

Policy & Procedure Subscriber Service
Community College League of California
Liebert Cassidy Whitmore

Legal Update #27
October 2015

OVERVIEW

This is the 27th update to subscribing district members of the League's Policy & Procedure Subscriber Service, offered in partnership with the law firm of Liebert Cassidy Whitmore. The update is in response to new laws and regulations, legal opinions, and questions from subscribers that have occurred since legal Update 26, disseminated to member districts in April 2015.

Revisions to the Board Policy Templates

BP 3510 Workplace Violence – The title of this policy was updated for clarity.

BP 3820 Gifts – This policy was updated to add military or veterans status to the list of grounds upon which a potential donor may not discriminate in order for a district to accept a donation from that donor.

BP 4070 Course Auditing and Auditing Fees – The title of this policy was updated for clarity.

BP 5030 Fees – This policy was updated to add a new fee that must be charged for students enrolled in a baccalaureate degree pilot program.

BP 7330 Communicable Disease – This policy was updated to clarify the requirement that newly hired employees provide certification that they are free from active tuberculosis.

BP 7335 Health Examinations – This policy was updated to clarify that the policy is legally advised for those districts that require pre-employment medical examinations and to clarify language in the policy regarding conditional job offers.

Revisions to the Administrative Procedure Templates

AP 2712 Conflict of Interest Code – This procedure was updated to reflect an amendment to the Political Reform Act regulations increasing the annual gift limit from \$440 in a calendar year to \$460 in a calendar year.

AP 3435 Discrimination and Harassment Complaints and Investigations – The title of this procedure was updated for clarity. The procedure was updated to clarify the differences between formal and informal complaints as well as the differences in handling both. The procedure was also updated to clarify different appeal and notification requirement for complaints based on employment and those not related to employment.

AP 3510 Workplace Violence – The title of this procedure was updated for clarity.

AP 3515 Reporting of Crimes – A note in this procedure was updated to add a link to resources offered by the California Attorney General's Office to assist Districts comply with AB 1433 reporting requirements.

AP 3540 Sexual and Other Assaults on Campus – A note in this procedure was updated to add a link to resources offered by the Department of Justice's Office on Violence Against Women.

AP 3720 Computer and Network Use – This procedure was updated to permit employees to use a district's email system to engage in protected concerted activities during non-work time.

AP 4070 Course Auditing and Auditing Fees – The title of this procedure was updated for clarity.

AP 4102 Career and Technical Education Programs – This procedure was updated to add a legal citation to the Federal Education Department General Administrative Regulations (EDGAR) 2nd Edition and include language regarding EDGAR's new written procedure requirements in the list of local practices that districts must address under this procedure.

AP 4225 Course Repetition – This procedure was updated to reflect changes in Title 5 Regulations pertaining to the repetition of cooperative work experience courses.

AP 5013 Students in Military – This procedure was updated to add citations to Education Code Section 68075.7 and 38 U.S. Code Section 3679. A provision was also added to address children or spouses of a person who, on or after September 11, 2001, died in the line of duty while serving on active duty, as individuals eligible for resident status.

AP 5015 Residence Determination – This procedure was updated to add Education Code Section 68075.7 and 38 U.S. Code Section 3679 to the legal references and to include a provision regarding children or spouses of a person who, on or after September 11, 2001, died in the line of duty while serving on active duty, as individuals eligible for resident status.

AP 5030 Fees – This procedure was updated to add a provision allowing districts to waive enrollment fees that were not collected due to a district's error in awarding a Board of Governors Fee Waiver to an ineligible student. This procedure was also updated to include baccalaureate degree pilot program fees as a required fee.

AP 5520 Student Discipline Procedures – This procedure was updated to correct a typographical error and to make clarifications.

AP 6800 Safety - The legal citations in this procedure were revised to clarify the penal code reference.

AP 7330 Communicable Disease - This procedure was updated to clarify that only successful applicants for academic positions are required to submit certification that the applicant is free from any communicable disease.

10/29/15