



District Consultation Council Meeting

**September 23, 2019
2:00 p.m.
Anaheim Campus Room 105**

AGENDA

CONSENT CALENDAR & SUMMARY

- | | |
|-------------------------------------|---------------|
| 1. Approval of Consent Agenda Items | N/A |
| 2. August 26, 2019 Summary | Action |

STRATEGIC GOALS & PLANNING

- | | |
|---|-------------------|
| 1. Proposed Schedule/Process for Major Topics | Discussion |
| 2. One-time Funds | Discussion |

OPERATIONAL REVIEW

- 1.

POLICY

- | | |
|--|-------------------|
| 1. Policy Review Status and Schedule | Discussion |
| 2. Board Policy and Administrative Procedure Revisions | Action |
| 3. BP/AP 3900 Revisions | Discussion |

OTHER ITEMS

- 1.

DISTRICT CONSULTATION COUNCIL
August 26, 2019

SUMMARY

MEMBERS PRESENT: Josh Ashenmiller, Danielle Davy, Lisa Gaetje, Craig Goralski, Manjit Grewall, Cherry Li-Bugg, Cheryl Marshall, Tina McClurkin, Dawnmarie Neate, Arturo Ocampo, Kim Orlijan, Valentina Purtell, Irma Ramos, JoAnna Schilling, Greg Schulz, Kai Stearns Moore, Jason Thibodeau, Fred Williams, and Marcus Wilson.

VISITORS: Gail Arriola-Nickell, Kedarious Colbert, Carissa Oyedele, Andrew Perez, Ty Taylor, and Mario Violich.

Chancellor Cheryl Marshall called the meeting to order at 2:00 p.m. and led a round of introductions of those present.

CONSENT CALENDAR & SUMMARY

Consent Items: The agenda contained no consent items.

Summary: The summary of the April 22, 2019, meeting was approved as submitted.

STRATEGIC GOALS & PLANNING

Educational and Facilities Master Plan: Gail Arriola-Nickell, District Project Director for the Master Plan, noted that representatives are still needed for the Educational and Facilities Master Plan (EFMP) Steering Committee that will guide the planning. The steering committee schedule will be available after the Labor Day holiday, and the committee is looking at Friday meeting dates.

Consultants from Brailsford & Dunlavey (B&D) and Moore, Ruble, and Yudell (MRY) provided a presentation to update DCC on what is taking place with the District's Educational and Facilities Master Plan (EFMP), what they intend to do, and to provide the membership an avenue to communicate their expectations and deliverables. They shared an overview of the 12-month work plan that will happen in three phases. The initial phase is scheduled from June through September and includes visioning and data gathering to better understand the District, and have engagement with faculty, students, community, and alumni. The second phase, from October through January, is the master plan development. This is the essence of the process and will include ways to improve facilities in order to further enhance the educational master plan. The documentation and approvals process is the final phase and will take place from February to May 2020. This phase will go through the District Consultation Council (DCC) first before coming to the Board.

Andrew Perez, B&D Consultant, stated that upcoming campus visits are scheduled that will include staff, students, and community representatives, and they would like to return to DCC to present findings at the November 25 meeting, and again at another time in early 2020 before finalizing their work.

Mario Violich, MRY Consultant, explained how the team will work with the campuses to present the EFMP and have engagement across the campus groups. He noted that work has already begun and the team is strategizing on how they can most effectively engage students and faculty on the different campuses. He requested feedback on how to best engage participants. Members suggested an open house forum style with refreshments; using a survey that faculty can administer to their students to get a better sampling of students using a mix of classes in order to get a variety of students; using Emma or Canvas to promote surveys; using the research offices to deliver an electronic survey; hosting a “passport event” where participants receive a stamp for visiting each station, including the survey; using signage with a QR code; hosting events to cater to both morning and evening attendees; and delivering surveys in more than one language (Spanish, Vietnamese, and Korean).

The consultants attempted to share the campus considerations for each institution, but the discussion instead focused on the disappointment with the lack of faculty and student engagement in the visioning sessions that had already taken place. The College Presidents indicated that conversations with the consultants have only just begun with no decisions being made and assured the group that faculty and student input will be included. Consultants noted that transparency is important in the development of the EFMP. Preliminary discussions have begun with key leadership and facilities staff only to see what is and is not working currently. They asked for help to clarify how to engage the District’s communities, and there is no intention to exclude, but rather the opposite. They want to ensure that the engagement is the right fit for the campuses.

The priorities for the EFMP center around four topics:

- Enrollment Management: access, recruitment, retention, and equity
- Educational Outcomes: curricular/student experience, student success, and co-curricular learning
- Community: student services, faculty and staff, community partnerships, and alumni integration
- Financial Performances: competitive edge, brand identity, asset opportunities, operational impacts, sustainability, and technology

Arturo Ocampo shared that equity, diversity, and inclusion weaves across all four of the topics and should be included in all of them and suggested that interviews be directed to specific advocacy groups to ensure varied perspectives.

Chancellor Marshall asked members to share with the consultants how they can get input from their constituencies. Dawnmarie Neate, CSEA President, suggested touching base with student services (and engaging the evening crew), while an NOCE representative noted that for NOCE the instructional side would be better. Members also suggested hosting open house events for staff as well and also roundtable discussions. Valentina Purtell, NOCE Provost, stated that NOCE has several shared governance structures, committees, and workgroups that have representatives that include varied representation and suggested that those groups would be helpful in soliciting feedback or direction on ideas. Faculty representatives suggested attending the academic/faculty senate meetings, division meetings, office hours, President’s Advisory Council (PAC), and Planning and Budget Committee (PBC). Other suggestions included utilizing the online environment and running a banner ad in Canvas for all faculty that appears on the top of the page. Craig Goralski, Cypress College Academic Senate President, suggested contacting

Associated Students for student engagement, and while the group isn't necessarily representative of the entire student body, they can assist in soliciting additional input from the rest of the student body.

Kai Stearns Moore, District Director of Public and Governmental Affairs, reminded everyone that what is discussed needs to be brainstormed and should not just be facilities related, but include the educational side as well to see how both are combined to make a whole. Dr. Schilling noted that we are trying to set a vision for the type of educational institution we want to be in the future, and how we serve our students. Kim Orlijan, Fullerton College Faculty Senate President, inquired how the larger vision that's currently being discussed fits into guided pathways and how they will intersect and interact because they can't be separate visions. Fred Williams, Vice Chancellor of Finance and Facilities, stated that on the facilities side, the District knows which construction projects already have contracts, but confirmation is needed for the construction plans that we already have in place. If there are facilities changes, now is the time to do it before contracts are awarded on those projects.

The discussion concluded with Dr. Marshall stating that DCC can have the consultants return to additional meetings if needed.

District Consultation Council 2019-20

Meeting Topics Calendar: Chancellor Marshall shared the draft of proposed topics calendar that will be reviewed again at the next meeting. She asked that members provide feedback and as the items are flushed out, the calendar will be updated and revised. The goal is to have the DCC representatives see the calendar topics and have local conversations to prepare for DCC.

Suggestions shared during the meeting included: providing additional meeting discussions for one-time funds and the resource allocation model; identifying the SCFF targets for 2020-21 and having campus conversations prior to February 2020 in preparation for the DCC discussion; have the EFMP consultants bring up sustainability in their campus discussions; and addressing free speech sooner rather than later so the revised policies can be operationalized.

Meeting Schedule: The 2019-20 DCC meeting dates schedule was provided to the group with meetings scheduled through April 2020. The December 2019 and May 2020 dates are to be determined, and the June 2020 meeting will only take place if needed.

Membership: The 2019-20 DCC membership list was also provided. Additions included Jason Thibodeau as the Cypress College Academic Senate President Elect, Josh Ashenmiller as the Fullerton College Faculty Senate Past President, and Guy Dadson as the United Faculty Representative.

Budget Update: Fred Williams provided a budget update and noted that the District is in good fiscal shape and has the largest hold harmless funding in the State (\$15 million for the next several years). He noted that while staff is still tweaking some of the numbers, the assumptions he provided are what the District's budget will be built on.

Ending Fund Balances

	2018-19	2017-18
Unrestricted	\$95,700,580	\$80,207,875
Restricted	\$6,656,941	\$6,382,804
Total	\$102,357,521	\$86,590,679

Carryover Balances

	DW	DS	CC	FC	NOCE	TOTAL
Restricted			\$1,864,050	\$3,477,345	\$1,315,546	\$6,656,941
Unrestricted	\$55,115,480	\$7,339,683	\$12,701,621	\$14,398,731	\$6,145,065	\$95,700,580
Total	\$55,115,480	\$7,339,683	\$14,565,671	\$17,876,076	\$7,460,611	\$102,357,521

Apportionment

	2018-19	2019-20
Base Allocation	\$142,771,458	\$143,193,570
Supplemental	\$36,151,622	\$37,330,188
Student Success	\$17,504,297	\$18,074,939
Hold Harmless	\$11,104,617	\$15,698,841
Total	\$207,531,994	\$214,297,538

Change in the Funding Formula

- 3-year average of supplemental and student success metric.
- Funding rates are backed into and will be increased by COLA in the future.
- Only given credit for the highest degree in any given year, counts only in the district in the year the award was granted.
- Clarifying the definition of a transfer student for the purpose of the formula – only included in a district's count if the student completes 12 or more units in the year prior to transferring.

FTES

	2018-19 P-2 Actuals	2019-20 Targets	Difference	%
Cypress	11,656.09	11,950.00	293.91	2.52%
Fullerton	16,669.89	16,874.00	174.11	1.04%
NOCE	4,804.08	5,000.00	195.92	4.08%
Total	33,160.06	33,824.00	663.94	2.00%

FTES

	2014-15 Actuals	2019-20 Targets	Difference	%
Cypress	11,166.50	11,950.00	783.50	7.02%
Fullerton	19,152.49	16,874.00	(2,278.49)	(11.90%)
NOCE	5,759.85	5,000.00	(759.85)	(13.19%)
Total	36,078.84	33,824.00	(2,254.84)	(6.25%)

One-Time Funding Allocations for 2019-20

	DW	DS	CC	FC	NOCE	TOTAL
Salaries & Benefits	\$2,532,984					\$2,532,984
Master Plan	\$1,000,000					\$1,000,000
Modo Labs	-					-
Professional Development	\$200,000		\$25,000	\$25,000	\$10,000	\$260,000
SERP	\$2,000,000					\$2,000,000
Retiree Benefits	\$2,000,000					\$2,000,000
Extended Day			\$1,500,000	\$1,500,000	\$300,000	\$3,300,000
Operating Allocation		\$400,000	\$400,000	\$500,000	\$100,000	\$1,400,000
Hunger Initiative			\$100,000	\$100,000	\$100,000	\$300,000
Campus Priorities			\$1,000,000	\$1,000,000	\$250,000	\$2,250,000
Foundations			\$150,000	\$150,000		\$300,000
Outreach			\$50,000	\$50,000	\$10,000	\$110,000
Scheduled Maintenance		\$500,000	\$1,000,000	\$1,000,000		\$2,500,000
ADA			\$500,000	\$500,000	\$125,000	\$1,125,000
Capital Projects			\$1,000,000	\$1,000,000	\$325,000	\$2,325,000
Instructional Equipment					\$100,000	\$100,000
Pathway Support		\$100,000				\$100,000
Grand Total	\$7,732,984	\$1,000,000	\$5,725,000	\$5,825,000	\$1,320,000	\$21,602,984

How did we accumulate so much Money?

- PERS/STRS dollars – \$22 million
- Stability/Hold Harmless – \$26 million
- SERP Savings – \$4.5 million

Other Budget Information

- COLA on categoricals
- Extra year of hold harmless
- Continuation of Promise Program – Second year funding

Full-Time Faculty Obligation Number (FON)

Fall 2019 FON Obligation	562.2
Filled Positions	557
Recruiting	0
Late Recruitments	<u>9</u>
Total	566

Unrestricted General Fund – As of August 22, 2019

On-going Revenue & Expenses

Revenues	\$ 211,331,924
Expenses	<u>\$ 204,279,606</u>
Difference	\$ 7,052,318

Vice Chancellor Williams noted that the difference does not include the unapproved faculty tentative agreement = \$2,7000,000

During the discussion, members asked if the revenue figures includes the hold harmless funding (no) and whether it would be better to change the P-2 numbers to the P-3 figures since they reflect better figures (yes as long as it doesn't change the targets). Mr. Williams concluded the discussion by stating that he wanted the DCC membership to see the information that will be presented to the Board on September 10.

POLICY

Revised AP 6700, Civic Center and Other Facilities Use: Chancellor Marshall introduced the proposed revisions to AP 6700, which were initiated as a result of the EIR study for Sherbeck Field that the District is currently involved in. Ideally, the proposed Sherbeck Field limitations would be incorporated into AP 6700 so that they can be included in the District responses in the EIR. DCC has the opportunity to review, provide input, and approve the document, which will be shared with trustees at tomorrow's Board meeting. Any changes received by DCC will be included in the version that is shared with the Board.

During the discussion, Greg Schulz, Fullerton College President, noted that the College's Physical Education Dean contacted faculty for feedback, and to date, faculty indicated that if the proposed revisions were adopted they could abide by the changes since they were designed to not limit instructional abilities, but those of outside parties. Members requested clarification on authorized signatures in Section 3.1, allowable exceptions to the use of alcohol in Section 3.8.1,

the time that “Friday evening” represents in Section 5.1, and the requirement of security personnel in Section 3.5. The committee also requested that all “he/she” references be changed to “they” in this policy, and all policies moving forward.

Subsequent to the discussion, there was **consensus to approve the administrative procedures and share it with the Board of Trustees for their comments.**

ADJOURNMENT: The meeting adjourned at 4:04 p.m.

NEXT MEETING: September 23, 2019

DRAFT

Major Decisions Timeline and Committees – *Working Draft*

Topic	Campus Level	CBF	DCC	BOT
One-time Funds (OTF)	<ul style="list-style-type: none"> Sept 23 – Oct 23 	<ul style="list-style-type: none"> Oct 14 	<ul style="list-style-type: none"> Sept 23: Update & Discussion Oct 28: Recs 	<ul style="list-style-type: none"> Nov 26: Study Session
Resource Allocation Model (RAM)			<ul style="list-style-type: none"> Oct 28: Recs from CBF 	<ul style="list-style-type: none"> Nov 26: Study Session
Staffing Standards	<ul style="list-style-type: none"> Sept 23 – Oct 23 		<ul style="list-style-type: none"> Oct 28 	<ul style="list-style-type: none"> Nov 26: Study Session
AB 19	<ul style="list-style-type: none"> Sept 23 – Nov 20 		<ul style="list-style-type: none"> Nov 25: Recs 	<ul style="list-style-type: none"> Dec 10: Written Report Mar 24: Study Session
Educational and Facilities Master Plan (EFMP)	<ul style="list-style-type: none"> Sept 12 – Oct 31: Initial Input Sessions and Open Forums 		<ul style="list-style-type: none"> Nov 25: Update on Progress and Discussion Feb 24: Update on Progress and Discussion April 27: Request Approval 	
Sustainability			<ul style="list-style-type: none"> Feb 24: Updates from Campus Teams March 23: Recommendations for Districtwide Plan 	<ul style="list-style-type: none"> Dec 10: Updates from CEOs on campus activities and plans April 28: First Reading of DW Plan May: Request Approval
Free Speech	<ul style="list-style-type: none"> Oct 14: FC Forum Nov 18: CC Forum Nov 21: NOCE Forum 		<ul style="list-style-type: none"> Through the Fall 	

NOCCCD Board Policy and Administrative Procedure Continuous Review Cycle

Goal: To ensure familiarity with and maintain up-to-date documents as well as review all board policies and administrative procedures within the accreditation cycle.

Chapter 1 The District	Chapter 2 Board of Trustees	Chapter 3 General Institution	Chapter 4 Academic Affairs	Chapter 5 Student Services	Chapter 6 Business & Fiscal Affairs	Chapter 7 Human Resources	Future Accreditation Site Visits
3 BPs 0 APs	37 BPs 21 APs	28 BPs 28 APs	24 BPs 33 APs	25 BPs 32 APs	25 BPs 14 APs	17 BPs 47 APs	
During the 2018-19 academic year, update all necessary legal update language to comply with current laws and accreditation, and select up to 10 additional BPs or APs for substantive review.							
ON-GOING REVIEWS/REVISIONS TO ENSURE LEGAL COMPLIANCE Biannual Legal Updates – Every Fall (typically late October) & Spring (typically late April)							
2018-19		2019-20	2020-22	2020-22	2022-23	2023-24	2024
2024-25		2025-26	2026-28	2026-28	2028-29	2029-30	2031
2030-31		2031-32	2032-33	2032-33	2034-35	2035-36	2038

Volume: ~ 159 Board Policies (BPs)
 + ~ 175 Administrative Procedures (APs)
 ~ 334 Total documents reviewed over the continuous review cycle

Accreditation Standards I.B.7, I.C.5, and IV.C.7

I.B.7: The institution regularly evaluates its policies and practices across all areas of the institution, including instructional programs, student and learning support services, resource management, and governance processes to assure their effectiveness in supporting academic quality and accomplishment of mission.

I.C.5: The institution regularly reviews its institutional policies, procedures, and publications to assure integrity in all representations of its mission, programs, and services.

IV.C.7: The governing board acts in a manner consistent with its policies and bylaws. The Board regularly assesses its policies and bylaws for their effectiveness in fulfilling the college/district/system mission and revises them as necessary.

Note: The League’s Policy & Procedure Subscriber Service issues legal updates in Fall and Spring of each academic year. The continuous review cycle will incorporate the legal update revisions necessitated by changes to Federal/State statutes and/or regulations.



2019-20 Board Policy/Administrative Procedures Status and Schedule

Carryover Items from 2018-19

Policy/Procedure	Type of Review	Responsible Party	DCC Meeting	Status
BP 2200, Board Duties and Responsibilities	Substantive	Board Subcommittee	March 2019	Board Subcommittee
BP 2310, Regular Meetings of the Board	Substantive	Board Subcommittee	March 2019	Board Subcommittee
BP 2715, Code of Ethics/Standards of Practice	Substantive	Board Subcommittee	April 2019	Board Subcommittee
BP 2735, Board Member Travel	2018-19 Review Cycle	DCC	September 2019	
AP 2735, Board Member Travel	2018-19 Review Cycle	DCC	September 2019	
BP 2740, Board Education	Substantive	Board Subcommittee	February 2019	Board Subcommittee
BP 3900, Speech: Time, Place, and Manner	Substantive	Kai Stearns Moore	March 25, 2019 (1 st)	Through Fall 2019
AP 3900, Speech: Time, Place, and Manner	Substantive	Kai Stearns Moore	March 25, 2019 (1 st)	Through Fall 2019

Legal and Annual Update Items

Policy/Procedure	Type of Review	Responsible Party	DCC Meeting	Status
AP 6700, Civic Center and Other Facilities Use	Substantive	Cheryl Marshall	August 2019	Updated 8/26/19 DCC
AP 4010, Academic Calendar	Update	Cherry Li-Bugg	September 2019	

2019-20 Annual Review Cycle – Chapter 3

Policy/Procedure	Type of Review	Responsible Party	DCC Meeting	Status
BP 3900, Speech: Time, Place, and Manner	Substantive	Kai Stearns Moore	Through Fall 2019	
AP 3900, Speech: Time, Place, and Manner	Substantive	Kai Stearns Moore	Through Fall 2019	
BP 3050, Institutional Code of Ethics	2019-20 Review Cycle	DCC	September 2019	

AP 3050, Institutional Code of Ethics	2019-20 Review Cycle	DCC	September 2019	
BP 3100, Organizational Structure	2019-20 Review Cycle	DCC	September 2019	
AP 3100, Organizational Structure	2019-20 Review Cycle	DCC	September 2019	
BP 3200, Accreditation	2019-20 Review Cycle	DCC	September 2019	
AP 3200, Accreditation	2019-20 Review Cycle	DCC	September 2019	
BP 3225, Institutional Effectiveness	2019-20 Review Cycle	DCC	September 2019	
AP 3225, Institutional Effectiveness	2019-20 Review Cycle	DCC	September 2019	
BP 3250, Institutional Planning	2019-20 Review Cycle	DCC	September 2019	
AP 3250, Institutional Planning	2019-20 Review Cycle	DCC	September 2019	
BP 3280, Grants	2019-20 Review Cycle	DCC	October 2019	
AP 3280, Grants	2019-20 Review Cycle	DCC	October 2019	
BP 3300, Public Records	2019-20 Review Cycle	DCC	October 2019	
AP 3300, Public Records	2019-20 Review Cycle	DCC	October 2019	
BP 3310, Records, Retention and Destruction	2019-20 Review Cycle	DCC	October 2019	
AP 3310, Records, Retention and Destruction	2019-20 Review Cycle	DCC	October 2019	
BP 3410, Unlawful Discrimination	2019-20 Review Cycle	DCC	N/A	Updated 3/26/19
AP 3410, Unlawful Discrimination	2019-20 Review Cycle	DCC	N/A	Updated 3/12/19
BP 3430, Prohibition of Harassment	2019-20 Review Cycle	DCC	N/A	Updated 3/26/19
BP 3440, Service Animals	2019-20 Review Cycle	DCC	October 2019	
BP 3500, Campus Safety	2019-20 Review Cycle	DCC	October 2019	
AP 3500, Campus Safety	2019-20 Review Cycle	DCC	October 2019	
BP 3501, Campus Security and Access	2019-20 Review Cycle	DCC	October 2019	
AP 3501, Campus Security and Access	2019-20 Review Cycle	DCC	October 2019	
BP 3505, Emergency Response Plan	2019-20 Review Cycle	DCC	November 2019	
BP 3510, Workplace Violence	2019-20 Review Cycle	DCC	November 2019	
AP 3510, Workplace Violence	2019-20 Review Cycle	DCC	N/A	Updated 2/25/19
BP 3515, Reporting of Crimes	2019-20 Review Cycle	DCC	November 2019	
AP 3515, Reporting of Crimes	2019-20 Review Cycle	DCC	November 2019	
AP 3516, Registered Sex Offender Information	2019-20 Review Cycle	DCC	November 2019	

BP 3518, Child Abuse Reporting	2019-20 Review Cycle	DCC	November 2019	
AP 3518, Child Abuse Reporting	2019-20 Review Cycle	DCC	November 2019	
BP 3520, Local Law Enforcement	2019-20 Review Cycle	DCC	November 2019	
AP 3520, Local Law Enforcement	2019-20 Review Cycle	DCC	November 2019	
BP 3530, Weapons on Campus	2019-20 Review Cycle	DCC	November 2019	
AP 3530, Weapons on Campus	2019-20 Review Cycle	DCC	November 2019	
BP 3540, Sexual Assault and Other Sexual Misconduct	2019-20 Review Cycle	DCC	N/A	Updated 2/12/19
AP 3540, Sexual Assault and Other Sexual Misconduct	2019-20 Review Cycle	DCC	N/A	Updated 2/25/19
BP 3550, Drug Free Environment and Drug Prevention Program	2019-20 Review Cycle	DCC	January 2020	
AP 3550, Drug Free Environment and Drug Prevention Program	2019-20 Review Cycle	DCC	January 2020	
BP 3560, Alcoholic Beverages	2019-20 Review Cycle	DCC	January 2020	
AP 3560, Alcoholic Beverages	2019-20 Review Cycle	DCC	January 2020	
AP 3570, Smoking on Campus	2019-20 Review Cycle	DCC	January 2020	
BP 3600, Auxiliary Organizations	2019-20 Review Cycle	DCC	January 2020	
AP 3600, Auxiliary Organizations	2019-20 Review Cycle	DCC	January 2020	
BP 3720, Computer and Electronic Communication Systems	2019-20 Review Cycle	DCC	February 2020	
AP 3720, Computer and Electronic Communication Systems	2019-20 Review Cycle	DCC	February 2020	
BP 3740, Websites	2019-20 Review Cycle	DCC	February 2020	
AP 3740, Websites	2019-20 Review Cycle	DCC	February 2020	
AP 3750, Use of Copyrighted Material	2019-20 Review Cycle	DCC	February 2020	
BP 3810, Claims Against the District	2019-20 Review Cycle	DCC	February 2020	
AP 3810, Claims Against the District	2019-20 Review Cycle	DCC	February 2020	
BP 3820, Gifts and Donations	2019-20 Review Cycle	DCC	February 2020	
AP 3820, Gifts and Donations	2019-20 Review Cycle	DCC	February 2020	

DISTRICT CONSULTATION COUNCIL

Agenda Item Submittal Form

Date: September 13, 2019

From: Cheryl Marshall

Re: Agenda Item for District Consultation Council Meeting of September 23, 2019

1. AGENDA ITEM NAME

Board Policies and Administrative Procedures – 6-year Review Cycle Revisions

- BP 2735, Board Member Travel
- AP 2735, Board Member Travel
- BP 3050, Institutional Code of Ethics
- AP 3050, Institutional Code of Ethics
- BP 3100, Organizational Structure
- AP 3100, Organizational Structure
- BP 3200,
- AP 3200,
- BP 3225,
- AP 3225,
- BP 3250, Institutional Planning
- AP 3250, Institutional Planning

Administrative Procedures – Content Revisions

- AP 4010, Academic Calendar

2. AGENDA ITEM ACTION (Please check all that apply.)

Information Only		Second Reading	
Review/Discussion		Action	X
First Reading	X	Consent Agenda Item	

3. ESTIMATED TIME REQUIRED FOR PRESENTATION/DISCUSSION: **20 minutes**

4. BRIEF NARRATIVE SUMMARY OF AGENDA ITEM:

The BPs and APs were revised to reflect one or more of the following: 1) changes per the Community College League of California (CCLC) Policy and Procedure Legal Updates; 2) revisions recommended by Chancellor’s Staff; revisions recommended by Jane Wright, CCLC Consultant; 4) revisions recommended by legal counsel; and 5) grammar corrections. (Please refer to the attached summary for a listing of the revisions.)

5. RECOMMENDATION:

It is recommended that upon DCC consensus, the revised Administrative Procedures be posted on the District website and the revised Board Policies be forwarded to the Board for their consideration.

6. OTHER PEOPLE CONSULTED, INFORMED OR ATTENDING MEETING ABOUT THIS ITEM:
CCLC Legal Updates, Chancellor’s Staff, CCLC Consultant, and legal counsel.

NOTE: Please forward this form by required dates with all backup material to the Chancellor's Office.

Board Policy/Administrative Procedures Schedule

September 23, 2019 DCC Meeting

Update/Review due to 6-year Continuous Review Cycle Schedule	
BP 2735, Board Member Travel	Minor edit in and cite the corresponding BPs and AP.
AP 2735, Board Member Travel	Minor edit and cite the corresponding BPs.
BP 3050, Institutional Code of Ethics	Add language in new Sections 2.1, 2.2, and 2.3, and cite the corresponding BPs and AP.
AP 3050, Institutional Code of Ethics	Minor correction to Section 4.3 and cite the corresponding BPs and AP.
BP 3100, Organizational Structure	Minor edit to the cited corresponding AP.
AP 3100, Organizational Structure	Edit the language in Section 2.0 to identify colleges by name.
BP 3200, Accreditation	Minor edits throughout, including the "Reference" section and updating the corresponding BP and AP.
AP 3200, Accreditation	Minor edits throughout, including the "Reference" section and updating the corresponding BPs.
BP 3225, Institutional Effectiveness	Minor edits throughout and updating the corresponding AP.
AP 3225, Institutional Effectiveness	Update the "Reference" section, add new Section 2.0 in compliance with Ed Code Section 78210, and cite the corresponding BP.
BP 3250, Institutional Planning	Update the "Reference" section, minor edits and grammar corrections, and update the corresponding AP.
AP 3250, Institutional Planning	Update the "Reference" section, minor edits and grammar corrections, and cite the corresponding BP.

Content Revisions	
BP 3900, Speech: Time, Place, and Manner	Extensive changes throughout recommended by the workgroup and legal counsel.
AP 3900, Speech: Time, Place, and Manner	Extensive changes throughout recommended by the workgroup and legal counsel.
AP 4010, Academic Calendar	Minor edits to the "Reference" section and throughout to update current information.

BP 2735 Board Member Travel

Reference:

Education Code Section 72423

- 1.0 Members of the Board shall have travel expenses paid whenever they travel as representatives of and perform services directed by the Board [of Trustees](#).

See Administrative Procedure 2735, [Board Member Travel; Board Policy 6360, Travel; and Board Policy 7400, Travel and Conference Attendance](#).

Date of Adoption: June 24, 2003

AP 2735 Board Member Travel

Reference:

Education Code Section 72423

- 1.0 Board Members are encouraged to participate in activities that increase and enhance their understanding of the community college mission and the role of trustees on a governing board, including serving as advocates for, and representatives of, the NOCCCD. When such participation occurs, board members are encouraged to report on their activities to their fellow trustees, at a regular board meeting.
- 2.0 To support such activities, the Board [of Trustees](#) may adopt a fixed amount annually as part of the regular budget process. The fixed amount shall be divided into ninths and allocated according to the following formula:
 - 2.1 Two ninths designated for use by the Board President;
 - 2.2 One ninth designated for each of the six other elected trustees; and
 - 2.3 One ninth divided equally for each student trustee.
- 3.0 Any unexpended funds at the end of the fiscal year will be returned to the General Fund.
- 4.0 Reimbursement for trustee travel expenses shall follow District procedures for staff.

[See Board Policy 2735, Board Member Travel; Board Policy 6360, Travel; and Board Policy 7400, Travel and Conference Attendance.](#)

Date of Adoption: June 24, 2003

BP 3050 Institutional Code of Ethics

Reference:

ACCJC Accreditation Standard III.A.13;
WASC/ACS Criterion 2, Indicator 2.1;
ACCCA Statement of Ethics

- 1.0 The North Orange County Community College District upholds a written code of professional ethics for all of its personnel.
- 2.0 The Chancellor shall establish appropriate administrative procedures in furtherance of the District's expectation and requirement of ethical conduct by employees in carrying out their duties for the benefit of the institution and the public in compliance with all applicable laws, policies, rules, and regulations.

2.1 Employees shall not have a financial interest in any contract made by the Board of Trustees.

2.2 No employee of the District may participate in the selection, award, or administration of a contract supported by a federal award if they have a real or apparent conflict of interest.

2.3 Any employees who manage public investments shall not accept, from any single source in any calendar year, any gifts in excess of the prevailing gift limitation specified in law.

See Board Policy 2715, Board Code of Ethics/Standards of Practice; Administrative Procedure 3050, Institutional Code of Ethics, and Board Policy 4030, Academic Freedom.

Date of Adoption: June 22, 2010

Date of Last Revision: September 14, 2016 Chancellor's Staff

AP 3050 Institutional Code of Ethics

Reference:

ACCJC Accreditation Standard III.A.13;
WASC/ACS Criterion 2, Indicator 2.1

- 1.0 **Statement of Purpose:** The North Orange County Community College District (hereinafter “District”) recognizes its responsibility and obligation to the public to conduct its business with honesty, integrity, professionalism, and quality in the performance of those operations and functions necessary to achieve its established mission and philosophy as described in Board Policy. To that end the District is committed to public accountability and transparency.
- 2.0 **Applicability:** The Institutional Code of Ethics applies to all employees of the District.
- 3.0 **Responsibilities:** Employees of the District share the fundamental responsibility to always act with integrity and in a manner that reflects the best interests of the District and its students.
- 4.0 **Standards of Conduct:** Employees of the District shall conform their conduct to the following standards:
 - 4.1 Use of District Resources: District resources shall not be used for other than their intended purpose. Employees of the District shall manage the District’s resources prudently and shall not improperly convert such resources to personal use or for the personal use of another. The District’s resources shall not be offered to another in order to obtain unfair advantage or otherwise offered in a manner or under circumstances that would constitute a violation of law.
 - 4.2 Relationship with Vendors
 - 4.2.1 Employees of the District who have a financial interest in a firm under consideration for business transactions with the District, excluding publicly-traded firms, must disclose the relationship to appropriate District personnel. Such employees shall recuse themselves from participation in decisions related to District business with the firm. In addition, such employees shall disclose the relationship in writing, to the District’s legal counsel to determine that the proposed activity is fair to the District and will not result in the District foregoing revenues, or incurring costs in excess of the costs that would be incurred for goods, property, or services of like quality if acquired from another source.
 - 4.2.2 Under no circumstances may a person described in section 4.2.1 approve a relationship with, order or authorize purchase from, or approve or make payments to an affiliated firm or person on behalf of the District. For the purposes of this paragraph, the terms “person” and “affiliated person” includes an individual’s immediate family members, spouse, and others living within such individual’s household.

AP 3050 Institutional Code of Ethics

- 4.3 Conflict of Interest: Executive administrative personnel and other designated personnel subject to the provisions of the Political Reform Act of 1974 as set forth in Government Code Sections 1090 et seq. ~~48000~~ have additional responsibilities with reference to contracts and financial decisions made by the District as described in applicable conflict of interest laws, which include the following:
- 4.3.1 Contractual Conflicts: Executive administrative personnel and other designated personnel are prohibited from having a controlling financial interest in any contract made by the District or in any contract entered into in their official capacity. As such, they are prohibited from making, participating in making or in any way attempting to use their official positions to influence a District decision when it is foreseeable that their personal financial interests may be affected by those decisions. If an executive administrator or other designated person determines that he or she has a conflict of interest at some point in the contract-making process, this determination shall be disclosed and he or she shall immediately disengage from the contract process.
- 4.3.2 Obligation to Resolve Conflicts: Executive administrative personnel and other designated personnel have an obligation to examine any situation in which they believe they have a conflict of interest and take steps to resolve the conflict.
- 4.3.4 Disqualification: When a conflict of interest exists, an executive administrator or other designated person who has declared or who has been found to have a conflict of interest in a matter shall refrain from participating in consideration of the matter.
- 4.4 Gratuities
- 4.4.1 No employee of the District shall receive or solicit anything of value in return for influencing or exercising his/her discretion in a particular way on a District matter. In addition, employees of the District are prohibited from accepting or soliciting any gratuity or thing of value (for which a fair market price has not been paid) for or because of any official act performed or to be performed in his/her official capacity with the District.
- 4.4.2 The provision of section 4.4.1 does not prohibit the acceptance of an item having a nominal value or ceremonial gifts received by employees of the District in their official capacity.
- 4.5 Maintenance of Accurate Accounts and Records
- 4.5.1 The accounts and records of the District are maintained in a manner that provides for an accurate and auditable record of all financial transactions in conformity with generally accepted accounting principles, established business practices, and all relevant provisions of controlling law. No false or deceptive entries may be made and all entries must contain an appropriate description of the underlying transaction.
- 4.5.2 To the extent not required for daily operating transactions (e.g., petty cash

AP 3050 Institutional Code of Ethics

transactions), all District funds must be retained in the appropriate District accounts with appropriately designated financial institutions and no undisclosed or unrecorded fund or asset shall be established or maintained for any purpose.

4.5.3 All reports, vouchers, bills, invoices, payroll information, personnel records, and other essential business records must be prepared with care and honesty, and access to such data shall be closely controlled.

4.5.4 Employees of the District who improperly access District accounts and records or who improperly convert these records and accounts for their own personal purpose or for the personal purpose of another, or who wrongfully disclose such records or accounts will be subject to appropriate sanctions by the District.

4.6 Maintenance of Confidentiality: Employees of the District who may have access to confidential information relating to students, job applicants, employees, and other information of a sensitive nature are expected to take appropriate measures to safeguard confidential or sensitive information and not disclose such information except in the course of their official duties to those who have a legitimate business need to know.

5.0 Employment Practices and Public Relations

5.1 Employees of the District are expected to conform their actions to the requirements of the law and District policy related to their positions and areas of responsibility, and to ethically and effectively carry out their responsibilities. No employee of the District shall engage in any employment practice that is a violation of law or District policy, or use his or her position to intimidate subordinate employees or exact personal favors or things of value (for which a fair market price has not been paid) from subordinate employees.

5.2 Employees of the District are expected to treat other members of the District and members of the public with courtesy, honesty, professionalism, and civility.

[See Board Policy 2710, Conflict of Interest; Administrative Procedure 2710, Conflict of Interest; Board Policy 2715, Board Code of Ethics/Standards of Practice; Board Policy 3050, Institutional Code of Ethics, and Board Policy 4030, Academic Freedom.](#)

Date of Adoption: May 24, 2010, Chancellor's Cabinet

Date of Last Revision: September 14, 2016 Chancellor's Staff
November 26, 2014 Chancellor's Staff

BP 3100 Organizational Structure

Reference:

Education Code Section 72400

1.0 The Chancellor shall establish organizational charts that delineate the lines of responsibility and fix the general duties of employees within the District.

See Administrative Procedure 3100, [Organizational Structure](#).

Date of Adoption: March 23, 2004

AP 3100 Organizational Structure

Reference:

Education Code Sections 72400;
Title 5, Section 53200

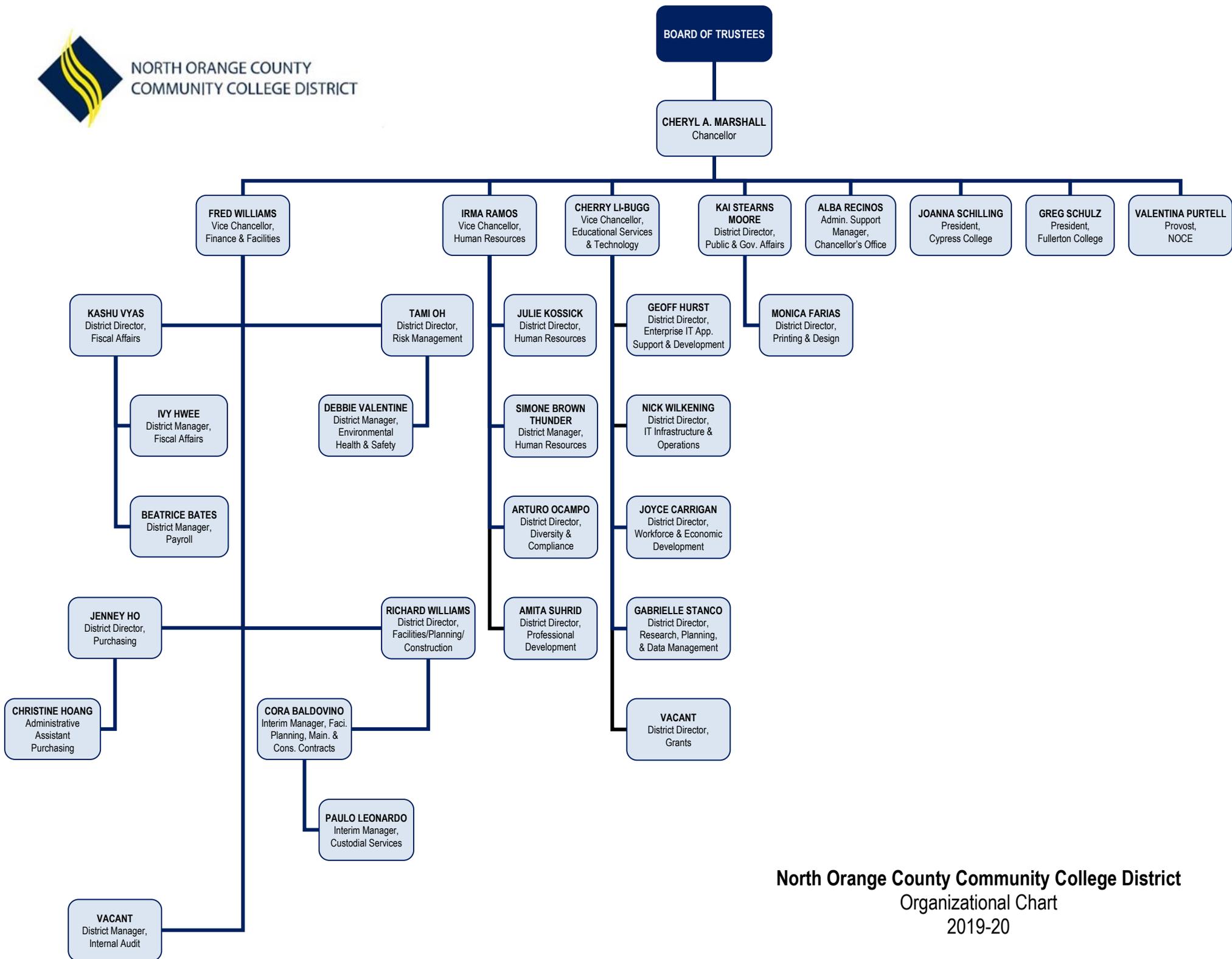
- 1.0 The District's organizational structure shall be as attached.
- 2.0 Revisions to the organizational structure of [Cypress College, Fullerton College](#) ~~the colleges~~, North Orange Continuing Education, and the District shall be developed through established collegial consultation processes.

Date of Adoption: March 23, 2004

Date of Last Revision: September 25, 2017 District Consultation Council



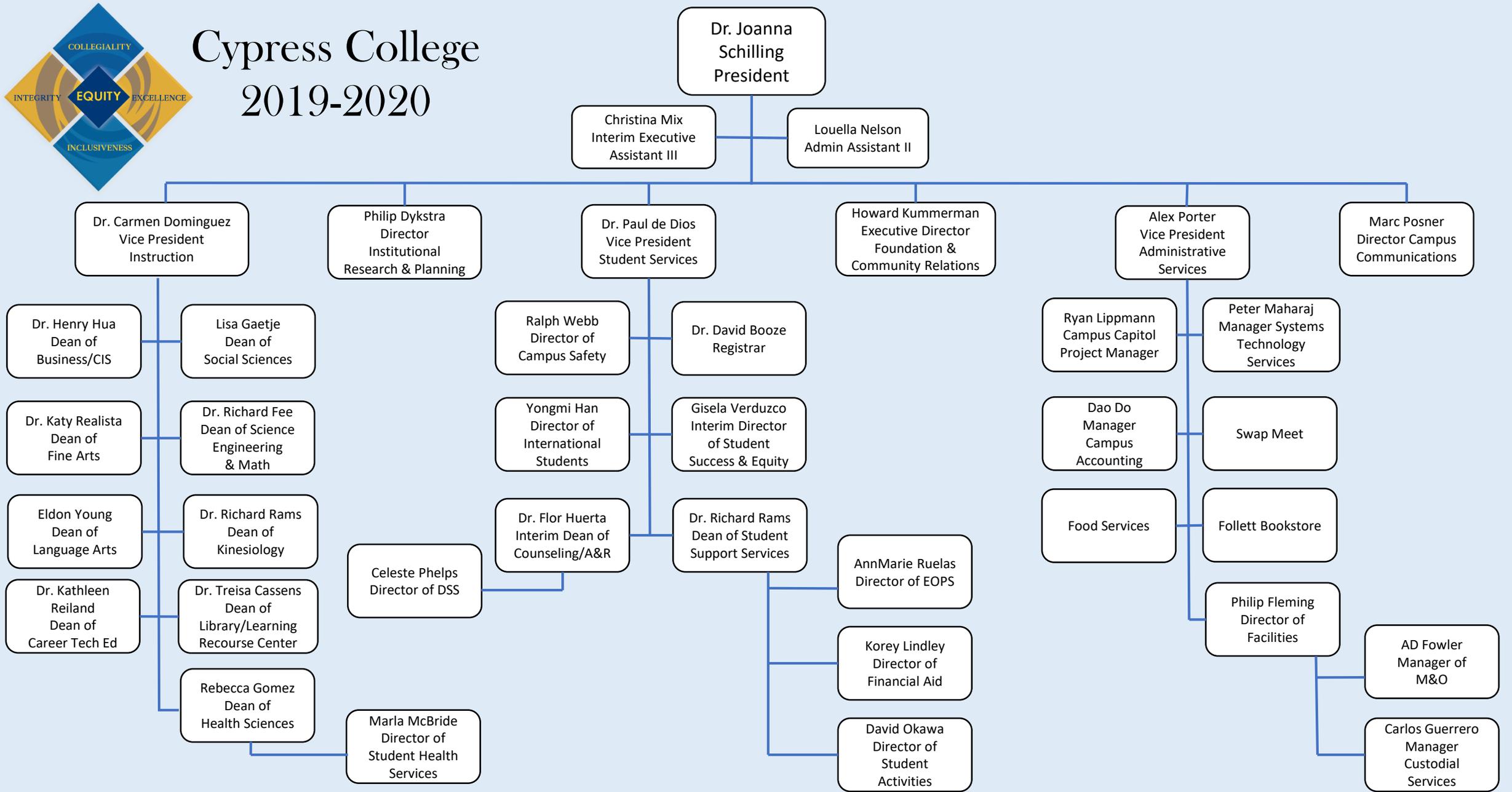
**NORTH ORANGE COUNTY
COMMUNITY COLLEGE DISTRICT**





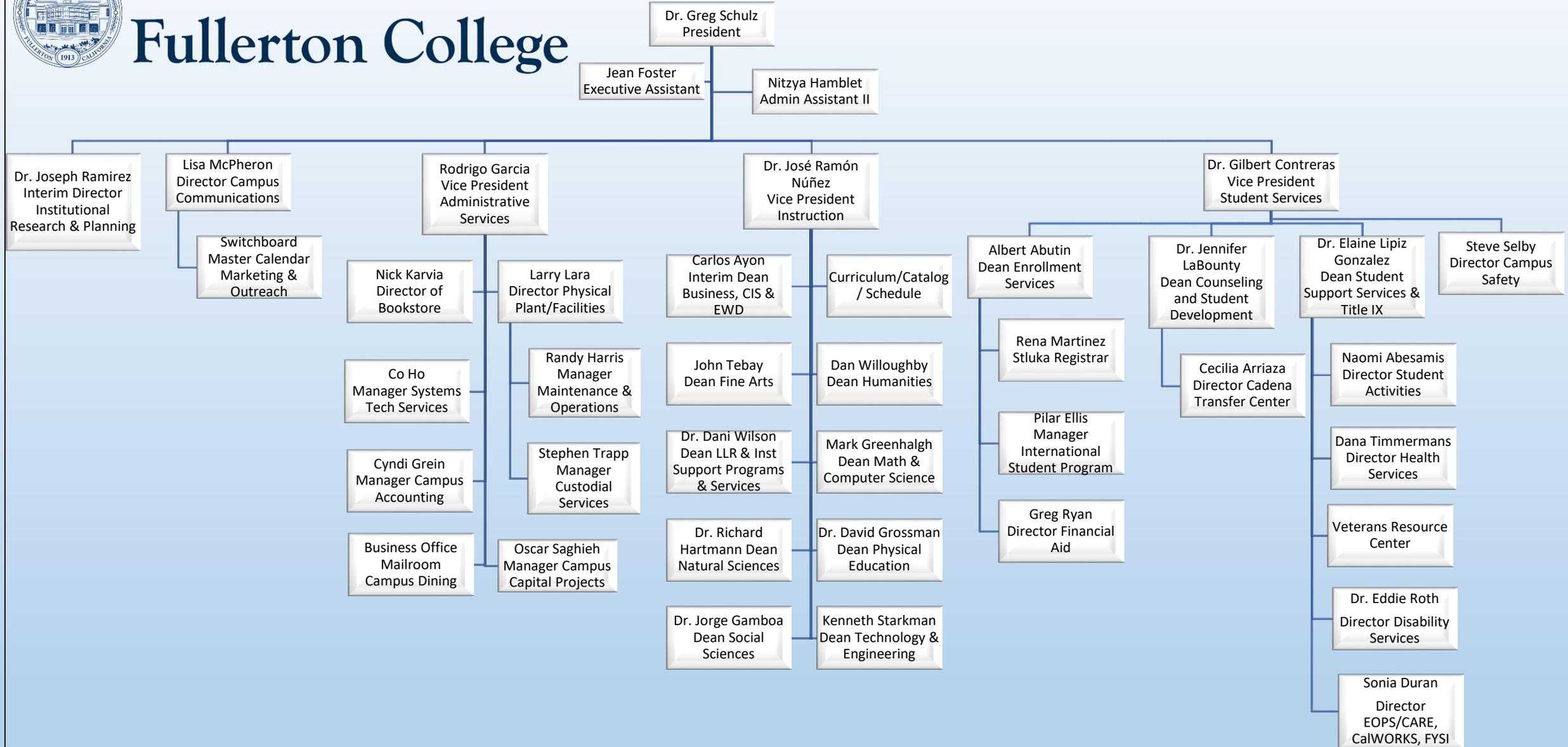
Cypress College

2019-2020



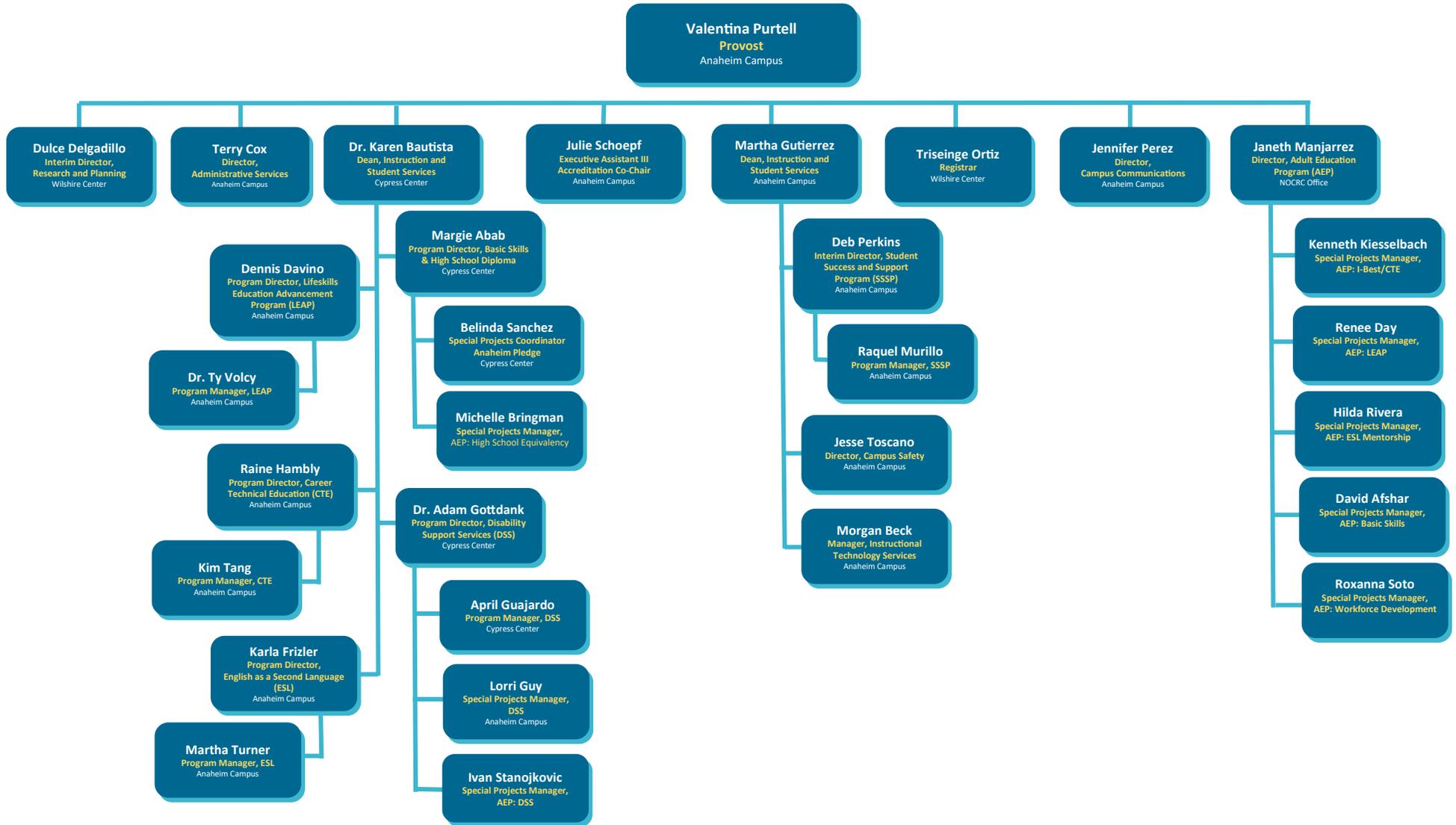


Fullerton College



North Orange Continuing Education

Organizational Chart—2019/20



BP 3200 Accreditation

Reference:

ACCJC Accreditation Eligibility Requirement 21 and Accreditation Standards I.C.12 and 13;
WASC/ACS Criterion 2, Indicator 2.1; [and](#) Criterion 10, Indicator 10.2
Title 5 Section 51016

- 1.0 The Chancellor shall ensure the District complies with the accreditation process and standards of the Accrediting Commission of Community and Junior Colleges ([ACCJC](#)), the Accrediting Commission for Schools ([ACS](#)), and of the accrediting bodies of other District programs that seek special accreditation.
- 2.0 The Chancellor shall keep the Board [of Trustees](#) informed of approved accrediting organizations and the status of accreditations.
- 3.0 The Chancellor shall ensure that the Board [of Trustees](#) is involved in any accreditation process in which Board participation is required.
- 4.0 The Chancellor shall provide the Board [of Trustees](#) with a summary of any accreditation report and any actions taken or to be taken in response to recommendations in an accreditation report.

See Administrative Procedure 3200, [Accreditation](#) and Board Policy 2200, [Board Duties and Responsibilities](#).

Date of Adoption: March 23, 2004

Date of Last Revision: October 25, 2016
November 26, 2014 Chancellor's Staff
May 14, 2014, Chancellor's Staff
April 18, 2012, Chancellor's Staff

AP 3200 Accreditation

Reference:

ACCJC Accreditation Eligibility Requirement 21 and Accreditation Standards I.C.12 and 13;
WASC/ACS Criterion 2, Indicator 2.1; and Criterion 10, Indicator 10.2;
Title 5 Section 51016

- 1.0 In accordance with the standards of the Accrediting Commission of Community and Junior Colleges (**ACCJC**), the colleges shall conduct a comprehensive **institutional** self-evaluation report every seven years and host a visit by an accreditation team. Mandatory midterm reports are prepared and submitted to the Accrediting Commission in the third year of each seven-year cycle.
- 2.0 Those employees who are responsible for the functions related to the accreditation standards must be involved in the ~~self-study~~ **institutional self-evaluation report** and team visit.
- 3.0 The process for producing the written document that is the Comprehensive Self Evaluation Report must include:
 - 3.1 A Self Evaluation Report Chair, appointed by the President in accordance with campus procedures. If the President selects a faculty member to be the chair, the appointment must be approved by the Academic Senate;
 - 3.2 Accreditation Liaison Officer, appointed by the President;
 - 3.3 Active, campus-wide involvement of administrators, faculty, classified staff, and students;
 - 3.4 District representatives; and
 - 3.5 A Steering Committee.
- 4.0 When the Self Evaluation Report is completed, it must be reviewed and approved by the Board of Trustees prior to submission to the Accrediting Commission a minimum of 45 days prior to the team visit.

[See Board Policy 3200, Accreditation and Board Policy 2200, Board Duties and Responsibilities.](#)

Date of Adoption: March 23, 2004

Date of Last Revision: September 26, 2016 District Consultation Council
November 26, 2014 Chancellor's Staff
June 17, 2014, Chancellor's Staff

BP 3225 Institutional Effectiveness

Reference:

Education Code Sections 78210 et seq., and 84754.6;
ACCJC Accreditation Standard I.B.5-9;
WASC/ACS Criterion 2, Indicator 2.3

- 1.0 The Board [of Trustees](#) is committed to developing goals that measure the ongoing condition of the District's operational environment.
 - 1.1 The Chancellor shall ensure that those goals are established.
- 2.0 The Board [of Trustees](#) regularly assesses the District's institutional effectiveness.
 - 2.1 The Chancellor shall inform the Board [of Trustees](#) about the status of goal setting, implementation, and assessment of the District's institutional effectiveness.

See Administrative Procedure 3225, [Institutional Effectiveness](#).

Date of Adoption: October 13, 2015

Date of Last Revision: September 14, 2016 Chancellor's Staff

AP 3225 Institutional Effectiveness

Reference:

Education Code Sections 78210, et seq. [and 84754.6](#);
ACCJC Accreditation Standards I.B.5-9;
WASC/ACS Criterion 2, Indicator 2.3

1.0 All entities in the District shall collaboratively develop, adopt, and publicly post measurable goals that address all of the following: (1) accreditation status; (2) fiscal viability; (3) student performance and outcomes; and (4) programmatic compliance with state and federal guidelines.

2.0 All goals should be challenging and quantifiable, address achievement gaps for underrepresented populations, and align the educational attainment of California's adult population to the workforce and economic needs of the state.

See Board Policy 3225, Institutional Effectiveness.

Date of Adoption: August 24, 2015 District Consultation Council

Date of Last Revision: September 14, 2016 Chancellor's Staff

The new language is legally advised for districts that receive funds under the Seymour-Campbell Student Success Act of 2012, Education Code Sections 78210 et seq.

BP 3250 Institutional Planning

Reference:

**ACCJC Accreditation Standards I.B.9, III.B.4, III.C.2, III.D.2, IV.B.3, and IV.D.5;
Title 5, Sections 51008, 51010, 51027, 53003, 54220, 55080, 55190, 55250, 55510, [and](#)
56270, et seq.;
WASC/ACS Criterion 1, Indicator 1.6, [and](#) Criterion 10, Indicators 10.1 and 10.5**

- 1.0 The Chancellor shall ensure that the District has and implements a broad-based comprehensive, systematic, and integrated system of planning that involves appropriate segments of the college community and is supported by institutional effectiveness research.
 - 1.1 The planning system shall include plans required by law, including, but not limited to:
 - 1.1.1 Long-range Educational or Academic Master Plan
 - 1.1.2 Facilities
 - 1.1.3 Equal Employment Opportunity Plan
 - 1.1.4 Student Equity
 - 1.1.5 Student Success and Support Program Plan
 - 1.1.6 Transfer Center
 - 1.1.7 Cooperative Work Experience
 - 1.1.8 Extended Opportunity Program & Services (EOPS)
- 2.0 The Chancellor shall submit to the Board [of Trustees](#) those plans for which Board approval is required by Title 5.
- 3.0 The Chancellor shall inform the Board [of Trustees](#) about the status of planning and the various plans.
- 4.0 The Chancellor shall ensure the Board [of Trustees](#) has an opportunity to assist in developing the general institutional mission and goals for the comprehensive plans.

See Administrative Procedure 3250, [Institutional Planning](#).

Date of Adoption: March 23, 2004

Date of Last Revision: September 14, 2016 Chancellors' Staff
November 26, 2014, Chancellor's Staff
February 25, 2014
November 12, 2008 Chancellor's Staff

AP 3250 Institutional Planning

Reference:

**ACCJC Accreditation Standards I.B.9, III.B.4, III.C.2, III.D.2, IV.B.3, and IV.D.5;
Title 5, Sections 51008, 51010, 51027, 53003, 54220, 55080, 55190, 55510, [and](#) 56270,
et seq.;**
WASC/ACS Criterion 1, Indicator 1.6; [and](#) Criterion 10, Indicators 10.1 and 10.5

- 1.0 The Colleges, North Orange Continuing Education, and District Office, through established committees with representation from faculty, administration, classified staff, and students, will review and recommend planning decisions related to human, physical, technology, and financial resources. Applying the criteria of accreditation standards I and III, the planning process will be guided by adopted vision, mission, and core values statements and will develop specific goals, objectives, and strategies, which have measurable outcomes and specific accountability. Action plans will be reviewed and revised annually and approved by the respective planning bodies.
- 2.0 Institutional effectiveness research, program reviews, and individual unit plans are utilized in the planning process, which is intended to complement and inform the resource allocation process.
- 3.0 The Board [of Trustees](#) may assist in developing the general institutional mission and goals for the comprehensive plans through a variety of means, including, but not limited to, the Chancellor's evaluation process, the Board/Chancellor retreat, and any time the Board [of Trustees](#) reviews curriculum items.

[See Board Policy 3250, Institutional Planning.](#)

Date of Adoption: March 23, 2004

Date of Last Revision: September 25, 2017 District Consultation Council
September 14, 2016 Chancellor's Staff
November 26, 2014 Chancellor's Staff
November 12, 2008 Chancellor's Staff

AP 4010 Academic Calendar

Reference:

Education Code Section 79020;
Title 5, Sections 5700, et seq., and Section 58142

- 1.0 The academic year consists of ~~475~~ **177** days of instruction.
- 2.0 Flexible days are considered part of the ~~475~~ **177** days of instruction.
- 3.0 Statutory holidays are observed on the dates noted, or on alternate dates in accordance with Education Code **Section** 79020, and include:
 - 3.1 New Year's Day (January 1)
 - 3.2 Dr. Martin Luther King, Jr. Day (Third Monday in January)
 - 3.3 Lincoln Day (February 12)
 - 3.4 **President's** ~~Washington~~ Day (Third Monday in February)
 - 3.5 Memorial Day (Last Monday in May)
 - 3.6 Independence Day (July 4)
 - 3.7 Labor Day (First Monday in September)
 - 3.8 Veterans' Day (November 11)
 - 3.9 Thanksgiving Day (Fourth Thursday in November)
 - 3.10 Christmas Day (December 25)
- 4.0 The Board of Trustees may declare other days to be holidays and close the colleges and offices when good reason exists.

Date of Adoption: June 22, 2004

DISTRICT CONSULTATION COUNCIL

Agenda Item Submittal Form

Date: September 13, 2019
From: Cheryl Marshall
Re: Agenda Item for District Consultation Council Meeting of September 23, 2019

1. AGENDA ITEM NAME

Revision of BP/AP 3900, Speech: Time, Place, and Manner

2. AGENDA ITEM ACTION (Please check all that apply.)

Information Only		Second Reading	
Review/Discussion	X	Action	
First Reading		Consent Agenda Item	

3. ESTIMATED TIME REQUIRED FOR PRESENTATION/DISCUSSION: 15 minutes

4. BRIEF NARRATIVE SUMMARY OF AGENDA ITEM:

The Public Affairs Department led a collaborative workgroup charged with updating BP/AP 3900. This policy and procedure outline free speech activities, distribution, and posting of printed materials on campus and District sites. The workgroup successfully crafted updated drafts of BP/AP 3900 which were originally introduced to DCC on March 25, 2019 for initial discussion.

To facilitate discussion about the draft policy and procedure, the District is hosting three free speech open forums this fall: one each at Cypress College, Fullerton College, and the Anaheim Campus. Dates, times, and location for all of the forums can be found on the District website, along with the drafts of BP/AP 3900, and an email form for feedback.

5. RECOMMENDATION:

It is recommended that DCC review and discuss the proposed updates to BP/AP 3900 throughout the fall semester.

6. OTHER PEOPLE CONSULTED, INFORMED OR ATTENDING MEETING ABOUT THIS ITEM:

BP/AP 3900 Workgroup and legal counsel.

North Orange County Community College District
BOARD POLICY
Chapter 3
General Institution

BP 3900 Speech: Time, Place, and Manner

Reference:

Education Code Sections 66301, [and 76120](#)
Penal Code Sections [422.6](#), [626.4](#), and [626.6](#)

- 1.0 The North Orange County Community College District (“the District”) is committed to assuring that all persons may exercise their constitutional rights protected under the First Amendment to the United States Constitution and ~~a~~[Article I](#), ~~s~~[Section 2](#), of the California Constitution. ~~The District’s commitment to the exercise of free speech and free expression is not intended to convert all of the facilities maintained and/or owned by the District into public forums, limited public or designated public forums.~~ As any owner of property, the District reserves the right to limit the use of its facilities for the exercise of free speech and free expression consistent with the United States Constitution and the California Constitution. The District’s commitment to the exercise of free speech and free expression set forth herein is not intended to permit, [while utilizing District facilities](#), expression and activity ~~utilizing District facilities which~~ [that](#) is not otherwise protected by the First Amendment or ~~a~~[Article I](#), ~~s~~[Section 2](#), of the California Constitution (e.g., obscenity, illegal activity, advertising of illegal substances, defamatory speech, [true threats](#), [false advertising](#), and [any](#) speech ~~and~~ [or](#) activity that causes substantial disruption of the orderly operation of the District’s campuses).
- 2.0 The District desires to provide the best available curriculum and facilities in order to encourage its students to matriculate, study, graduate, obtain a place of employment, or go on to obtain a further degree. This policy is designed to encourage students who want to attend class and study in a peaceful and quiet setting to do so without substantial disruption. Maintenance of an atmosphere conducive to learning on campus in order to further the educational process is essential to the District, its students, faculty, and staff.
- 3.0 This policy is intended to further the District’s substantial interests in: 1) protecting student health and safety; 2) preventing substantial disruption of the learning environment and the orderly operation of District campuses; 3) preserving District facilities for their intended use; 4) coordinating multiple uses of limited space; 5) preventing unlawful, dangerous, or impermissible uses of District facilities; and 6) assuring financial accountability for damages and litter caused by the use of District facilities for speech and advocacy purposes.
- 4.0 It is the policy of the District that its interpretation of ~~California~~ Education Code ~~s~~[Section 76120](#), be consistent with the First Amendment of the United States Constitution, ~~a~~[Article I](#), ~~s~~[Section 2](#) of the California Constitution and ~~California~~ Education Code ~~s~~[Section 66301](#), and that none of the District’s regulations shall prohibit any speech or expression unless it falls outside the protection of the First Amendment to the United States Constitution and ~~a~~[Article I](#), ~~s~~[Section 2](#) of the California Constitution.
- 5.0 [Speech and expressive activities shall be permitted in common areas of each District campus, as defined, including](#) ~~The campuses of the District are non-public forums, except for those areas that are designated~~ [as recommended](#) free speech assembly area(s), ~~which are limited public forums. Each college shall designate at least one area where peaceful assembly may take place for the purpose of free expression, exchange of ideas, and advocacy by the students and staff of the college. Such an exchange is best achieved in an atmosphere of mutual respect on the part of the speaker~~

BP 3900 Speech: Time, Place, and Manner

~~and the audience, recognizing the right of the speaker to be heard and the right of the audience to listen.~~ The Chancellor or **campus** designee shall enact such administrative procedures as are necessary to reasonably regulate the time, place, and manner of the exercise of free expression in **these areas** ~~the designated free speech assembly area(s).~~

5.1 The phrase “common areas,” as used in this policy and any administrative procedures enacted to reasonably regulate the time, place, and manner of the exercise of free expression, is defined as publicly accessible outdoor areas of a college campus such as grassy areas, outdoor walkways, or other similar outdoor areas, and excludes areas within 20 feet of doorways opening to outdoor areas of campus, all indoor facilities, including but not limited to campus offices, classrooms, lecture halls, laboratories, libraries, learning centers, performing arts facilities, indoor, and outdoor athletic facilities, locker rooms, parking lots, warehouses, and maintenance yards. All common areas may be reserved by the District, including recognized student organizations, for specific uses.

5.2 Recommended free speech assembly area(s) are those areas that are recommended for speech and expressive activities because they tend to provide visibility and allow communication to a large number of students, administrators, faculty, and others walking or traveling on campus, while mitigating disruption to the educational and other activities of the District. Use of recommended free speech assembly area(s) is strongly suggested, but not required.

5.3 Peaceful assembly is best achieved in an atmosphere of mutual respect on the part of the speaker and the audience, recognizing the right of the speaker to be heard and the right of the audience to listen.

6.0 The administrative procedures promulgated by the Chancellor or **campus** designee shall not prohibit the right of students to exercise free expression **protected under the First Amendment of the United States Constitution, and Article I, Section 2 of the California Constitution**, including but not limited to the use of bulletin boards designated for such use, the distribution of printed materials or petitions, and the wearing of buttons, badges, or other insignia.

7.0 Students shall be free to exercise their rights of free expression, subject to the requirements of this policy.

8.0 Speech shall be prohibited that is defamatory, obscene according to current legal standards, ~~or~~ **that which is directed at inciting or producing the commission of unlawful acts, or which is likely to incite or produce such acts** ~~so incites others as to create a clear and present danger of the commission of unlawful acts~~ on District property; **activity in** ~~or the violation of District policies or procedures, or~~ **expressive conduct that results in** the substantial disruption of the orderly operation of the District.

9.0 Nothing in this policy shall prohibit the regulation of hate violence, so long as the regulation conforms to the requirements of the First Amendment to the United States Constitution, and of ~~a~~ **Article 21, Section 2 of the California Constitution. Individuals** ~~Students~~ may be disciplined **and/or excluded from District property** for harassment, threats, or

BP 3900 Speech: Time, Place, and Manner

intimidation unless such speech is legally protected and not in violation of this policy.

10.0 This policy and Administrative Procedure, 3900 are intended to be content – and viewpoint – neutral, and shall be implemented as such.

11.0 The District expressly disclaims the sponsorship and/or endorsement of any statements or activities of any student, person, or group utilizing the facilities or grounds of the District for speech and advocacy purposes unless there is a written document that is signed and authorized by the Chancellor or designee, which expressly provides for District sponsorship and/or endorsement.

12.0 Use of District facilities by the general public also is governed by other provisions of law including but not limited to, the Civic Center Act, California Education Code section 82537. The District shall enact regulations pursuant to this section.

See Administrative Procedure ~~5550~~ 3900, Speech: Time, Place, and Manner; Board Policy 4030, Academic Freedom; and Board Policy and Administrative Procedures 6700, Civic Center and Other Facilities Use.

Date of Adoption: June 14, 2005

Date of Last Revision: April 14, 2015
August 26, 2014
March 14, 2006

AP 3900 Speech: Time, Place, and Manner

Reference:

[Education Code Sections ~~76120~~ and 66301 and 76120](#)
[Penal Code Sections 422.6, 626.4, and 626.6](#)

- 1.0 The students [and employees](#) of the District, [and members of the public](#), shall be permitted to exercise their rights of free expression subject to the time, place, and manner policies and procedures contained in Board Policy [3900](#) ~~5550~~ and these [administrative procedures](#). [These procedures are enacted to implement and enforce Board Policy 3900 consistent with the First Amendment to the United States Constitution; Article I, Section 2 of the California Constitution; and Education Code Sections 66301 and 76120.](#)

- 2.0 [Speech and expressive activities shall be permitted in common areas of each District campus, as defined in Board Policy 3900, including The Colleges of the District are non-public forums, except for those areas that are designated as recommended free speech assembly area\(s\), as follows: Limitations on the use of common areas or recommended free speech assembly areas will be implemented when needed to address noise, overcrowding, obstruction, safety or other disruptions to campus operations. Should the need arise to limit the number of speakers or groups assembled in these areas, priority to remain in the area being used shall be afforded first to those who had made a reservation to use the space, and then to others who arrived on a first come, first serve basis.](#)

- 2.1 At Cypress College, the designated [recommended](#) free speech assembly areas are: 1) the stage area at the northeast end of the lake; 2) the area at the west end of the Gateway Plaza; and 3) the area generally located around the lake and near the Students' Activity Center, Library/Learning Resource Center, and the Science, Engineering & Mathematics (SEM) Building. Persons using this third designated free speech assembly area may request up to three locations within this area to exercise their free speech rights and are entitled to walk ten yards in either direction from that location to pass out literature or communicate with other persons. ~~In the event these areas of campus become temporarily unavailable for use for any reason including, but not limited to, construction, campus officials shall designate one or more alternate free speech assembly area(s).~~

- 2.2 At Fullerton College, designated [recommended](#) free speech assembly area is the south end of the quad. A Free Speech Board is located north of Building 200. ~~In the event this area of campus becomes temporarily unavailable for use for any reason including, but not limited to, construction, campus officials shall designate one or more alternate free speech assembly area(s).~~

- 2.3 At the Anaheim Campus, [which is a multi-story building](#), the designated [recommended](#) free speech assembly area is the Patio just south of the first floor entrance. A Free Speech Board is located on the south wall of the hallway leading to the Café Cypress dining area directly across from the vending machines. ~~In the event this area of campus becomes temporarily unavailable for use for any reason including, but not limited to, construction, campus officials shall designate one or more alternate free speech assembly area(s).~~

North Orange County Community College District
ADMINISTRATIVE PROCEDURES
Chapter 3
General Institution

AP 3900 Speech: Time, Place, and Manner

- 3.0 ~~The designated free speech assembly area(s) are limited public forums. The District reserves the right to revoke that designation and apply a non-public forum designation at its discretion.~~ The common areas, including recommended free speech assembly area(s), as set forth above, may be temporarily reserved by the District, including recognized student organizations, for specific uses, including campus functions or events, maintenance, or compliance with the Civic Center Permit rules set forth in Board Policy and Administrative Procedure 6700, Civic Center and Other Facilities Use. In the event a recommended free speech assembly area(s) or common area becomes temporarily unavailable for use for any reason including, but not limited to, construction or events, campus officials may designate one or more alternate recommended free speech assembly area(s).
- ~~3.1 The District reserves the right to designate areas as non-public forums as necessary to prevent the substantial disruption of the orderly operation of the Colleges. Areas of the colleges that are non-public forums specifically include but are not limited to campus offices, classrooms, warehouses, maintenance yards, and locker rooms.~~
- 4.0 Freedom of expression is guaranteed in the college where such expression does not violate District policy, campus rules, or including laws on illegal harassment and discrimination, or incite or create the likelihood of incitement to a clear and present ~~danger of~~ the commission of unlawful acts, or cause the substantial disruption of the orderly operation of the College, or disrupt activities ~~already~~ previously scheduled for that day and time in the designated area(s) sought to be used for expressive activities. In the event the area sought to be used for expressive activities is already in use or has ~~already~~ been reserved for another activity, so that there will be substantial interference or disruption based on noise, overcrowding, or other considerations unrelated to content or viewpoint, the District campus will offer alternative available areas or if none are available offer alternative dates. ~~Students, outside organizations, and others are encouraged to make reservations in advance to use the areas for their expressive activities by using the optional reservation forms. In order to prevent obstruction of the free passage of students and staff and to avoid disturbing the regular instructional program of the college, campus persons or groups wishing to use the designated free speech assembly area(s) must adhere to the following regulations:~~
- ~~4.1 Persons using the designated free speech assembly area(s) must check in with the Chancellor or designee, prior to engaging in the activities and must identify himself or herself as well as the group and state the date, time, and duration of the assembly. This does not involve an advance approval process.~~
- ~~4.2 Persons using the designated free speech assembly area(s) and/or distributing material in the designated free speech assembly area(s) shall not impede the progress of passersby, nor shall they force passersby to take material.~~
- ~~4.3 Persons using the designated free speech assembly area(s) shall not touch, strike, or otherwise impede the progress of passersby, except for incidental or accidental contact, or contact initiated by a passerby.~~

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- ~~4.4 Persons using the designated free speech assembly area(s) shall not use any means of amplification that creates a noise or diversion that disturbs or tends to disturb the orderly conduct of the campus or classes taking place.~~
- ~~4.5 Persons using the designated free speech assembly area(s) shall not solicit donations of money, through direct requests for funds, sales of tickets or otherwise, except where he or she is using the designated free speech assembly area(s) on behalf of and collecting funds for an organization that is registered with the California Secretary of State as a nonprofit corporation or is an approved Associated Students Organization or club.~~
- ~~4.6 All signs and posters are to remain within the designated free speech assembly area(s).~~
- ~~4.7 Persons using the designated free speech assembly area(s) are to respect the rights of all persons on campus, including but not limited to, their right not to receive literature and their right not to engage in dialogue.~~

5.0 Use of Common Areas Including Recommended Free Speech Assembly Areas

- 5.1 Persons and groups are encouraged to act reasonably and to share the common areas, including recommended free speech assembly areas. If no sharing agreement is reached, the non-reserving or later reserving user(s) may use the area earlier or later in the day, or schedule use for another day. Similarly, if a space has already in use or has been reserved for another activity so that there is or will be substantial interference or disruption based on noise, overcrowding, or other considerations unrelated to content, the non-reserving or later reserving user(s) may be asked to move or reschedule their use and the College will offer alternative available areas, if available, or alternative dates.**
- 5.2 Persons or groups using the common areas, including recommended free speech assembly area(s), for expressive activity shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Those who distribute such materials are expected to retrieve and remove, or properly discard in an appropriate receptacle, their materials which are discarded or dropped in or around the area being used for expressive activity.**
- 5.3 Persons or groups using the common areas, including recommended free speech assembly area(s), for expressive activity shall not impede the progress of passersby, nor shall they force passersby to stop to engage in dialogue or to receive material or literature being distributed.**
- 5.4 Persons or groups using the common areas, including recommended free speech assembly area(s), for expressive activity shall not touch or strike passersby, except for incidental or accidental contact, or contact initiated by a passerby.**
- 5.5 Persons or groups using the common areas, including recommended free**

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speech assembly area(s), for expressive activity shall not obstruct campus or building entrances, by remaining more than 20 feet of doorways opening to outdoor areas of campus, or pedestrian or vehicular traffic, or interfere with or disrupt classes, meetings, events, or other District or campus sponsored or initiated activities occurring in or near the area(s).

5.6 Persons or groups using the common areas, including recommended free speech assembly area(s), for expressive activity shall not use any means of amplification that creates a noise or diversion that disturbs or tends to disturb the orderly conduct of the campus or classes taking place.

5.7 Persons or groups using the common areas, including recommended free speech assembly area(s), for expressive activity shall not solicit donations of money through direct requests for funds, sales of tickets, goods, or otherwise, except where the person or group can demonstrate upon request that the activity is being conducted on behalf of and collecting funds for an organization that is registered with the California Secretary of State as a nonprofit corporation or is an approved Associated Students Organization or club, or is an organization or group directly connected with the institution.

5.8 No persons or groups using the common areas, including recommended free speech assembly area(s), for expressive activity shall neither bring on campus items or articles that are generally considered to be weapons or reasonably capable of being used as weapons, nor use such items or articles as weapons.

6.0 Reservations of Common Areas Including Recommended Free Speech Assembly Areas

6.1 It is the District's intent to prevent overcrowding and obstruction of the free passage of students and staff; to ensure campus security and priority use of property by students and staff; and to avoid disturbing the regular instructional program of the college. To fulfill these purposes, and except as otherwise indicated herein, persons or groups desiring to use the recommended free speech assembly area(s) or common areas are strongly encouraged to make reservations in advance to such use by using the following optional reservation process.

6.1.1 The user shall contact the Campus Safety office to provide the following information:

6.1.1.1 the sponsoring person or group, whose name or identification will be kept in confidence and will not be disclosed, except as required by law, e.g., California Public Records Act;

6.1.1.2 the area proposed to be reserved;

6.1.1.3 the proposed type of usage in generic terms, such as meeting, presentation, speech (without designation of

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content), or event;

6.1.1.4 the date and time for the proposed event and/or usage; and

6.1.1.5 the anticipated size of the assembly, to the extent known or reasonably subject to estimation.

6.1.2 A request by any person or group for a reservation of a common area including a recommended free speech assembly area without a reservation, shall be granted unless:

6.1.2.1 the reservation form, if applicable, is not completed such that a reservation cannot effectively be made for the desired activity;

6.1.2.2 there is a preexisting conflicting reservation or use;

6.1.2.3 conditions exist that preclude use of the areas due to, for example, construction or maintenance;

6.1.2.4 the person or group on whose behalf the reservation was made has on prior occasions damaged District property and has not paid in full for such damage;

6.1.2.5 the proposed use or activity is inconsistent with the character and uses of the area sought to be used;

6.1.2.6 the use or activity intended by the person or group would present a danger to the health or safety of the applicant, or other students, community members, faculty, or staff of the District;

6.1.2.7 the use or activity intended by the applicant is prohibited by law or District policy or procedure; or

6.1.2.8 information requested that is necessary for coordinating use of the area is not provided.

6.2 Reservations or use of common areas including recommended free speech assembly area(s) will not be denied based on the content or viewpoint of the speaker(s).

~~5.0 Persons using the designated free speech assembly area(s) shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within the designated free speech assembly area(s). Material distributed in the designated free speech assembly area(s) that is discarded or dropped in or around the designated free speech assembly area(s) other than in an appropriate receptacle must be retrieved and removed or properly discarded by those persons distributing the material prior to their departure from the designated free speech assembly area(s).~~

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7.0 Postings

~~6.0~~**7.1** Students shall be provided with bulletin boards for use in posting materials at campus locations convenient for use by students, staff, and members of the public. All materials displayed on a bulletin board shall clearly indicate the author or agency responsible for its production, and shall be dated with the date of posting by the Cypress College Student Activities Office, the Fullerton College Office of Student ~~Activities Office~~ **Activities Office** Affairs, or the North Orange Continuing Education site manager. **Each campus may make additional posting areas available.** Materials **posted** ~~displayed~~ shall be removed after the passage of 14 calendar days **in order to free up space and/or to facilitate maintenance.**

7.2 It is the District's intent to maintain campus environments that are attractive and conducive to learning. Accordingly, no material may be posted:

7.2.1 in the following interior areas: closets, bathrooms, ceilings, windows, trash cans, stairwells, stair railings, and benches, except as permitted herein;

7.2.2 in the following exterior areas (including material placed on stakes): trees, grass and landscaping, shrubbery, bricks, sign posts, directional signs, directional information or historical markers, vending machines, light poles, and the sides of buildings that have not otherwise been designated for posting; or

7.2.3 on glass, painted surfaces, including painted light posts and railings.

7.3 Postings may not be placed over previously posted materials or campus communications to students, staff and the public. In the event of overcrowding on bulletin boards, speakers may be limited to no more than one posting on a single bulletin board or open posting area.

8.0 Large Groups and Large Materials and Displays

8.1 It is the District's intent to ensure there is sufficient space and resources for crowd control and security for large group events; to take necessary steps to assess whether activities that involving large materials present reasonably foreseeable risks, hazards, or dangers to public health or safety; and to properly respond to those risks, including requiring that adequate security measures be taken to provide protection for persons in attendance at an event and/or for campus property.

8.2 To fulfill these purposes, the District and its colleges need to coordinate with any person or group who wishes to conduct an expressive activity that is expected or reasonably likely to have more than 100 people in attendance or involve the use of materials that are larger than 36 inches by 36 inches.

8.3 Except in the circumstances described below, any person or group who wishes to conduct an expressive activity that is expected or reasonably likely to have more than 100 people in attendance or involve the use of materials that are larger than 36 inches by 36 inches is required to notify the

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Campus Safety Office, using the reservation process described in Section 6.0 above, at least three (3) business days before the day of the expressive activity, and providing information as to the specific location to be used for the event, the estimated expected number of persons, the size and nature of the large materials intended to be used, and the name and contact information of at least one person who can be contacted regarding logistics of the event, which should include at least one person who will be personally present. Event organizers or the applicable college may request a meeting to discuss their respective needs for a safe and successful event.

8.4 If such advance notice is not feasible because of circumstances that could not be reasonably anticipated, such as because of very recent or still-unfolding news developments, the person or group is expected to provide as much advance notice as circumstances reasonably permit.

9.0 The District disclaims any liability for any damages for any defamation alleged to be committed by any student or member of the public using District facilities, and further disclaims any liability for damages for any violation of copyright, trademark, or service mark laws alleged to have been committed because of any posting or distribution of material on campus. Nothing in these rules, permitting speech and/or distribution of materials on its college campuses and property, shall be construed as requiring the District to provide any defense or payment of damages for defamatory statements made by any student, faculty or staff member, or member of the public, nor shall these rules be construed as requiring the District to provide any defense or payment of damages for violations of copyright, trademark or service mark laws.

10.0 Violation of any law, including City ordinances, pertaining to physical violence or the carrying or use of weapons, by any persons or groups using the common areas, including recommended free speech assembly area(s), for expressive activity shall result in exclusion from District property, discipline as appropriate, and potential criminal action.

See Board Policy 3900, Speech: Time, Place, and Manner; Board Policy 4030, Academic Freedom; and Board Policy and Administrative Procedures 6700, Civic Center and Other Facilities Use.

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