

POLICY & PROCEDURE SERVICE

Policy & Procedure Subscription Service

Community College League of California
Liebert Cassidy Whitmore

Legal Update #38 (as of August 2021)

OVERVIEW

This is the 38th update to district members of the League's Policy & Procedure Subscriber Service, offered in partnership with the law firm of Liebert Cassidy Whitmore.

As part of the ongoing updates, the Service biannually updates the templates for diversity, equity, and inclusion-related issues. That process is continuing, and the League is redoubling that effort and commits to integrating diversity, equity, inclusion, and accessibility issues into these reviews of the policy/procedure templates.

Revisions to the Board Policy Templates

BP 2200 Board Duties and Responsibilities – The Service updated this policy to add **optional language** to highlight diversity, equity, and inclusion issues.

BP 2435 Evaluation of the [CEO] – Existing CCLC Policy; new for Peralta..

BP 2720 Communications Among Board Members – The Service updated this policy to reflect new Brown Act requirements allowing members of the Governing Board to engage in conversations on social media platforms that are open and accessible to the public so long as the purpose of the communication is to answer questions, provide information to the public, or solicit information from the public; and as long as the majority of the members of the Board do not discuss District business among themselves.

BP 2745 Board Self-Evaluation – The Service updated this policy to add **optional language** to highlight diversity, equity, and inclusion issues.

BP 3225 Institutional Effectiveness – The Service updated this policy to add **optional language** to highlight diversity, equity, and inclusion issues.

BP 3420 Equal Employment Opportunity – The Service updated this policy to add **optional language** to highlight diversity, equity, and inclusion issues.

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BP 3550 Drug Free Environment and Drug Prevention Program – The Service updated this policy to add clarifying language to specify that the District shall be free from all unlawful drugs.

BP 5035 Withholding of Student Records – The Service updated this policy to reflect changes to Title 5 Regulations that prohibit withholding grades or transcripts in an effort to collect a debt.

BP 5050 Student Success and Support Program – The Service updated this policy to add **optional language** to highlight diversity, equity, and inclusion issues.

BP 7100 Commitment to Diversity – The Service updated this policy to add **optional language** to highlight diversity, equity, and inclusion issues.

BP 7160 Professional Development – The Service updated this policy to add **optional language** to highlight diversity, equity, and inclusion issues.

BP 7250 Academic Administrators – The Service updated this policy to add clarifying language regarding the term “vacancy” as used in this policy.



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Revisions to the Administrative Procedure Templates

AP 2435 Evaluation of the [CEO] – The Service updated this procedure to add **optional language** to highlight diversity, equity, and inclusion issues. **New for Peralta; required for Accreditation Standards**

AP 3225 Institutional Effectiveness – The Service updated this procedure to add **optional language** to highlight diversity, equity, and inclusion issues.

AP 3434 Responding to Harassment Based on Sex under Title IX – Minor edits for clean-up.

AP 3435 Discrimination and Harassment Complaints and Investigations – The Service updated this procedure to add optional language to highlight diversity, equity, and inclusion issues and to make further changes resulting from the regulation changes.

AP 5015 Residence Determination – The Service updated this procedure to insert a deadline to make a determination on a reclassification petition. Additional edits as highlighted in yellow.

AP 5020 Nonresident Tuition – The Service updated this procedure to clarify that there are multiple factors that must be satisfied to qualify for the corresponding exemption.

AP 5030 Fees – The Service updated this procedure to remove a citation to Section 54801 of Title 5, which was repealed, and to add in Section 54805. Also, the Office of International Education has updated Item 3 in Section XIV, Installment Payment Plan.

AP 5050 Student Success and Support Program – The Service updated this procedure add **optional language** to highlight diversity, equity, and inclusion issues.

AP 5530 Student Rights and Grievances – The Service updated the use note for this procedure to make it legally advised in order to ensure compliance with accreditation requirements.

AP 6340 Bids and Contracts – The Service updated this procedure to reflect new legal requirements that bid documents and construction contracts specify that a project is subject to the skilled and trained workforce requirement and to add optional language to highlight diversity, equity, and inclusion issues.



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AP 6370 Contracts – Personal Services – The Service updated this procedure to reflect a change in the citation to the Labor Code provisions addressing independent contractor requirements (Labor Code Sections 2775 et seq.).

AP 6540 Insurance – The Service updated this procedure to add a use note to clarify that an actuarial evaluation is required if a District establishes a fund for losses and payments for health and welfare benefits for its employees for for the purpose of covering the deductible amount under deductible types of insurance policies, losses or payments arising from self-insurance programs, or losses or payments due to noninsured perils. **Legally Required; CCLC template included for review.**

AP 7160 Professional Development – The Service updated this procedure to add **optional language** to highlight diversity, equity, and inclusion issues. **Peralta does not have; this addresses accreditation standards; CCLC template included for review.**

AP 7700 Whistleblower Protection – The Service updated this procedure to remove contact information for the State Personnel Board.