

POLICY & PROCEDURE SERVICE

**Policy & Procedure Subscriber Service**

Community College League of California  
Liebert Cassidy Whitmore

**Legal Update #40**

April 2022

**OVERVIEW**

This is the 40th update to district members of the League's Policy & Procedure Subscriber Service, offered in partnership with the law firm of Liebert Cassidy Whitmore. The update reflects new statutes and regulations, legal opinions, and questions from subscribers that have occurred since legal Update 39 (disseminated to member districts in October 2021).

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 2310 Regular Meetings of the Board** – The service updated this policy to align to the recent changes in the Brown Act regarding teleconferenced meetings.

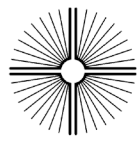
**BP 2340 Agendas** – The Service updated this policy to reflect amended Brown Act provisions on public requests for agenda materials.

**BP 2410 Board Policies and Administrative Procedures** – The Service updated this policy to clarify that in unusual circumstances the governing board may adopt changes at the same meeting at which they are introduced.

**BP 3430 Prohibition of Harassment** – The Service updated this policy to add reference to Education Code Section 66262.5 and optional language regarding the prevalence of sexual harassment and sexual violence.

**BP 3433 Prohibition of Sexual Harassment under Title IX** – The Service updated this policy to add optional language regarding the prevalence of sexual harassment and sexual violence.

**BP 5040 Student Records, Directory Information, and Privacy** – The Service updated this policy to add legal citations and language concerning a student's ability to request name and gender changes in the student's records.



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**BP 6540 Insurance** – The Service updated this policy to delete a reference to workers' compensation insurance and reflect Education Code Section 72506.

**BP 7130 Compensation** – The Service updated this policy to clarify that the governing board may request a pay equity compensation study for employees and administrators.

**BP 7230 Classified Employees** – The Service updated this policy to reflect new legislation that shortened the probationary period and new requirements for layoff and hearing rights for classified employees.

**BP 7340 Leaves** – The Service updated this policy to include references to Government Code Sections 12945.2 and 12945.21.

**BP 7380 Retiree Health Benefits: Academic Employees** – The Service updated this policy to add a usage note that the policy does not apply to districts that provide benefits under the Public Employees' Medical & Hospital Care Act.

**BP 7600 College Police or Security** – The Service updated this policy to add new legal requirements that law enforcement agencies establish a board policy before purchasing, raising funds for, or acquiring military equipment.

## Revisions to the Administrative Procedure Templates

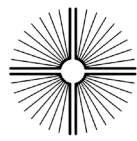
**AP 3430 Prohibition of Harassment** – The Service updated this procedure to include reference to Education Code Section 66281.8 and clarify the prompt and equitable procedure for investigating harassment complaints.

**AP 3434 Responding to Harassment Based on Sex under Title IX** – The Service updated this procedure to reflect recent legislation and clarify the procedures for adjudicating student complaints of sexual harassment under Title IX.

**AP 3435 Discrimination & Harassment Complaints and Investigation** – The Service updated this procedure to reflect recent legislation and clarify grievance procedures for adjudicating student complaints of sexual harassment.

**AP 4100 Graduation Requirements for Degrees and Certificates** – The Service updated this procedure to reflect new Title 5 Regulations regarding direct assessment competency-based education.

**AP 5040 Student Records, Directory Information, and Privacy** – The Service updated this procedure to add legal citations and language concerning a student's ability to request name and gender changes in the student's records.



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**AP 5420 Associated Students Finance** – The Service updated this procedure to clarify that an academic employee who is the designated advisor of a student body organization must approve the expenditure of funds for that organization.

**AP 5520 Student Discipline Procedures** – The Service updated this procedure to reflect recent legislation that complainants or witnesses in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for violations of the student conduct policy unless the violation was egregious.

**AP 6355 Job Order Contracts** – The Service updated this procedure to reflect recent amendments to the Public Contract Code that extended authorization for districts to enter into job order contracts and requirements that contractors use a workforce that involves apprenticeship occupations in the building and construction trades.

**AP 7130 Compensation** – The Service updated this procedure to clarify that the governing board may request a pay equity compensation study for employees and administrators.

**AP 7235 Probationary Period: Classified Employees** – The Service updated this procedure to reflect recent legislation that shortened the probationary period for classified employees and to clarify this change is not applicable to collective bargaining agreements entered into before January 1, 2022.

**AP 7237 Layoffs** – The Service updated this procedure to add legal citations regarding new requirements for layoffs and hearing rights of classified employees.

**AP 7347 Paid Family Leave** – The Service updated this procedure to reflect recent changes to the California Family Rights Act that clarified employees may take protected leave to care for a parent-in-law.

**AP 7360 Discipline and Dismissal - Academic Employees** – The Service updated this procedure to reflect recent clarifications to the requirements for placement on involuntary paid administrative leave.

**AP 7380 Retiree Health Benefits: Academic Employees** – The Service updated this procedure to add a usage note that the procedure does not apply to districts that provide benefits under the Public Employees' Medical & Hospital Care Act.

**AP 7600 College Police or Security** – The Service updated this procedure to add new legal requirements that law enforcement agencies obtain approval from the governing board before purchasing, raising funds for, or acquiring military equipment.