

Academic Senate Council Minutes

Tuesday, April 20, 2:30-4:00 p.m. in the FH 120

STANDING MEMBERS						Guests
POSITION	NAME	PRESENT	POSITION	NAME	PRESENT	Welcome! Please sign in. Patty Colman
ASC Pres	Jeff Baker	X	Film, Interior Design, Art	Riley Dwyer	X	
ASC V.P.	Rex Edwards	X	Health Sciences	Dalila Sankaran/ Carol Velas	CV	
ASC Secretary	Lisa Putnam	X	History/Institutions	Susan Kinkella	X	
ASC Treasurer	Nenagh Brown	X	Library	Mary LaBarge	X	
ACCESS	Melanie Masters	X	Life Sciences	Andrew Kinkella	X	
Athletics	Howard Davis		Mathematics	Phil Abramoff	X	
Behavioral Sciences	Linda McDill	X	World Languages	Raquel Olivera		
Business	Stephanie Branca	X	Multi Media, Journalism, Photo	Steve Callis/ Joanna Miller		
Chemistry/ Earth Sciences	Omar Torres		Music/ Dance	James Song		
Counseling	Chuck Brinkman	X	Physical/ Health Education	Nancy Stewart	X	
Computer Info Systems	Mary Mills	X	Physics/ Astronomy	Clint Harper		
Computer Sci/ CNSE	Vish Viswanath	X	Student Health Center	Dena Stevens		
English/ ESL	Kathryn Adams Alt. Beth Gillis-Smith	KA BGS	Theater Arts/ Communications	John Loprieno		
EATM	Cindy Wilson	X	<i>Student Liaison</i>			

Quick Recap:

Action Item Topic	Discussion/Comments	Action
Sabbatical Leave Document (see attached)	Subcommittee drafted a process; will be forwarded to AFT for consideration	Draft will be forwarded.

I. Public Comments (Those wishing to make public comments should be in attendance by 2:30 p.m.)

Learning Communities advisory committee update. Accomplishments include a website (links to most common classes offered fall and spring), working with counselors in connecting students to classes, flex activity to plan for learning communities -- new teaching ideas and planning assignments (4/30, 10:30am to 1pm, lunch will be served). Challenge includes working with Banner, keeping the courses linked properly. Nils Slattum and Beth Gillis-Smith co-chair this advisory that reports to ASC. Fall 2010 course offerings include: (1) ENGL M01A and HIST M07A; (2) COL M01 and ENGL M02, (3) SOC M15 and CJ M01, (4) ENGL M01B and PHIL M01

PE is in the process of changing their name to Kinisiology. Courses are not yet in the fall schedule, and students will be confused. Please know that the courses WILL be added and available as soon as the approval process is in place.

II. Approval of Minutes: Minutes of April 6, 2010

Moved to Approve: Phil

Seconded: Riley

Passed unanimously.

III. Reports

Treasurer (Nenagh Brown)

- Checking : \$ 5,022.59
- Savings: \$ 1,197.60

Faculty brunch. Food is ordered (omelette bar). Looking for volunteers to be at the Welcome Table (Lisa Putnam, Nenagh Brown, Nancy Stewart, Carol Velas) 8:45 am start time on May 13th

11 applications out on the Scholarship. All is going smoothly.

Committee Reports

- EdCAP (JLoprieno) *Report given the first meeting of the month.
- Facilities CAP (PAbramoff).
- Faculty Development (MMills)
- Senate Subcommittees & Liaisons
 - Associated Students: None (no students available at this time)
 - District Reports-DCHR, DCSL, DTRW, Consultation Council

DCHR:
DCSL:
Consultation Council:
DCAS: Great Teachers' Institute funds will be allocated as "Senate Travel Money" allowing for more flexibility in how we utilize the funds. \$5000 is never fully used in sending faculty to the Great Teachers' Institute.
- Fiscal (JBaker) *Report given the second meeting of the month.
Classified Staff Prioritization underway.
- Curriculum (MLaBarge).
Honors Committee would like to increase the GPA from 3.0 to 3.25. Reminder: pre-requisites will begin being enforced by Banner with fall registration. If students do not meet the pre-req for a course, they will need to petition through counseling.
- TechCAP (KAdams).
Course Studio space for faculty to upload course materials. 10 megabytes will be available. Send any difficulties to Rick Shaw (and copy Martin Chetlen) if you are prevented from uploading materials. We have a new IT supervisor who will be starting very soon. We are in the final stages of the hiring process for the Instructional Technologist (Betsy's replacement).

IV. Unfinished Business

- a. Sabbatical Subcommittee/Faculty Professional Development ad hoc report
(Nenagh Brown, Rex Edwards and Melanie Masters)

The revisions were distributed to ASC, but are not complete. A timeline has been created, guide to the process, created and refined the committee selection procedures, combined some rubrics (OC and an MC that had been used) to assist the committee in the voting. The biggest change and addition to the 2008 process is in the reporting back process. It is required that faculty report back, but there were no procedures or guidelines in place. A concern has been voiced in regards to reporting back; we suggest that the candidate report to the senate before the report is formally submitted to the president and district. The concern, in the past we were very vocal in saying that the president should have no input in that process and that perhaps it would be unwise for the senate to have that input (it might open the door to additional people having input). It has been stated (by administration) that the quality of both applications and reports have been inadequate, and the senate would like to support the candidates in providing feedback on the report. The requested change to our drafted process is that we make it recommended (rather than required) for candidates to submit their reports to senate for review prior to submission to the president. The two goals were accountability and the opportunity to share the information with the college community.

Once we develop a process, Jeff recommends that we share it with the AFT as a potential process to be shared across the three campuses. We need to be careful not to encroach upon contractual/negotiable issue surrounding sabbaticals. We would need to be willing to let go of the details and allow AFT and the districtwide conversations finalize the process and details for the greater good of the district. We need to have this completed by the May 4th ASC meeting. We can then submit it to AFT for consideration.

We have a process in place for us to follow if these proposed changes are not accepted. If the proposed changes *are* accepted, the “toolkit” would then be updated.

Motion to forward this document with pending revisions to John in AFT (motioned made by Kathryn, seconded by Riley).
Passed unanimously.

- b. Proposed District Grade Change Policy (pending).
- c. Division Re-Organization (report from Riley, Clint and Omar)
The concerns that were voiced in ASC meeting are legitimate concerns, but a written report needs to .
- d. Finals Week.
The exam schedule is difficult. This is not a senate issue.

V. New Business

- a. “Continuity” Ad Hoc (Riley, Nenagh, Jeff, Lisa)
The concern is that the change in office holders and in department reps can be a difficult turnover. We will meet in the next two weeks.
- b. Distinguished Faculty Chair Update (Rex)
Preliminary meeting has taken place – nomination forms should go to all faculty, and past DFCs will vote. The deadline for nominating faculty will be May 3.
- c. Faculty/Staff Brunch Awards Update (Rex)
Next ASC meeting will be the vote. Friday is the deadline for submissions.
- d. AP 3430 “Prohibition of Harassment” (See attached draft – adhoc?)
The other two senates have weighed in and do not have any difficulties with this policy. Please review for next meeting.

VI. New Concerns

- a. Plenary Update (Riley)
 - Physical Education Resolution passed.
 - CTE Minimum Quals Resolution did not pass. This topic will be continued next fall.

Other resolutions at the meeting:

- Resolution to oppose legislation allowing the State Chancellor’s Office to stipulate Nursing curriculum (accelerated programs) passed.
- The State Chancellor’s MOU that links us to Kaplan was rejected by resolution. Resolution to inform CCs that they are not required to articulate with Kaplan University was passed.
- A resolution passed to express grave disappointment for ACCJC’s lack of responsiveness to state senate recommendations and commit to continue to work with the consultation task group to pursue possible next steps.
- Resolution to curb disproportionate cuts in Humanities; Fine, Performing and Media Arts; and Physical Education passed.

The Social Science division voted to pay for the Part Time faculty to attend the faculty brunch and this will be paid for out of their “Sunshine” funds.

VII. Announcements

- a. None.

Next ASC meeting: May 4, 2010 — FH120

MOORPARK COLLEGE
SABBATICAL LEAVE

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SABBATICAL LEAVE TIMELINE

August:

- The ASC Vice President and the Dean appointed by the college Executive Vice President, as co-chairs of the Sabbatical Leave Committee, will decide the membership of the committee.

September:

- The ASC Vice President will email an announcement for applications for sabbatical leave to all full-time faculty, at least four weeks before applications are due.
This announcement will state the date on which all applicants are invited to present a 10 minute overview of their application to the Sabbatical Leave Committee. The exact time will be determined after all applications are collected. The call for applications will include a “tool kit” on how to complete an the sabbatical process.
- Applications will be submitted to the office of the EVP by the posted due date.
- The ASC VP will contact applicants to schedule presentation times.

October:

- The final reports from prior sabbaticals that ended in the Spring semester shall be submitted to the ASC VP no later than the first week in October.
- The ASC VP will copy and distribute copies of all application materials and all final reports to the committee members at least one week in advance of the committee meeting. *All materials shall remain confidential.*
- Committee members will read all materials in advance.
- The Sabbatical Leave Committee will hold its first meeting, to accomplish four tasks.
 - 1) To educate the committee members about their roles and the criteria they will use.
 - 2) To hear, discuss and rank the applications for new sabbatical leaves.
 - 3) To hear and examine the final reports of the faculty members who completed their sabbatical leaves in the prior Spring semester.
 - 4) If necessary, to make recommendations for revisions to applications and final reports.

(The presentation of the final reports will be open to all members of the campus community; the rest of the meeting will be closed.)

November:

- If revisions have been recommended, either to applications or to final reports, they will be reviewed by the two Co-Chairs prior to being forwarded.
- The returning faculty members will provide two bound copies of their final reports to the Co-Chairs, who will present one to the Chancellor and one to the President of the college (no later than the end of November).

December:

- The ASC VP will draft a letter to the college president explaining the results of the committee tally, enclosing copies of the finalized sabbatical applications.

January:

- Two representatives from each college will meet at a District meeting to prioritize the applicants for new sabbaticals as a collective group, according to the current round robin method with each college starting in turn by year.

Once applications from all three colleges are ranked, those constituting the percentage allowed by contract are submitted to the Board of Trustees for approval, usually at the January meeting.

- Once the applications are approved, the college President will contact the successful applicants

April:

- The final reports from sabbaticals that ended in the prior Fall semester shall be submitted to the ASC VP no later than the first week in April.
- The Sabbatical Leave Committee will hold its second meeting, to accomplish four tasks.
 - 1) It will brief any future interested applicants for sabbatical leave about the procedures involved.
 - 2) It will brief the successful applicants for sabbaticals the following year on contractual matters relating to the requirements for completing their sabbatical.
 - 3) It will review the final reports of the faculty who completed their sabbatical leave the prior Fall semester.
 - 4) If necessary, the Committee will make recommendations for revisions to the final reports.

(The presentation of the final reports will be open to all members of the campus community; the rest of the meeting will be closed.)

May:

- If rewrites to the final reports are recommended they will be reviewed to check compliance with the Committee's suggestions by the two co-Chairs.

June:

- The returning faculty members will provide two bound copies of their final reports to the Co-Chairs, who will present one to the Chancellor and one to the President of the college (no later than the end of June).



COMMITTEE MEMBER SELECTION AND PROCEDURES

A Committee Selection

1. The ASC VP and a Dean appointed by the college Executive Vice President shall co-chair the committee.
2. The two Co-Chairs will establish the membership of the committee.
3. The committee will have no fewer than 5 faculty members; whenever possible, at least 4 of the members will be previous sabbatical leave recipients. (*Note: there is no contractual obligation to have departmental representation*).
4. The committee membership will be established before the announcement for applications.
5. Sabbatical applicants cannot serve on the sabbatical selection committee.

B. Committee Procedures

The committee will meet twice a year, in October and April.

1. The October Meeting:
 - a) The committee will be briefed by the Co-Chairs about its role and the criteria it will use. This will include a review of the rubrics for evaluation of both the applications and final reports.
 - b) The committee will hear and discuss the applications for new sabbatical leaves. Each faculty member will have ten minutes to present their application, followed by five minutes for questions. The committee will then rank them by secret ballot. The committee co-chairs will count the votes and rank the applicants accordingly for submission to the district process.
 - c) The committee will hear and examine the final reports of the faculty members who took their sabbatical leave in the Spring semester. Each faculty will have up to thirty minutes to present their report, including taking questions.
 - d) The committee will vote whether to forward the applications and reports as presented or recommend revisions, again by secret ballot.

(The presentation of the reports will be open to all interested members of the campus community; all other parts of the meeting will be closed.)
2. The April Meeting:
 - a) The Co-Chairs of the committee will brief any future interested applicants for sabbatical leave about the procedures involved, including the timeline for applications, etc.

- b) The Co-Chairs will brief the successful applicants for sabbaticals for the following year on contractual matters relating to their sabbaticals, and the requirements for completion of their final reports.
- c) The committee will hear and examine the final reports of the faculty who took their sabbaticals during the Fall semester. The faculty members will have up to thirty minutes to present their reports, including taking questions.
- d) The committee will discuss the reports and then vote by secret ballot whether to forward the reports as presented or recommend revisions.

(All parts of this meeting will be open to interested members of the campus community except the final discussion and vote on the final reports.)

EVALUATION RUBRIC FOR SELECTION PROCESS

Proposals will be evaluated on the following criteria and scoring rubric:

4=Strong/Supportive	3	2	0=Weak/Non-Supportive
1. Benefit to Faculty Member Plan of work will greatly enhance applicant's background and improve professional competence. (e.g. expertise in a new area, completing a degree, etc.			
2. Benefit to Students Plan of work will greatly benefit students, educational programs (e.g. new curriculum or new direction for current curriculum)			
3. Benefit to College Plan of work will greatly benefit educational programs (e.g. new resources provided for fellow faculty members, etc.)			
4. Benefit to District Plan of work will benefit district resources and/or all colleges			
5. Feasibility of Implementation Can the proposed benefits be implemented upon return?			
6. Plan of work relates significantly to the applicant's professional assignment.			
7. Breadth and depth of project is appropriate for sabbatical leave rather than the regular teaching year.			
8. Proposed objectives are significantly delineated and appropriate to the project.			
9. Proposed time-line and activities in plan of work are specified and appropriate to the project.			
10. Scope of activities and plan of work are highly proportionate to the length of leave.			
11. Overall Impression/Strength: i.e., professionalism, thoroughness, commitment, completeness, effort and timeliness.			
TOTAL			

EVALUATION RUBRIC FOR SABBATICAL COMPLETION REPORT

Proposals will be evaluated on the following criteria and scoring rubric:

4=Strong/Supportive 3 2 0=Weak/Non-Supportive (NA may be used if applicable)	
12. Benefit to Faculty Member Results of work have greatly enhanced applicant's background and improved professional competence. (e.g. expertise in a new area, completing a degree, etc.)	
13. Benefit to Students Results of work will be of great benefit to students. (e.g. new curriculum or new direction for current curriculum)	
14. Benefit to College Results of work will greatly benefit educational and support programs (e.g. new resources provided for fellow faculty members, etc.)	
15. Benefit to District Plan of work will benefit district resources and/or all colleges	
16. Feasibility of Implementation Can the results of the work now be implemented?	
17. Results of work relate significantly to the applicant's professional assignment and can be applied.	
18. Breadth and depth of project was appropriate for sabbatical leave rather than the regular teaching year.	
19. Proposed objectives were accomplished.	
20. Proposed time-line and activities were met and completed.	
21. Scope of activities and plan of work were proportionate to the length of leave.	
22. Dissemination Results of work have been or are planned to be disseminated to relevant communities.	
23. Any training taken is appropriately documented (e.g. transcripts of any classes completed, etc.)	
24. Overall Impression/Strength: i.e., professionalism, thoroughness, commitment, completeness, effort and timeliness.	
TOTAL	

CONTRACT EXCERPT: Sabbatical Leave (Article 8, Section 8.6)

8.6.A. Policy

Regular faculty members are encouraged to pursue opportunities for professional growth leading to the development of increased competence. These professional growth opportunities will focus primarily on the growth of the individual in order to maintain a dynamic faculty, one equipped with the mental and emotional tools to provide exceptional service to the students and the District in an era of constant change.

8.6.B. Sabbatical Leave Committee

(1) All proposals for sabbatical leaves shall be evaluated by a Sabbatical Leave Committee at each college. The Sabbatical Leave Committee shall be a standing committee at each college.

(2) The Committee shall weigh the value of each proposed sabbatical leave to the faculty member, to the students, and to the District.

8.6.C. Purposes of Sabbatical Leave

Sabbatical leaves may be granted for purposes that include, but are not limited to, the following:

(1) Academic study or professional research at an accredited institution of higher education.

A faculty member who applies for leave for this purpose shall agree to undertake advanced study or independent research related to his/her teaching assignment. No less than six units of course work or equivalent research per semester shall be acceptable from an accredited institution of higher education.

(2) On-site research project

Special projects shall be designed to expand the faculty member's knowledge so that he or she will be a greater asset and credit to the District, worth to students being the ultimate measure. These projects may also include development of educational programs and curricula. Projects which involve travel outside the country must include a detailed itinerary.

(3) Approved teaching or research fellowships and teacher exchange programs

(4) Work or research in industry, business, or government

Positions shall be restricted to those related to the applicant's field and ones which shall be of benefit to the District and for the improvement of instruction. Total compensation received shall not exceed the amount that would have been received had the faculty member remained in active service in the District. If necessary, compensation paid by the District shall be reduced by the appropriate amount so that the total stipend shall not exceed the faculty member's salary.

(5) Other experiences as approved by the Governing Board.

8.6.D. Eligibility

Any regular faculty member who has served the District for six consecutive years as a faculty member shall be eligible for a leave of either one or two semesters at his/her option. Not more than one such leave may be granted to any faculty member in each seven-year period.

8.6.E. Applications

(1) Applicants for sabbatical leaves shall file with their College Sabbatical Leave Committee a written request containing detailed plans of their proposal.

(2) Applications shall be filed on or before November 1 of the fiscal year preceding the proposed leave.

(3) Applications and recommendation of each campus committee shall be forwarded to a District Sabbatical Leave Committee composed of six members, one each appointed by each College President, and one each by each Academic Senate. The District Sabbatical Leave Committee shall forward its recommendations to the Chancellor for review and submission to the Governing Board.

(4) Applicants will be notified by the Governing Board on or before February 1 of the final acceptance or rejection of their application.

(5) Under exceptional circumstances, late applications will be considered.

(6) After a leave has been granted, any significant change of purpose or in the plan shall be cause for reconsideration of the agreement between the District and the faculty member.

8.6.F. Compensation

(1) If the sabbatical leave is for two semesters, compensation shall be two-thirds of the faculty member's regular teaching salary.

(2) If the leave is for one semester, the compensation shall be the faculty member's full regular contract teaching salary for one semester. Normally, one-semester leaves must be taken during the Spring Semester.

(3) Salary while on leave shall be paid monthly during the fiscal year in the same manner as faculty members are paid.

(4) The District shall not pay travel costs or salary or provide remuneration other than the sabbatical leave stipend during the period of the leave. Exceptions will be considered by the Governing Board upon the recommendation of the Chancellor or upon appeal from his/her adverse recommendation.

8.6.G. Guarantees

(1) The faculty member must agree to return to the District for a period of service equal to twice the period of the leave.

(2) Any transfer of a faculty member who is on a sabbatical leave shall be subject to Article 14 of this Agreement.

(3) The written agreement between the District and the Faculty member is to be acceptable without requirement of a bond.

8.6.H. Accountability

Upon completion of the sabbatical leave and within six months of the faculty member's return to duty, she/he shall submit to the College President and to the Chancellor (and to the Governing Board, if requested) a report which must include transcripts of study completed, if applicable, together with an evaluation of the project pursued. The Governing Board shall be encouraged to request a review of all reports

8.6.I. Incomplete Sabbatical Leave

If the program for sabbatical leave is interrupted because of serious accident or illness, this will not be considered a failure to fulfill the conditions under which the leave was granted, nor shall such interruption affect the amount of compensation to be paid the faculty member under the terms of the leave agreement, provided, however, that the District shall have been notified by registered mail within 30 days of the time of the accident, or, in the case of illness, the onset of said illness and a medical verification of same.

8.6.J. Effect of Leave on Salary Increments and Retirement

(1) Sabbatical leave shall be counted toward retirement. The annuity contributions shall be collected in the usual manner and all fringe benefits shall be in force.

(2) Sabbatical leave shall be counted as experience for advancement on the salary schedule.

(3) Incomplete sabbatical leaves can count toward benefits (salary, retirement, and advancement on the salary schedule) only to the extent that salary is received while the leave is in progress.

(4) Sabbatical leave shall not affect the accrual of non-contract longevity.

8.6.K. Credits

Academic credits earned from any sabbatical leave may be credited toward salary increments the following Fall Semester.

8.6.L. Limitations

(1) The number of sabbatical leaves granted each year shall be 3% of the full-time faculty members (with a fraction of a faculty member rounded up) in the District, including at least one at each college, except that if a reduction in force of full-time faculty is necessary due to lack of funds, the parties agree to reopen negotiations prior to May 15 of each calendar year on the minimum number of sabbaticals to be granted per year.

Beginning July 1, 2002, if the governing Board chooses to grant sabbaticals in excess of the number of sabbaticals provided above, the additional sabbaticals shall be for one year and shall be limited to a maximum of three.

(2) A list of alternates will be established and maintained by the Sabbatical Leave Committees in the event that change of plans for applicants or increase in staff permits additional grants.

8.6.M. Priority Determinations

In the event that more applications for sabbatical leave are submitted than the above-mentioned limitation will permit, the granting of said leaves will be governed by the following list of priority determinations, listed in order of precedence.

(1) Value of the proposed leave to the individual faculty, the students, and the District. Value of leave to the students and District is evaluated in terms of what the applicant may contribute following return through classroom teaching, leadership, curriculum development, or teaching methods.

(2) The number of previous sabbatical leaves granted applicants. An applicant for a first sabbatical leave shall be given priority over an applicant who has had a previous sabbatical leave.

(3) Seniority of service.

(4) Likelihood of continued service to the District.

(5) Reasonable distribution of sabbatical leaves among departments and divisions.

MOORPARK COLLEGE
ACADEMIC SENATE EXECUTIVE COMMITTEE
MEMORANDUM

To: All Faculty
From: Nenagh Brown, Treasurer
Date: March 29, 2010
Subject: **ACADEMIC SENATE SCHOLARSHIPS**

The Executive Committee would like to invite you to nominate a student for this year's Academic Senate Scholarships. These awards are presented by the Academic Senate and are funded out of your voluntary dues: there will be three awards of \$500 each this year. These scholarships are unique in that they are initiated by the faculty: students have to be nominated by one of us!

Minimum qualifications for nomination are a 3.0 cumulative GPA and completion (by the end of the semester) of a minimum of 24 units at Moorpark College. The nominee can be a student who is planning to continue at Moorpark or who is planning to transfer. You may nominate students from both your Fall and Spring semester classes.

To do so you must write a letter of nomination detailing why the student is deserving of such an award, and the nominated student must write a personal essay. Your letter of nomination will play an important part in the selection process so please take time to tell the selection committee as much about the student as possible, especially your evaluation of the student's commitment and likelihood of success in reaching his or her academic and career goals. When completed, these two items should be attached to a cover sheet and placed in my mailbox. (The selection committee will obtain copies of the nominee's transcript: the student does not have to submit it.) **The deadline for submitting all materials is 3pm on Thursday, April 29.**

The selection committee will review and rank the nominees and select the recipients. The selection criteria will be as follows:

GPA	10 points
Effectiveness of faculty's letter of nomination	15 points
Effectiveness of student's personal essay	15 points

If you wish to nominate a student, please leave me a voicemail at x1748, or send me an email at nbrown@vcccd.edu, and I will put the cover sheet and the instructions for the student essay in your mailbox.

Thank you so much for your time!

AP 3430-Prohibition of Harassment

Reference:

Education Code Sections 212.5; 44100; 66252; Government Code 12950.1; Title VII of the Civil Rights Act of 1964, U.S.C.A.

Ventura County Community College District

PROCEDURE FOR HANDLING COMPLAINTS OF UNLAWFUL DISCRIMINATION

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1. Statement of Intent

Members of a college community--students, faculty, administrators, staff, and visitors--must be able to study and work in an atmosphere of mutual respect and trust. Ventura County Community College District (VCCCD) is actively committed to creating and maintaining an environment which respects the dignity of individuals and groups.

Therefore, the VCCCD will not tolerate harassment or discrimination against any person. Unlawful discrimination is defined as special or disparate treatment based on ethnic group identification, race, color, national or ethnic origin, age, sex or gender, religion, sexual orientation, ancestry, veteran status, marital status, or physical or mental disability, or on the basis of these perceived characteristics or based on the association with a person or group with one or more of these perceived characteristics. The VCCCD will enforce all state and federal laws prohibiting discrimination.

Furthermore, the VCCCD is committed to maintaining a working and education environment free of sexual harassment. The VCCCD will not tolerate any behavior that constitutes sexual harassment of staff, students, or visitors. It is the policy of the VCCCD that all members of the collegial community including staff, students, visitors, guests, or contractors, will not sexually harass one another or retaliate against one another for filing sexual harassment complaints.

Finally, the VCCCD will 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 will respond to and resolve unlawful discrimination complaints regarding accessibility.

Though the goal of Ventura County Community College District is to be sensitive to the needs of students, staff and those who interact with the college community while at the same time preserving the rights of those against whom allegations have been made, employees or students of the District who feel that they have been harassed or discriminated against based on the factors discussed previously have the right to file a complaint.

The procedures outlined here govern the process for all discrimination complaints filed by employees or students, including sexual harassment, and are pursuant to Division 6, Title 5, Section 59300 et seq of the California Code of Regulations. Complaints may be filed by a student against a student, a student against an employee, an employee against a student, an employee against an employee, a visitor against an employee, or an employee against a visitor.

2. Non-retaliation for filing a complaint

No individual will suffer retaliation as a result of filing a claim, for referring a matter for investigation or complaint, for acting as an advocate for a complainant or respondent, or being a witness in regard to harassment/discrimination allegations. Persons engaging in retaliation are subject to disciplinary action.

3. Academic Freedom

The Board of Trustees reaffirms its commitment to academic freedom, but recognizes that academic freedom does not allow sexual harassment or any other form of unlawful discrimination. 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 received opinions and an exploration of ideas that may cause some students discomfort. It is further recognized that academic

freedom insures 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 requirement for a specific community college program, course or activity.

4. Dissemination of Policy, Procedures, and Training

- A. A copy of these written policies on unlawful discrimination and sexual harassment will be displayed in a prominent location in the main administrative building or other areas where notices regarding the institution's rules, regulations, procedures, and standards of conduct are posted.
- B. Every district employee will receive this training and a copy of the unlawful discrimination and sexual harassment policies and procedures during the first year of their employment. Because of their special responsibilities under the law, supervisors will undergo mandatory bi-annual training. Thereafter, in years in which a substantive policy or procedural change has occurred all district employees will attend a training update and receive a copy of the revised policies and procedures.

5. Definitions

Complainant:	An individual who believes that he/she has been the victim of harassment or discrimination.
Complaint:	A written allegation that a student, staff member, or other individual who interacts with VCCCD has subjected someone to harassment or discrimination.
Days:	"Days" means calendar days.
District Chancellor:	The Chancellor of the Ventura Community College District.
Governing Board:	The Board of Trustees for the Ventura Community College District.
Intake Facilitator:	The person on the campus or at the District Service Center who is responsible for conducting the informal and/or formal processing of all harassment/discrimination complaints.
Investigator:	The person at the District who is responsible for coordinating investigations of harassment and discrimination complaints that are filed against either the Responsible District Officer or the Vice Chancellor of Human Resources.
Mental disability:	Includes, but is not limited to, all of the following: <ol style="list-style-type: none"> 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.

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:
 - i) "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.
 - ii) 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.
 - iii) "Major life activities" shall be broadly construed and includes 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, anatomical loss, or***

health impairment that has no present disabling effect but 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.

Respondent:	An individual against whom a claim of harassment or discrimination is made.
Responsible District Officer:	The person at the District who is responsible for coordinating the investigations of all harassment and discrimination complaints. The current Responsible District Officer is the Director of Human Resource Operations.
Sexual Harassment:	<p>“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, under the following conditions:</p> <ol style="list-style-type: none"> 1) Submission to the conduct is explicitly or implicitly made a term or condition of an individual’s employment, academic status, or progress; 2) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual; 3) The conduct has the purpose or effect of having a negative impact on the individual’s work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment; 4) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the District. <p>Examples of behavior which could constitute sexual harassment include, but are not limited to:</p> <ul style="list-style-type: none"> • Verbal harassment, including repeated sexual innuendoes, or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds; • Visual/non-verbal harassment, including derogatory posters, cartoons or drawings, suggestive objects or pictures, graphic commentaries, leering, or obscene gestures; • Physical harassment, including unwanted physical contact and/or touching, interference with an individual’s normal work movement or blocking a person’s movement, or assault.
State Chancellor:	The Chancellor of the State of California’s Community College Districts.
Title 5:	California Code of Regulations, division 6, title 5, sections 59300 et seq.
Vice Chancellor of Human Resources:	The Vice Chancellor of Human Resources for the Ventura Community College District.

6. **General Contact Information**

Administrators, faculty members, other District employees, and students shall direct all initial complaints of unlawful discrimination or sexual harassment to the Intake Facilitators at each campus or to the Director of HR Operations for those working at the District Administrative Center.

To request reasonable accommodations, applicants and employees should contact the District Human Resources Department at (805)-652-5500.

7. **Informal Process Prior to the Filing of a Formal Complaint**

A. For the Complainant:

- 1) An individual who has reason to believe that he or she has been a victim of harassment or discrimination based on race, color, national or ethnic origin, age, gender, religion, sexual orientation, marital status, veteran status, or physical or mental disability may resolve the matter through an informal process under this procedure.
- 2) In order to insure that the complaint process is handled efficiently, the Complainant should speak to an Intake Facilitator regarding his or her concerns.
- 3) Participation in the informal process is optional and not a prerequisite to filing a formal complaint.

B. For the Intake Facilitator:

- 1) Listen to the Complainant to understand the nature of the concern. Ask the Complainant if there is a way to resolve the complaint informally. If the answer is yes, contact Respondent District Officer to discuss the proposed resolution to the problem. However:
 - a. Do not investigate the complaint.
 - b. Advise the Complainant that he or she need not participate in trying to resolve the complaint informally.
- 2) Give to Complainant a copy of the District's Sexual Harassment Policy brochure and a copy of this document.
- 3) Advise the Complainant of their right to file a formal complaint and explain the procedure for doing so.
- 4) Advise the Complainant that he or she may file a non-employment based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency's jurisdiction.
- 5) 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 California Department of Fair Employment and Housing (DFEH) when such a complaint is within that agency's jurisdiction.

C. For Responsible District Officer:

- 1) If an Intake Facilitator contacts the Responsible District Officer with a proposed informal resolution to the complaint, the Responsible District Officer must take appropriate action to resolve the complaint if it is possible to do so. Resolution of the complaint could involve multiple parties, including the Respondent and the administration, and must be vetted appropriately.
- 2) If a resolution is reached, the informal process shall be concluded. At any time during the informal process, the Complainant may initiate a formal complaint.
- 3) The Responsible District Officer shall keep a written log of discussions and a record of the resolution. This information shall become part of the official investigation file if the Complainant initiates a formal complaint. If the parties reach a tentative agreement upon resolution of the complaint, a letter summarizing the resolution shall be sent to the Complainant and the Respondent.

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. Selecting an informal resolution does not extend the time limitations for filing a formal complaint.

8. Threshold Requirements Prior to Investigation of a Formal Written Complaint

For both Complainants and Intake Facilitators:

District employees involved in any aspect of investigating or resolving a complaint of harassment or discrimination will have received training from a qualified source in advance of their service.

- A. Formal complaints 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 a faculty member or administrator.
- B. Formal complaints must be filed on a form prescribed by the State Chancellor's Office (see Attachment I) and must allege unlawful discrimination under division 6, title 5, section 59300 et seq of the California Code of Regulations.
- C. Formal complaints must be filed with the State Chancellor or with the Responsible District Officer for VCCCD.
- D. Formal complaints not related to employment discrimination must be filed with the District within one year of the alleged harassment or discrimination or within one year of the date on which the Complainant knew or should have known of the facts of the alleged incident.
- E. Formal complaints related to employment discrimination must be filed with the District within one hundred eighty (180) days of the date that the alleged harassment or discrimination occurred. However, this timeframe will be extended by no more than 90 days if the complainant first obtained knowledge of the alleged violation after the expiration of the 180 day filing period.

Any complaint that does not meet the criteria described in this section will be deemed defective.

9. Defective Complaints

For Complainants, Intake Facilitators, and Responsible District Officer:

If a complaint is found to be defective it will be immediately returned to the Complainant with a complete explanation of why an investigation will not be initiated under the California Code of Regulations, title 5, section 59300 et seq. The notice will inform the Complainant that the formal complaint does not meet the requirements of section 59328, and shall specify in what requirement the complaint is defective. A copy of the notice to the Complainant will also be sent to the State Chancellor's Office. Defective complaints do not necessarily stop other investigative or disciplinary processes should they be warranted by the seriousness of the allegations.

10. Formal Complaint Process

A. For Complainants and Intake Facilitators:

Should there be no informal resolution to the complaint, the following must occur:

- 1) On the complaint form, the Complainant shall describe in detail such alleged harassment or discrimination and the action the Complainant requests to resolve the matter. All written complaints shall:
 - a. Be signed and dated by the Complainant.
 - b. Contain at least:
 - i. The name(s) of the individual(s) involved. Names, addresses and phone numbers of witnesses or potential witnesses should also be included, when possible.
 - ii. The date(s) of the event(s) at issue.
 - iii. A detailed description of the actions constituting the alleged harassment or discrimination.
- 2) The Intake Facilitator will review the complaint to determine if has been completed accurately and whether or not the complaint is defective.
- 3) If the complaint does not sufficiently describe the facts giving rise to the complaint so that a determination can be made regarding whether the alleged misconduct is covered under these procedures, the complaint will be returned and the Complainant will be invited to submit an amended complaint providing enough factual detail to allow the above determination to be made.
- 4) Once the form is completed, it will be forwarded to the Respondent District Officer for review and action.

B. For Complainants and Responsible District Officer:

- 1) After a proper complaint is received, the Responsible District Officer shall:
 - a. Send a copy of the complaint to the State Chancellor of the California Community College System after consultation with the Vice Chancellor of Human Resources and the District Chancellor. A summary of the complaint and procedures shall also be sent to the Respondent.

A copy of the complaint will be maintained in the Office of Human Resources at the District Service Center.

- b. Meet with the Complainant to review the nature of the complaint and identify the scope and nature of the investigation. If the Complainant fails to meet with the Responsible District Officer within a reasonable time (usually 10 working days), the Responsible District Officer will continue the investigation to the best of his/her abilities based on the written formal complaint.
 - c. Advise the Complainant that he or she may file a non-employment based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency's jurisdiction.
 - d. 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 California Department of Fair Employment and Housing (DFEH) when such a complaint is within that agency's jurisdiction.
 - e. Give the Respondent an opportunity to meet with him/her to receive the Respondent's answer to the complaint and to review with Respondent the scope and nature of the investigation. The Respondent may inform the Responsible District Officer of witnesses to contact and may present documents in support of his/her position.
 - f. Interview witnesses and review any other relevant documentation or information to determine whether or not the allegations made in the complaint can be substantiated.
 - g. Prior to completing the investigation, the Responsible District Officer shall meet again with the Complainant and the Respondent separately, to give an overview of the steps taken during the investigation, to ask Complainant and Respondent for any additional information that might be helpful to the investigation.
- 2) The Responsible District Officer shall determine whether harassment or discrimination did or did not occur with respect to each allegation in the complaint. The findings shall take into consideration the severity of the conduct, the pervasiveness of the conduct, the pertinent background, and other relevant District policies.
 - 3) If disciplinary action is recommended, appropriate contractual due process and statutory processes will be invoked.

11. Investigator Appointment

For Complainants and the Responsible District Officer:

In the event the complaint is against the Responsible District Officer, the Vice Chancellor of Human Resources shall appoint an Investigator to review and process the complaint in a manner consistent with this procedure. In the event the complaint is against the Vice Chancellor of Human Resources, the District Chancellor or designee shall appoint an Investigator to review and process the complaint in a manner consistent with this procedure.

12. Administrative Determination

For Complainants and the Responsible District Officer:

- A. The District shall complete its investigation within ninety (90) days of receiving a complaint. Once the investigation is complete, the District shall:
 - 1) Generate a report summarizing the investigation. Copies of the report will be submitted to the Complainant and the Respondent. When the case does not involve employment discrimination, the State Chancellor's office will also receive a copy of the report.
 - 2) Send a written notice to the Complainant setting forth:
 - a. The findings of the Responsible District Officer (or District investigator) as to whether harassment or discrimination based on race, color, national or ethnic origin, age, gender, religion, sexual orientation, veteran status, marital status, or physical or mental disability did or did not occur with respect to each allegation in the complaint.
 - b. A description of actions to be taken, if any, to remedy any discrimination or harassment that occurred and to prevent similar problems from occurring in the future.
 - c. The proposed resolution of the complaint.
 - d. The Complainant's right to appeal to the District governing board and the State Chancellor of the California Community College System when the case does not involve employment discrimination.
 - e. The Complainant's right to appeal to the District governing board and to file a complaint with the California Department of Fair Employment and Housing when the case involves employment discrimination
- B. In the event disciplinary action is recommended for the Respondent, he/she shall be entitled to all due process procedures provided by statute and/or the employee collective bargaining agreement.

13. Complainant Appeal Rights and Process

For Complainants and the Responsible District Officer:

- A. First Level of Appeal:
If the Complainant is not satisfied with the results of administrative determination of the formal complaint, the Complainant may appeal the determination by submitting objections to the District Governing Board within fifteen (15) days of the receipt of the determination.
- B. First Level Response:
Within forty-five (45) days of receiving the Complainant's appeal, a copy of the final District decision rendered by the District Governing Board and shall be forwarded to the Complainant, the State Chancellor of the California Community College system, and, if appropriate, the Respondent. If the District Governing Board does not act within 45 days, the administrative determination shall be deemed approved and shall become the final District decision in the matter.
- C. Second Level of Appeal:
For any case not involving employment discrimination, Complainants shall have the right to file a written appeal with the State Chancellor of the California Community College System within thirty

(30) days after the District Governing Board has issued the final District decision or permits the administrative determination to become final. The appeal must include:

- A. A copy of the District Governing Board's decision regarding the case, or
- B. Evidence to show that no response was received by the Complainant within 45 days of filing the first level of appeal.

Any case involving employment discrimination has no second level of appeal, but the Complainant may file a complaint with the California Department of Fair Employment and Housing (DFEH) within the jurisdiction of that agency.

- D. Second Level Investigation and Response:
See Section 16 below.

14. Provision of Information to the State Chancellor

For the Responsible District Officer:

For cases not involving employment discrimination, the District Responsible Officer must, within one hundred (150) days of receiving a complaint, forward to the State Chancellor either:

- A. For open cases:
 - 1) A copy of the final District decision rendered by the District Governing Board or a statement indicating the date upon which the District decision became final.
 - 2) A copy of the notice that the District provided to the employee regarding the decision.
 - 3) A copy of the Complainant's appeal of the District Governing Board's decision.

OR

- B. For closed cases:
A notice that the appeal has been resolved or that the Complainant has not filed an appeal with the District Governing Board and the case has been closed.

15. Extensions; Failure to Comply

For the Complainant and District Responsible Officer:

If the District, for reasons beyond its control, is unable to comply with the deadlines described in Sections 9 and 11 above, the District may file for a written request of an extension of the deadlines.

- A. When an extension is deemed necessary by the District, it must be requested from the State Chancellor regardless of whether or not the case involves employment discrimination.
- B. The request must be made no later than ten (10) days prior to the deadline for the timeframe in question.

- C. A copy of the request for extension shall be sent to the Complainant who shall be notified that he or she may file written objections with the State Chancellor within five (5) of receipt of the copy of the request for extension.
- D. The State Chancellor may grant a request for the extension unless the delay would be prejudicial to the investigation. If the State Chancellor grants an extension of the 90-day deadline described in Section 9, the 150-day deadline described in Section 11 will be extended by an equal amount.
- E. If the District fails to comply with the deadline requirements spelled out in Sections 9 and 11 and/or fails to respond after an extension has been granted pursuant to this section, the Chancellor may proceed with a review of the case per Section 13 below.

16. Second Level of Investigation and Response

For Complainants and District Responsible Officer:

- A. Once the State Chancellor receives an appeal from a Complainant regarding the District's response to a complaint, the State Chancellor shall review the appeal to determine if there is reasonable cause to believe that the District has violated the provisions of title 5.
 - 1) Failure of the Complainant to file an appeal shall not preclude the State Chancellor from finding reasonable cause to believe that the District has violated title 5 if such a finding is appropriate.
 - 2) If upon a review of the materials submitted by the Complainant during the appeal process the State Chancellor finds new issues or facts have been raised by the Complainant that were not previously known by the District, the State Chancellor will provide the District reasonable opportunity to respond to the new issues or facts raised by the Complainant.
 - 3) If the State Chancellor finds that there is no reasonable cause to believe that a violation has occurred, the State Chancellor shall immediately notify both the Complainant and the District.
 - 4) If the State Chancellor finds that there is reasonable cause to believe that a violation has occurred, the State Chancellor shall investigate to determine whether there is probable cause to believe a violation has occurred. Within one hundred twenty (120) days of initiating the investigation, the State Chancellor must take one of the following actions:
 - a. If the State Chancellor finds that there is probable cause to believe that the District violated the provisions of title 5, the State Chancellor shall notify the District and the Complainant of such a finding. In response, the District can:
 - i. Acquiesce to the finding prior to the State Chancellor filing an accusation against the District.
 - ii. Respond that it does not acquiesce to the finding. If the District responds in this manner, the State Chancellor shall initiate the hearing process pursuant to chapter 5 (commencing with section 11500) of California Government Code part 1, division 3, title 2 to determine whether a violation occurred.
 - b. If the State Chancellor finds that there is no probable cause to believe that the District violated the provisions of title 5, the State Chancellor shall notify the District and the

Complainant that there is no probable cause to believe the District has violated the provisions of title 5.

- B. If it is determined that the District violated the provisions of title 5, the State Chancellor may use any means authorized by law to effect compliance, including:
- 1) Withholding all or part of the State's support to the District, including state general apportionment and/or growth funding.
 - 2) Make the District eligible for future state support conditional on compliance with specified conditions.
 - 3) Pursue a court order compelling the District to comply with title 5.

Note: No decision to curtail state funding to a district pursuant to this process can be made until the State Chancellor determines that compliance cannot be secured by voluntary means. In addition, any decision made by the State Chancellor pursuant to this procedure is subject to judicial review by the District, as provided for in section 1094.5 of the California Code of Civil Procedure.