived continuously in the United States since 2007 and have to be either currently in school, have graduated from high school, or have been honorably discharged from the U.S. armed forces;

**WHEREAS**, President Trump has put the education goals and career aspirations of hundreds of thousands of Californians on hold and their future and America’s economy at risk; and

**WHEREAS**, we remain steadfast in our commitment to educational opportunity and will stand with “Dreamers” to protect quality public community colleges for all Californians;

**BE IT RESOLVED**, that the Board of Trustees of Monterey Peninsula Community College District hereby urges the Congress of the United States, and our State and local leaders—in keeping with the highest and best traditions of our pluralistic constitutional democracy—to acknowledge and accept the moral imperative of relieving these victims of circumstance from the fear of deportation, and to provide our nation’s “Dreamers” with continued relief from deportation, and a path to permanent citizenship; and

**BE IT FURTHER RESOLVED**, that the Board of Trustees of Monterey Peninsula Community College District urges California’s 20<sup>th</sup> District Congressional members to uphold California values, and to fill the leadership void created by President Trump’s decision, and to codify protections contained within the Deferred Action for Childhood Arrivals program that will permit thousands of California “Dreamers” to achieve their highest potential.

**PASSED AND ADOPTED** by the Governing Board of the Monterey Community College District on this 27<sup>th</sup> day of September, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

\_\_\_\_\_  
Marilynn Dunn Gustafson, Chair, Governing Board

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Dr. Walter Tribley, Secretary

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Charles Brown, Vice Chair, Governing Board

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Dr. Margaret-Anne Coppernoll, Trustee

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Rick Johnson, Trustee

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Dr. Loren Steck, Trustee

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Golnoush Pak, Student Trustee