

Chancellor's CABINET HIGHLIGHTS



This is a publication of the Contra Costa Community College District Chancellor's Office
Dr. Helen Benjamin, Chancellor

Members of the Chancellor's Cabinet: John al-Amin, Vice Chancellor, Administrative Services; **Helen Benjamin**, Chancellor; **Peter García**, President, DVC; **Eugene Huff**, Vice Chancellor, Human Resources/Chief Negotiator; **Robert Kratochvil**, President, LMC; **Tim Leong**, Director, Communications and Community Relations; **Mojdeh Mehdizadeh**, Vice Chancellor, Education and Technology; **Denise Noldon**, President, CCC; **Ray Pyle**, Chief Facilities Planner

August 2013

Mission

The mission of the Chancellor's Cabinet is to serve as the leadership team ensuring the capacity of our District to educate students effectively and meet the needs of our communities in partnership with classified staff, faculty, and other managers.

2013-14 Adopted Budget

Cabinet reviewed and discussed the District's 2013-14 Adopted Budget that will be placed on the September 11, 2013, Governing Board meeting agenda for approval.

JFK Scholarship Opportunity

Cabinet reached consensus to approve a proposal from John F. Kennedy University to offer employees a discount on some of their degree programs.

Future Bond Project List

Cabinet reviewed and gave input on a draft list of potential capital projects should the District ask for voter support of a 2014 bond measure.

Strategic Planning Discussion

Cabinet discussed ideas and strategies to meet projected 2013-14 revenue targets. In addition, Cabinet reviewed a presentation by Greg Stoup on an environmental scan of the District.

The Contra Costa Community College District, founded in 1948 and governed by a publicly elected five-member board, is one of the largest multi-college community college districts in California. The mission of the District is to attract and transform students and communities by providing accessible, innovative and outstanding higher education learning opportunities and support services.

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July 2013

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Media Training

Cabinet held a discussion and review of recent media training conducted for members of Cabinet and managers districtwide. Cabinet agreed to conduct a third training to give additional managers the opportunity to practice this skill.

Student Access to the District IT System

Cabinet discussed and gave input on the topic of student workers having access to online confidential student records as part of their job responsibilities, and what can be done to ensure the information is kept secure.

Business Procedures Receive Final Approval

Cabinet gave final approval to the following:

Bus. 3.41	<u>Student Body Funds and Club Accounting</u>
Bus. 6.03	<u>Collection of Fees for Use of Facilities</u>
Bus. 6.04	<u>Use of College Facilities</u>
Bus. 9.21 (Delete)	<u>Guidelines for Travel Reimbursement</u>
Bus. 9.40	<u>Contracts/Agreements for Personal Services</u>
Bus. 16.01	<u>Employee vs. Independent Contractor</u>
Bus. 8.11	<u>Operation of Vehicles</u>
C&I 4014	<u>(Former BP4004), Course Prerequisites, Corequisites and Advisories on Recommended Preparation</u>

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STUDENT BODY FUNDS AND CLUB ACCOUNTING

The accounting for the funds of the student bodies and the club funds of the colleges will be performed by the business office at each site ~~the District Accounting Office~~. The records and accounts pertaining to disbursements and income will be used by the ~~District Accounting Office~~ business office at each site to render prompt and accurate reports and to prepare the necessary financial statements.

Revenues

1. All income shall be receipted for on a pre-numbered receipt issued to the payer at the time received. In addition to the name of the college and the fund receiving the money, the cash receipt will be completed as to: (a) date, (b) name of the payer, (c) by cash or check, (d) check number if applicable, (e) amount, (f) purpose, (g) signature of the employee receiving the money, and (h) account number to be credited with the income received.
2. The receipts are in a four-part form. The distribution of the copies is: (a) white to payer, (b) yellow to College Business Office, (c) pink to be retained in numerical order for college departmental records, and (d) goldenrod to be retained in the receipt book. Every receipt must be accounted for. If a receipt must be voided, the word "VOID" shall be written in large letters across the face of the receipt. All copies except the goldenrod copy are then forwarded to the College Business Office in proper numerical sequence. A ball point pen is to be used for writing all receipts. No alterations may be made. If there is an error in writing the receipt, it shall be voided and a new one prepared.
3. In order to audit ticket and student activity card sales, these shall be pre-numbered. Tickets shall not be printed with multiple prices on one ticket. The tickets or cards shall be charged out to the person or persons authorized to sell them and a record maintained by the college Cashier's Office. This record shall indicate (a) what is being sold, (b) price, (c) the inclusive numbers assigned to each individual, (d) the date of assignment, (e) signature of the person to whom they are issued, (f) the number of cards or tickets sold by each, (g) the amount of money turned in, (h) the number returned, (i) the number of the receipt issued for the money received, (j) and the initials of the person receiving the money or returns.

Bank Deposits.

College Business Office copies of the receipts and voided receipts shall be kept in numerical order. The employee responsible for the receiving of money for the fund shall make an adding machine tape of the receipts issued. The tape shall be stapled to the group of receipts. ~~All voided receipts shall be included in numerical order.~~ A receipt shall also be written ~~also~~ for all money over or short. Across the face of the adding machine tape shall be written the date and inclusive numbers of the receipts issued. The funds should be deposited with the college Cashier's Office for processing on the ~~Datatel~~ Enterprise Resource Planning cash receipts system. The Cashier will prepare the bank deposit consistent with Business Procedure 7.31 and ~~Transmittal of Cash Received~~. The bank deposit information shall be sent to the District Accounting Office via campus mail the working day following the deposit of the money.

Disbursements.

1. Disbursements shall always be made by check except that a cash disbursement may be made if it is not feasible to disburse by check. If applicable, invoices shall be obtained, whether the disbursement is made by check or cash.

2. Checks issued are a three-part form. The distribution is (a) original to the payee, (b) yellow one to the District Accounting Office, (c) pink is the one to the college copy to be retained in alphabetical order. The checks are pre-numbered and all must be accounted for. The accounting copy is to be kept in numerical order.
3. Invoices or supporting evidence shall be stapled to the reverse side of the college copy.
4. If a check must be voided, the word "VOID" shall be written in large letters across the face of the check before separating. The signature space shall be cut from the check. ~~Staple~~ The three parts must be stapled together and placed with the accounting copies in proper sequence.
5. Each Friday the employee responsible for the disbursing of funds shall make an adding machine tape of all yellow copies of checks issued. The tape shall contain the date and inclusive numbers of checks issued. The copies of the checks shall be forwarded to the District Accounting Office in the campus mail each Monday.
6. Each disbursement must have the prior approval of the following three persons: (1) an employee designated by the Board, (2) the ~~certificated~~ employee who is the designated advisor at the particular club or student association, and (3) a student representative of the particular club or student association.
7. Each check must be signed by two individuals.
8. ~~By Cash.~~ In certain cases it is not feasible to make disbursements by check because of the small amount involved or in a case where the amount of the disbursement is unknown and requires an advance of cash. To provide for cash disbursements, a Petty Cash Fund has been established.
 - a. ~~The amount of the Petty Cash Fund shall be great enough to take care of the normal cash disbursements. The amount of the fund may be increased or decreased as the activity warrants.~~
 - b.a. If a club or individual requires an advance for an expenditure, the advance shall be made from the Petty Cash Fund. The person requesting the advance shall present to the custodian of the fund an authorization signed by the appropriate advisor or ~~Commissioner of Finance~~. A record of the advance shall be made on the Request for Reimbursement from Petty Cash Fund form and be retained by the college cashier. After the purchase has been made, the balance of the advance, if any, shall be returned to the custodian of the fund, ~~together~~ with a receipt for the material purchased. The receipt must be an itemized invoice detailing the purchase or expenditure in the same manner as required for expenditure of District funds.
 - e. ~~When the Petty Cash Fund requires reimbursement, the custodian of the fund shall number each receipt consecutively and assign a voucher number. A record of the checks to reimburse the fund shall be maintained. This shall show the receipt numbers, the voucher number, the date, and the check number. Each receipt shall be listed on the outside of the petty cash envelope indicating the amount to be charged to each account. The requests for reimbursement shall go in the envelope with the copy of the check attached.~~

Financial Statements. A complete statement of the income and expenditures shall be prepared by the District Accounting Office, reflecting deposits and disbursements as shown on receipts and checks issued.

COLLECTION OF FEES FOR USE OF FACILITIES

Business Procedures provide guidelines for the use of facilities and the fee to be charged. The procedures to be used for collection of fees for use of facilities follow:

1. The amount of fees shall be determined by the college Governing Board through the approval of a contract for a lessee granting the use in accordance with the schedule of fees or;
2. The amount of fees shall be determined by the site granting the use in accordance with the schedule of fees. The schedule of fees will be shall be reviewed by the Governing Board biennially. In these cases, the following procedure shall apply:
 - a. The college site shall prepare an original and two copies of an invoice for facility users on an pre-numbered "Invoice for Rental of Facilities" form. This is to be done on the first working day following the approved use, or the first working day following the last date of use in a series of approved dates. The invoices shall contain the name of the organization, application number, name of authorized agent, the address, date of use or uses, the facilities used and the fees charged for rental and/or salary costs. The college site shall retain the pink a copy of the invoice and file it with an approved permit form (see Exhibit A). The yellow copy shall be forwarded to the District Accounting Office. The original invoice shall be forwarded to the user by the college site.
3. Fees collected will be deposited as follows:
 - a. ~~40% of the fee received will be deposited to college facility use revenue accounts for college discretionary use.~~
 - b. ~~60% of the fee received will be deposited to restricted use accounts established by the District Accounting Department for facility repair and equipment needs.~~
4. ~~The total fee charge will be deposited to the following accounts:~~

CollegeSite	College (40%)GL Account	Facility and Equipment (60%)
Contra Costa College	11-01-702050-683000-48851	11-11-702050-683000-48851
Diablo Valley College	11-01-202050-683000-48851	11-11-202050-683000-48851
Los Medanos College	11-01-302050-683000-48851	11-11-302050-683000-48851

5. If necessary to void an invoice, all copies of the invoice shall be forwarded to the District Accounting Office retained by the site.
6. Completed permits and invoices or receipts are to be retained by the college site for one year following completion of the independent audit. They may then be destroyed.

SCHEDULE OF FEES-USE OF FACILITIES

Use of Facilities for Cost	Usage Cost Per Hour *
Classroom	\$ 11.0012.00
Conference Room	12.0013.00
Laboratory	72.0079.00
Computer Lab.....	112.00123.00
Lecture Hall/Forum.....	87.0096.00
Performing Arts Center (1)	110.00121.00
Performing Arts Center (rehearsal only) (1)	55.0061.00
Recital Hall (2).....	37.0041.00
T.V. Studio.....	70.0077.00
Student Center (3)	
Entire Building.....	56.0068.00
Dining Room Only	44.0048.00
Lounge Only	62.0062.00
Faculty Dining Room Only	54.0059.00
Recreation Room Only	45.0050.00
Gymnasium	
Entire Gymnasium	106.00117.00
Half Gymnasium	60.0066.00
Entire Gymnasium and seating	150.00165.00
Half Gymnasium and seating.....	75.0083.00
Physical Education Classroom Building	
Gymnastics Room	28.0031.00
Wrestling Room	31.0034.00
Dance Studio	31.0034.00
Weight Room	22.0024.00
Other Athletics Facilities	
Pool	46.0051.00
Pool with Lights	60.0066.00
Small Pool	20.0022.00
Football Field	112.00123.00
Football Field with Lights	165.00182.00
Track	79.0087.00
Track with Lights	105.00116.00
Baseball Field	76.0084.00
Softball Field	37.0041.00
Tennis Court (per court)	12.0013.00
CCC Soccer Field with Lights	150.00165.00
Other Athletic Field (4)	31.0034.00
Concession Stand	11.0012.00
Parking Lot (for use other than parking)	28.0031.00
Amphitheater or Quad	70.0077.00
Locker and Shower Room	Per Use
(With Gym, Stadium, Pool or other facility)	\$50.0055.00

* One to four hours a day. The hourly rate for hours in excess of four hours shall be at 50% of the basic rate, includes operational and maintenance costs necessitated by use of facilities (such as supplies, utilities and personnel services of regularly employed District staff members)

Schedule of Fees – Use of Facilities (continued)

Use of Facilities for Fair Rental Value	Fair Rental Fee Per Hour *
Classroom	\$ 31.0034.00
Conference Room	31.0034.00
Laboratory	202.00222.00
Computer Lab	187.00206.00
Lecture Hall/Forum	202.00222.00
Performing Arts Center (1)	249.00274.00
Performing Arts Center (rehearsal only) (1)	78.0086.00
Recital Hall (2)	48.0053.00
T.V. Studio	71.0078.00
Student Center (3)	
Entire Building	94.00112.00
Dining Room Only	102.00103.00
Lounge Only	81.0089.00
Faculty Dining Room Only	50.0055.00
Recreation Room Only	91.00100.00
Gymnasium	
Entire Gymnasium	177.00195.00
Half Gymnasium	123.00123.00
Entire Gymnasium and seating	217.00239.00
Half Gymnasium and seating	112.00135.00
Physical Education Classroom Building	
Gymnastics Room	71.0078.00
Wrestling Room	71.0078.00
Dance Studio	38.0042.00
Weight Room	50.0055.00
Other Athletics Facilities	
Pool	135.00149.00
Pool with Lights	180.00198.00
Small Pool	30.0033.00
Football Field	241.00265.00
Football Field with Lights	294.00323.00
Track	90.0099.00
Track with Lights	150.00165.00
Baseball Field	85.0094.00
Softball Field	55.0061.00
Tennis Court (per court)	22.0024.00
CCC Soccer Field with Lights	275.00303.00
Other Athletic Field (4)	50.0055.00
Concession Stand	28.0031.00
Parking Lot (for use other than parking)	38.0042.00
Amphitheater or Quad	71.0078.00
Locker and Shower Room	Per Use \$60.0066.00
(With Gym, Stadium, Pool or other facility)	

*One to four hours a day. The hourly rate for hours in excess of four hours shall be at 50% of the basic rate.

Schedule of Fees - Use of Facilities (continued)

Special Equipment Fee**Per Use**

Film Projector	\$25.00-28.00 plus labor charge for operator
Slide Projector	\$25.00-28.00 plus labor charge for operator
VCR Projector	\$25.00-28.00 plus labor charge for operator
SMART Projector	\$28.00 plus labor charge for operator
Computer	\$28.00 plus labor charge for operator
Portable Public Address System	\$25.00-28.00 plus labor charge for operator
Public Address System in Student Center or Gymnasium or other Permanent System	\$50.00-55.00 plus labor charge for operator
Specialized services related to equipment (piano moving or tuning)	Actual cost plus 10%

Labor Fee

Event Supervisor.....	Actual cost
Student Employees	Actual cost
Technician	Actual cost
Custodial.....	Actual cost
Facilities Setup	Actual cost
Other Employees	Actual cost
Police Services Officers	Actual cost
Reserve Security Officers	Actual cost per hour plus 10%
Specialized Services Related to Equipment	Actual cost

- (1) Knox Center at Contra Costa College
- (2) Includes Music Studio at Contra Costa College
- (3) Cafeteria at Diablo Valley College and Cafeteria at Los Medanos College
- (4) Includes Batting Practice Room at Contra Costa College

Historical Annotation:

Approved 3/24/99

Revised 7/31/96; 5/25/99, 4/1/03, 10/7/03, 00/00/13

USE OF COLLEGE FACILITIES

District facilities identified as Civic Centers or as designated public forums are available for community use when such use does not conflict with District programs and operations. Facility use shall be limited to places and times identified by the Chancellor, college presidents or their designees, but shall be sufficiently frequent and available on specific dates and times, so as to allow meaningful use by outside groups. Except as provided in this procedure, no organizations shall be denied the use of District facilities because of the content of the speech to be undertaken during the use.

The Chancellor is responsible for the coordination and implementation of this procedure. The Chancellor or his/her designee shall determine all applicable fees to be charged. Outside the designated public forum areas, the following shall apply: All user groups shall be required to provide the District with a hold harmless and indemnification agreement acknowledging that they will be financially responsible for any losses, damages or injuries incurred by any person as a result of their use of the facilities. All user groups shall also be required to provide a certificate of insurance with limits acceptable to the District and/or other proof of financial responsibility acceptable to the District.

USE UNDER THE COMMUNITY RECREATION ACT (Education Code Sections 10900 through 10915)

Community nonprofit organizations and public agencies shall be charged a usage cost for the use of facilities for recreational purposes. If the use requires special equipment and/or services (such as supervision, set up, clean up, security, etc.), the agency or organization shall be charged additionally for equipment and labor in accordance with the schedule of fees.

The waiver of charges for facilities used under the Community Recreation Act shall not be permitted.

USE UNDER THE CIVIC CENTER ACT (Education Code Sections 825307 through 82548)

If no admission fee or money is collected, community nonprofit organizations and public agencies shall be charged a usage cost for the non-recreational use of facilities for meetings or programs in accordance with the schedule of fees. If the use requires special equipment and/or services (such as supervision, set up, clean up, security, etc.), the organization shall be charged additionally for equipment and labor in accordance with the schedule of fees.

If an admission fee or money is collected by an agency or organization and the net proceeds are not donated for the welfare of students or for charitable purpose, the fair rental value of the facilities shall be charged. If the use requires special equipment and/or services, (such as supervision, set up, clean up, security, etc.), the agency or organization shall be charged additionally for equipment and labor in accordance with the schedule of fees.

Eligible persons or groups may use District buildings or grounds for public, literary, scientific, recreational, or educational meetings, or for discussion of matters of general or public interest, subject to these rules and regulations.

The groups identified in Education Code Section 82542(a) (see page 9) will be permitted, "when an alternative location is not available," as described in the statute, to use District facilities upon payment only of the following:

- the cost of opening and closing the facilities, if no District employees would otherwise be available to perform that function as part of their normal duties;

- the cost of a District employee's presence during the organization's use of the facilities if it is determined that the supervision is needed, and if that employee would not otherwise be present as part of his/her normal duties;
- the cost of custodial services, if the services are necessary and would not have otherwise been performed as part of the custodian's normal duties; and
- the cost of utilities directly attributable to the organization's use of the facilities.

Except as provided herein, other groups shall be charged an amount not to exceed the direct costs of District facilities. Direct costs shall include costs of supplies, utilities, custodial services, services of any other District employees, and salaries paid District employees necessitated by the organization's use of District facilities.

The following shall be charged fair rental value for the use of District facilities:

- any church or religious organization for the conduct of religious services for temporary periods where the church or organization has no suitable meeting place for the conduct of such services
- entertainment or meetings where admission fees are charged or contributions are solicited and the net receipts of the admission fees or contributions are not expended for the welfare of the students of the District or for charitable purposes.

Pursuant to Education Code 82542, the American Red Cross or other public agencies may use District facilities, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare, and the District will cooperate with these agencies in furnishing and maintaining services mutually deemed necessary to meet the needs of the community.

USE BY PRIVATE ORGANIZATIONS (Education Code Section 81378)

~~Private organizations not qualifying as Civic Center users may apply for a permit to use college facilities provided the use is to present events of an educational, cultural or recreational nature which otherwise would not be available to the community. If the application is approved, charges shall be based on the fair rental value of the facilities. If any use requires special equipment and/or services, an additional charge shall be made in accordance with the schedule of fees.~~

USE BY RELIGIOUS ORGANIZATIONS (Education Code Section 81378)

~~The use of facilities by a religious organization for religious purposes shall be based on fair rental value. If any use requires special equipment and/or services, an additional charge shall be made in accordance with the schedule of fees.~~

USE OF FACILITIES BY EMPLOYEE ORGANIZATIONS

Employee organizations may distribute organizational literature on District property exclusive of work areas provided there is no interference with District business. No one shall be allowed to distribute materials in a manner which distracts employees while performing their duties. Literature and similar materials may be distributed only in site locations(s) designated by the Chancellor or college president ~~President/Chancellor.~~

Posting of organizational recruiting notices, posters and similar materials will be permitted only on designated bulletin boards or other appropriate areas as determined by the Chancellor or college president President/Chancellor. Space and time limitations may be invoked if necessary.

Employee organizations may use designated bulletin boards to announce meetings.

Advance requests for use of District facilities must be made, in accordance with established District procedure, whenever an employee organization wishes to schedule a District facility to conduct organizational meetings and related activities. No rental charge will be made for use of District facilities immediately before or after the work day. After 5:00 p.m., any additional cost to the District for services shall be charged to the employee organization using the facility.

PRIORITIES FOR USE OF FACILITIES

To provide maximum use of college facilities and to minimize the potential for conflict, the following priorities are established:

1. First priority is reserved for the college's educational program and for college events.
2. Second priority will be given to youth groups, civic and service groups, and other groups organized for cultural, educational or recreational activities.
3. Third priority will be given to public agencies and schools and colleges when the purpose of the use is educational.
4. Last priority will be given to private organizations.
5. Organizations within the District will have priority over those from outside the District.
6. In order to present a diversified program of community services, it may be necessary to give priority to requests from groups which have not previously used college facilities.
- ~~7. At times, to balance the program of community services, it may be necessary to give priority to a group wishing to present a program dissimilar to programs already scheduled.~~
8. Priorities shall be maintained in such a way that no group will monopolize the use of a facility.
9. Once an application has been approved, the use shall not be preempted by another applicant with higher priority.

SCHEDULING OF FACILITIES

1. Applications for use of college facilities may be obtained from the office designated by the College President.
2. The College President or designee shall be empowered to approve or disapprove the application based on the appropriateness of the activity and the availability of the facilities for the specified dates and times and to issue the permit.

3. Applications for use of college facilities should be filed at least ~~four weeks~~ **thirty calendar days** in advance of the time the use of the premises is desired. Unless unusual scheduling problems are involved, the college will not schedule use of facilities for more than three months in advance and applications shall not be accepted more than six months in advance of use. **Use permits** shall not be issued for a period exceeding one fiscal year.
4. Organizations wishing to use facilities during the summer months may make application at any time during the year but these applications will not be processed before April 1 of each year.
5. The date of payment established on the permit for facility, equipment or labor rental fees shall be honored by the applicant.
6. The applications must include all requested facilities and equipment. The designated office will make arrangements for personnel to operate equipment requiring skilled operators. Facilities and equipment not listed on the permit are not to be used, except rest rooms.
7. Permits to use facilities are for the dates and time specified. The college assumes no obligation in the event that a change of either dates or times is requested. The users shall not arrive before the time authorized on the permit and shall leave the college premises at the permit expiration time. Rental costs shall cover the specified hours, except there shall be no hourly rental charge for set-up time **approved** in advance of the specified hours or clean-up time following use.

SPECIAL REQUIREMENTS AND CONDITIONS FOR USE OF FACILITIES

1. ~~Applications shall originate with established and responsible clubs, organizations or associations.~~ Any persons applying for use of District property on behalf of any club, organization, corporation, association or other group shall be a member of same and, unless he or she is an officer of the club, organization, corporation, association or group, must present written authorization to represent the same with respect to the application. Each person signing an application shall, as a condition of use, agree to be held financially responsible in the case of loss or damage to the District or present evidence (certificate of insurance, organizational articles of incorporation, meeting minutes etc.) that such person has the authority to bind the club, organization, corporation, association or other group to an agreement to be held financially responsible in the case of loss or damage to the District.
2. ~~Applications from individuals will not be considered.~~
3. The laws of the State specify that no entertainment shall be permitted which discriminates in any way based on race, color, creed or sex.
4. The group using college facilities understands and agrees that it will not exclude the general public from its meetings or recreational activities. However, if interference by nonmembers is more than minimal, as determined by the person in charge of the meeting or recreational activity, the organization may take appropriate steps through the use of law enforcement officers or other legal remedies to eliminate such interference.
5. Whenever a college facility is being used, a college employee shall be on duty and shall be responsible for supervision of the facility.
6. The use or possession of narcotics, dangerous drugs, alcoholic beverages or gambling equipment on college property is expressly prohibited. Any person under the influence of intoxicating liquor, narcotics or drugs shall be denied opportunity to participate in any way.
7. Groups using college facilities shall conform to all city and county ordinances and fire regulations.

8. Decorations must be flame-proof and shall be erected and taken down in a manner not destructive to property. The use of any material or device which constitutes a hazard, as determined by the college, is expressly prohibited. All decorative materials, including but not limited to draperies, curtains, and drops shall be made or treated with flame-retardant processes approved by the State Fire Marshall.
9. Display materials used or distributed on campus must be approved by the designated office and must be removed immediately after the event.
10. Restrictions regarding smoking, eating, and drinking in particular rooms and buildings must be observed.
11. Groups with minors in attendance shall provide their own chaperons. The number required shall be determined by the college.
12. The college may require as a condition for approval of an application that the applicant cover cost of security officers as are determined necessary by the designated office.
13. The college reserves the right not to provide heat or air conditioning for any facility. If the college agrees to provide heating or air conditioning service, the user shall be assessed costs equal to the actual or estimated costs incurred in starting up or shutting down that facility.
14. No structure, electrical modifications or mechanical apparatus may be erected or installed on college property without specific written approval by the college president. The user is liable for the care and protection of college property and facilities and will be charged for any damages sustained to the premises, furniture or equipment because of the occupancy of the college premises.
15. The user shall be held responsible for any and all loss, accident, neglect, injury or damage to person, life or property which may be the result of, or may be caused by the user's occupancy of the facilities or premises, and for which the District might be held liable. The user shall protect and indemnify the District, the Board and/or any officer, agent or employee of the District and save them harmless in every way from all suits or actions at law for damage or injury to persons, life or property that may arise or be occasioned in any way because of the occupancy of the facilities or premises, regardless of responsibility or negligence.

The College President District shall require the furnishing of a certificate of liability insurance by the user in the amount of no less than one million five hundred thousand dollars for all uses other than small group meetings or dinners, naming the District as an additional insured during the use of the facility by the user.
16. Keys to facilities shall not be issued to any group not officially connected with the college.
17. Cancellation of requests for use of college facilities should be made at least 48 forty eight hours prior to the scheduled use. Failure to provide this notice of cancellation will be considered when future requests for use of facilities are made.
18. The College President may cancel or revoke any permit for any of the following:
 - a. if there is a conflict with a college function.
 - b. if the group fails to comply with rules and regulations established by the college.
 - c. if the conduct of the group is unsatisfactory.
 - d. if any youth group meets without satisfactory adult supervision.

- e. if there are any overdue fees for rental labor costs or damages.
 - f. if incorrect or misleading information has been given on the application.
19. No employee of the District may accept any gift or gratuity of any kind from any group using college facilities under any circumstances.

REGULATIONS GOVERNING SPECIFIC FACILITIES

Smoking, food and beverages are prohibited in the locker buildings, gymnasium, the pool area and the physical education multi-purpose building.

All uses of the following facilities shall be under the supervision of a college employee or employees.

1. **Swimming Pool**
 - a. The pool hourly rental fee includes the cost of the salary of the supervising employee.
 - b. Users shall be required to pay the salary cost of any additional employees in accordance with the schedule of fees.
2. **Baseball Field**
 - a. The use of the baseball field by community groups is limited to the period between May 15 and September 15 of each year.
 - b. The main diamond can be used for league or tournament games only; practice sessions will be scheduled on other athletic playing fields.
 - c. Public toilets will be opened for scheduled games only.
 - d. Specialized facilities, such as batting cages, press box and scoreboard are not available except for championship games.
 - e. Users will be required to pay the labor cost for infield preparation.
 - f. All scheduled use must recognize the need to maintain and water the facility.
 - g. Only games using 90-foot base lines will be permitted.
3. **Football Stadium and Track**
 - a. The use of facilities involving spectators for football, track and soccer will be limited to the stadium and track.
 - b. The use of the stadium playing surface will be limited to activity participants. Spectators will not be permitted on the playing surface.
4. **Gymnasium**
 - a. The use of the gymnasium for other than basketball games during the college basketball season between November 1 and March 1 shall be limited.
 - b. Community events, such as dances, light shows, jazz festivals, folk festivals, circuses or

similar events should not be held in the gymnasium.

- c. Nothing shall be used on any floor which will mar the playing surfaces in any way.
- d. There shall be a minimum of 25 participants to qualify for community use of any part of the gymnasium.

5. Physical Education Multi-Purpose Building

- a. This building has specialized rooms for dance, weight training, gymnastics and combatives and the use of the building will be limited primarily to these activities.

6. Locker Buildings

- a. The locker building hourly rental fee includes the cost of the salary of the supervising employee.
- b. Users shall be required to pay the salary cost of any additional employees in accordance with the schedule of fees.

7. Tennis Court and Archery Range

- a. These facilities will be limited to use for tennis or archery only. Bicycle riding and roller skating are expressly prohibited.
- b. Only regular target archery equipment will be permitted (no hunting equipment, broadheads or blunts may be used).
- c. Drop-in use is permitted. Children under 16 years, however, must be accompanied by an adult.

8. Other Playing Fields

- a. These fields are for such activities such as touch football, softball, soccer, and field hockey and are primarily available for practice sessions or contests not involving spectators. Use will be limited generally to the above activities.
- b. Golf practice and model airplane flying will not be permitted.

9. Cafeteria

- a. A cafeteria employee shall be present at all times the kitchen facilities are used by a non-college group. Use of kitchen facilities will be granted as follows:

(1) Special Meals by Cafeteria Staff

The College President is authorized to have meals served to groups authorized to use college facilities under the terms of the Civic Center Use as outlined in this policy. The charge for food shall be made in accordance with the schedule established by the College President which shall include the costs of labor, food and operating expenses. In addition the group will be charged for rental and other fees in accordance with the schedule of fees.

(2) Limited Use--Light Refreshments: When the kitchen is used for light refreshment

service (coffee, tea, punch, cookies or doughnuts), the group will be charged for the supplies used and for rental and other fees as appropriate.

10. Performing Arts Center

- a. Facilities use charges will be assessed according to the hours requested on the facilities use application. Any additional hours of use will be charged at the hourly rate, providing the facility is available.
- b. Additional hours may be arranged based upon facility availability.
- c. The college theater technicians must be on duty the entire time the facility is in use, for which the user will be charged the labor fee per the schedule of fees.
- d. Users shall be required to pay the salary cost of any additional employees in accordance with the schedule of fees.
- e. Eating, drinking and smoking shall be limited to designated areas upon special request.
- f. An adequate number of ushers must be provided, the exact number to be based on expected attendance, type of event, etc.

11. Dance Policy

- a. Requests must be made at least one month prior to dance and all paper work must be completed three weeks prior to dance. (The College President or designee will be the only person allowed to make an exception to this policy.)
- b. In the case of all dances, a pre-dance planning meeting will be held with the Campus Police, Club Advisor or designee, Student Club representative, and musical representative. No flyers, leaflets or tickets will be distributed or sold until after this meeting.
- c. Only students with a college identification or 18 years of age or older will be allowed to attend dance events. Identification will be checked at the door by members of the sponsoring group for all dances.
- d. All attendees are subject to search for harmful objects or inappropriate items. Metal detectors may be used.
- e. Club advisor(s) will be in attendance for the entire event. In addition, the advisor will be required to be present 2 two hours prior to and 2 two hours after dance.
- f. Police will monitor vehicle and foot traffic at dance locations.
- g. No in-and-out privileges.
- ~~h. Dress code will be in effect.~~

MOVED AND REVISED FROM BUSINESS PROCEDURE 6.02
GUIDELINES TO DETERMINE FEES FOR USE OF COLLEGE FACILITIES

CLASSIFICATION OF USER	RECREATIONAL USE	NON-RECREATIONAL USE	
		If No Money Collected	If Money Collected
1. Religious organizations include the following: Churches if use includes any religious activity Church-affiliated groups if use includes any religious activity	Fair rental value Equipment cost Labor cost	Fair rental value Equipment cost Labor cost	Fair rental value Equipment cost Labor cost
2. Community non-profit: Non-profit organizations Community agencies Clubs other than folk and square dancing Associations Auxiliaries Chamber of Commerce Alumni associations Political parties Church-affiliated groups if use excludes religious activity March of Dimes American Red Cross Boy Scouts Girl Scouts Camp Fire Girls Parent-Teacher Association Folk or Square Dancing Clubs Y.M.C.A. American Diabetes American Cancer Society Grey Panthers Retired Senior Volunteer Program	Usage cost Equipment cost Labor cost	Usage cost* Equipment cost* Labor cost	Fair rental value* Equipment cost* Labor cost*
3. Public agencies include the following: School districts University of California State Colleges and Universities Cities Counties State of California U.S. Government Special districts Legislators (for official functions) Other governmental units	Usage cost Equipment cost Labor cost	Usage cost* Equipment cost* Labor cost	Fair rental value* Equipment cost* Labor cost*
4. Private organizations include the following: Labor unions Private schools Private colleges and universities Commercial firms Private institutes	Fair rental value Equipment cost Labor cost	Fair rental value Equipment cost Labor cost	Fair rental value Equipment cost Labor cost

*May be waived by College President or College Business Officer.

Education Code ~~10900-10914.5~~, 81378, 82537, 82542-82548

**DELETE THIS PROCEDURE
SUBJECT MATTER COVERED IN BUSINESS
PROCEDURE 9.22
GUIDELINES FOR TRAVEL REIMBURSEMENT**

The purpose of travel is for District business which cannot be accomplished by telephone or correspondence and includes attendance at professional conferences or special meetings. Such travel is to be accomplished at the lowest possible cost to the District. This guideline covers the reimbursement of employee business travel expenses and location President/Chancellor or designee.

Prior Approval Required

Prior to commencing travel, each employee must have approval of their immediate supervisor.

No travel reimbursement will be made unless written documentation is provided which reflects prior approval.

Submission of Expense Claim

Submit the expense claim Form 4.ed to the appropriate manager for approval and processing. Upon approval, the claim will be forwarded to the Accounting Department for processing.

Limitations on Reimbursement

Reimbursement will normally be made for necessary expenses and is limited to:

1. Registration fee (if any).
2. Actual cost of coach air fare.
3. Mileage from home/airport/home.
4. Taxi - airport/hotel/airport; during trip, as appropriate, or after arrival, as appropriate.
5. Motel/hotel (single person rate only).
6. Meals (not included as part of tuition/conference fee; may not include alcoholic beverages; for the employee only).
7. Incidental expenses (costs for handling luggage, phone calls for official business, etc.). Include these in the "Other" column and list separately. Do not list gratuities as a separate item.
8. The actual dates of the meeting or conference (e.g., the conference is scheduled for three days, Monday through Wednesday - reimbursement will be made for lodging from Monday through Wednesday only). Meeting start times, business incidental to a conference or as an adjunct to it that requires an earlier arrival or later departure, requires prior approval. Reimbursement requests should be accompanied by an explanation plus indication of prior approval.

Receipts

Receipts must be provided for registration fee, airline/train tickets, hotel/motel, car rental costs and any allowable meals as explained in Business Procedure 9.22.

Use of Private Automobile

Should the employee elect to use his/her own car, reimbursement will be limited to the local mileage rate not to exceed the cost of round-trip air fare. If a personal automobile is used for trips of several days duration, costs incurred for food or lodging en route are not reimbursable. Persons who attend one-day conferences in this area may claim reimbursement at the local mileage rate in effect at the time plus the cost of meals incurred.

CONTRACTS/AGREEMENTS FOR PERSONAL SERVICES**Personal Services**

The Governing Board may enter into personal services contracts which require expertise not reasonably found among District classified employees to achieve cost savings when each of the following conditions is met:

~~1. The Governing Board may contract for personal services which require expertise not reasonably found among District employees.~~

~~2. Contracts for services that are currently or customarily performed by classified employees is permissible when each of the following conditions are met:~~

- it can be clearly demonstrated that the proposed contract will result in actual overall cost savings to the District;
- the contractor's wages are at the industry's level and do not undercut District pay rates;
- the contract does not cause the displacement of District employees;
- the savings are large enough to ensure that employees will not be eliminated by private sector and District cost fluctuations that could normally be expected during the contracting period;
- the amount of savings clearly justifies the size and duration of the contracting agreement;
- the contract is awarded through a publicized, competitive bidding process;
- the contract includes specific provisions pertaining to the qualifications of the staff that will perform the work under the contract, as well as assurance that the contractor's hiring practices meet applicable nondiscrimination standards;
- the potential for future economic risk to the District from potential contractor rate increases is minimal;
- the contract is with a firm; and
- the potential economic advantage of contracting is not outweighed by the public's interest in having a particular function performed directly by the District.

Personal service contracts are also permissible when any one of the following conditions is met:

- the contract is for new functions mandated or authorized by Legislature to be performed by independent contractors;
- the services are not available within the District or cannot be satisfactorily performed by District employees;
- the services are incidental to a purchase or lease contract;
- the policy, administrative, or legal goals and purposes of the District cannot be accomplished through the regular or ordinary hiring process;
- the work meets the criteria for emergency appointment;
- equipment, materials, facilities, or support services could not feasibly be provided by the District; or
- the services are of an urgent, temporary, or occasional nature.

~~3. The Special Services contractor employment and payment process is to be used if the following conditions are met:~~

- ~~a. The rate of pay and total amount are fixed.~~

- ~~b. Service is required on a specified date or dates or for a specified time period of short duration.~~
- 4. If the payment includes expenses which cannot be predetermined, a written agreement must be used. The employment and payment process follows:
 - ~~a. Submit memorandum recommending contracting to Chancellor providing name and address of individual, period of service, and payment specifics (rate, interval, total). See Business Procedure 9.45.~~
 - ~~b. The Comptroller will prepare the Board Report and the agreement following Board action (see Exhibit A).~~
 - ~~c. Obtain contractor's invoice after service is performed. Submit on voucher requisition. Refer to Business Procedure on voucher requisitions.~~

Personal service contracts are to be placed on the Governing Board agenda pursuant to Business Procedure 9.45, Request to Place Contract on Governing Board Agenda. Following Governing Board action, the Director of Purchasing and Contract Services shall execute the contract.

Education Code 88003
Government Code 53060

EMPLOYEE VS. INDEPENDENT CONTRACTOR

Under IRS common-law rules, anyone who performs services is your employee if the payer can control what will be done and how it will be done. This is so even if the employee is given freedom of action. The key issue is the right to control the details of how the services are performed. An independent contractor relationship exists if the payer has the right to control or direct only the result of the work and not what will be done or how it will be done.

To determine if a worker is an independent contractor or an employee, look at the main test and the ten secondary factors.

Main Test

Does the principal (you) have the right to direct and control the manner and means in which the worker carries out the job? The right of direction and control, whether or not exercised, is the most important factor in determining an employment relationship. The right to discharge a worker at will and without cause is strong evidence for the right of direction and control. When it is not clear whether you have the right to direct and control the worker, you must look further into the actual working relationship by weighing the ten secondary factors.

Secondary Factors

Depending on the type of relationship and the services performed, each factor varies in importance. Consider each factor independently, then consider them as a whole:

1. Is the worker engaged in a distinct trade or occupation? Does the worker make his or her services available to the general public? Does the worker perform work for more than one firm/company at a time? Does the worker hire, supervise, or pay assistants? Does the worker have a substantial investment in equipment and facilities?
2. Is the work done without supervision? In the geographic area and in the occupation, is the type of work usually done under the direction of a principal without supervision?
3. Is the work highly skilled and specialized? Is the worker trained by the principal? Does the worker personally perform the services?
4. Does the principal furnish/provide the tools, equipment, materials, supplies, and place of work? Does the worker perform the services on the principal's business premises?
5. Are the services provided on a long-term or repetitive basis?
6. Method of payment - Is the worker paid based on time worked or on completion of the project?
7. Are the services an integral part of the principal's business?
8. What type of relationship do the parties believe they are creating?

9. What is the extent of actual control by the principal? Does the worker have the right to terminate the relationship without liability? Does the principal provide instructions on how to do the work? Does the principal establish the work hours or the number of hours to be worked? Does the principal require the work to be done in a particular order or sequence? Does the principal require oral or written reports from the worker?
10. Is the work performed for the benefit of the principal's business?

Guidelines

The following questions are taken from the California Employment Development Department (EDD) and act as a guide in determining the status of an individual you wish to hire.

Questions 1 – 3 are significant questions. If the answer to any of them is "Yes," it is a strong indication that the worker is an employee, and you have a high probability of risk if you classify the worker as an independent contractor.

1. Do you instruct or supervise the person while he or she is working?

Independent contractors are free to do jobs in their own way, using specific methods they choose. A person or firm engages an independent contractor for the job's end result. When a worker is required to follow company procedure manuals and/or is given specific instructions on how to perform the work, the worker is normally an employee.

2. Can the worker quit or be discharged (fired) at any time?

If you have the right to fire the worker without notice, it indicates that you have the right to control the worker. Independent contractors are engaged to do specific jobs and cannot be fired before the job is complete unless they violate the terms of the contract. They are not free to quit and walk away until the job is complete. For example, if a shoe store owner hires an attorney to review his or her lease, the attorney would get paid only after satisfactory completion of the job.

3. Is the work being performed part of your regular business?

Work which is a necessary part of the regular trade or business is normally done by employees. For example, a sales clerk is selling shoes in a shoe store. A shoe store owner could not operate without sales clerks to sell shoes. On the other hand, a plumber engaged to fix the pipes in the bathroom of a store is performing a service on a onetime or occasional basis that is not an essential part of the purpose of the business enterprise. A certified public accountant engaged to prepare tax returns and financial statements for the business would also be an example of an independent contractor.

A "No" answer to questions 4 – 6 indicates that the individual is not in a business for himself or herself and would therefore normally be an employee.

4. Does the worker have a separately established business?

When individuals hold themselves out to the general public as available to perform services similar to those performed for you, it is evidence that the individuals are operating separately established businesses and would normally be independent

contractors. Independent contractors are free to hire employees and assign the work to others in any way they choose. Independent contractors have the authority to fire their employees without your knowledge or consent. Independent contractors can normally advertise their services in newspapers and/or publications, yellow page listings, and/or seek new customers through the use of business cards.

5. Is the worker free to make business decisions which affect his or her ability to profit from the work?

An individual is normally an independent contractor when he or she is free to make business decisions which impact his or her ability to profit or suffer a loss. This involves real economic risk, not just the risk of not getting paid. These decisions would normally involve the acquisition, use, and/or disposition of equipment, facilities, and stock in trade which are under his or her control. Further examples of the ability to make economic business decisions include the amount and type of advertising for the business, the priority in which assignments are worked, and selection of the types and amounts of insurance coverage for the business.

6. Does the individual have a substantial investment which would subject him or her to a financial risk of loss?

Independent contractors furnish the tools, equipment, and supplies needed to perform the work. Independent contractors normally have an investment in the items needed to complete their tasks. To the extent necessary for the specific type of business, independent contractors provide their own business facility.

Questions 7 – 13 are additional factors that should be considered. A "Yes" answer to any of the questions is an indication the worker may be an employee, but no one factor by itself is deciding. All factors must be considered and weighed together to determine which type of relationship exists. However, the greater the number of "Yes" answers to questions 7 – 13 the greater the likelihood the worker is performing services as an employee.

7. Do you have employees who do the same type of work?

If the work being done is basically the same as work that is normally done by your employees, it indicates that the worker is an employee. This applies even if the work is being done on a one-time basis. For instance, to handle an extra workload or replace an employee who is on vacation, a worker is hired to fill in on a temporary basis. This worker is a temporary employee, not an independent contractor. (Note: If you contract with a temporary agency to provide you with a worker, the worker is normally an employee but may be an employee of the temporary agency.)

8. Do you furnish the tools, equipment, or supplies used to perform the work?

Independent business people furnish the tools, equipment, and supplies needed to perform the work. Independent contractors normally have an investment in the items needed to complete their tasks.

9. Is the work considered unskilled or semi-skilled labor?

The courts and the California Unemployment Insurance Appeals Board have held that workers who are considered unskilled or semi-skilled are the type of workers the law is meant to protect and are generally employees.

10. Do you provide training for the worker?

In skilled or semi-skilled work, independent contractors usually do not need training. If training is required to do the task, it is an indication that the worker is an employee.

11. Is the worker paid a fixed salary, an hourly wage, or based on a piece rate basis?

Independent contractors agree to do a job and bill for the service performed. Payments to independent contractors for labor or services are made upon the completion of the project or completion of the performance of specific portions of the project.

12. Did the worker previously perform the same or similar services for you as an employee?

If the worker previously performed the same or similar services for you as an employee, it is an indication that the individual is still an employee.

13. Does the worker believe that he or she is an employee?

Although belief of the parties is not controlling, intent of the parties is a factor to consider when making an employment or independent contractor determination. When both the worker and principal believe the worker is an independent contractor, an argument exists to support an independent contractor relationship between the parties.

Interpretations of Answers

Depending on the services being performed and the type of occupation, this questionnaire may produce a variety of results. There may be some factors which lean toward employment and some which lean toward independence. The answers to questions 1 – 6 provide a strong indication of the presence or absence of direction and control. The answers to questions 7 – 13 when joined with other evidence may carry greater weight when indicating the presence or absence of direction and control.

1. If all of the answers to questions 1 – 3 are "No" and all of the answers to questions 4 – 6 are "Yes," there is an indication of independence. When this is the case, there are likely to be a number of "No" answers to questions 7 – 13 which add to the support of the determination.
2. If all of the answers to questions 1 – 3 are "Yes" and all of the answers to questions 4 – 6 are "No," it is very strong indication that the worker in question is an employee. When this is the case, there are likely to be a number of "Yes" answers to questions 7 – 13 which add to the support of the determination.
3. If the answer to question 1 or 2 is "Yes" or the answer to any one of questions 4 – 6 is "No," there is a likelihood of employment. At the very least, this pattern of answers makes the determination more difficult since the responses to questions 7 – 13 will probably be mixed. In such situations, the business owner would be well advised to complete a DE 1870, giving all of the facts of the working relationship and requesting a ruling from EDD.

4. If the answer to question 3 is "Yes" and the answer to question 4 is "No," there is a likelihood of employment. Given this pattern of answers, it is probable that the answers to questions 5 and 6 will also be "No." When this happens you may also see more "Yes" answers to the last group of questions (7 – 13). This scenario would support an employment determination.

These four scenarios illustrate only a few combinations of answers that could result from the use of this Employment Determination Guide, depending on the working relationship a principal may have with a worker and the type of occupation. The more the pattern of answers vary from the above four situations, the more difficult it is to interpret them. In situations 1 and 2, there is a greater chance that the interpretation will be accurate, and they present the least risk to the business owner of misclassifying the worker.

The following is reprinted from a County Superintendent of Schools bulletin issued to provide information and guidelines for the determination of worker status for services provided to school districts, and the procedures required for processing commercial warrant payments to independent contractors.

1. Definitions

The distinction between an employee and an independent contractor is defined by the common-law rules: "A worker is an employee if the person for whom he/she works has the right to direct and control him/her in the way he/she works, both as to the final results and as to the details of when, where and how the work is done. The employer need not actually exercise control; it is sufficient that he/she has the right to do so." The term "independent contractor" has been defined as one who renders a service in the course of independent employment or occupation, following the employer's desire only in the results of the work and not the means whereby it is to be accomplished. Generally, an independent contractor performs a specific service of limited duration and/or delivers a completed product as a result of the service.

2. A Workable Guide

The Federal Government, in a Senate House conference report, has established a five-point "Safe Harbor" test to ascertain, for federal employment tax purposes, whether a worker is an employee or independent contractor. A worker who does not meet all five tests noted below would be classified as an employee:

- a. Control of Hours Worked — The aggregated number of hours and schedule of these hours must be controlled by the worker.
- b. Place of Business — No principal place of business may be provided unless the worker pays a fair rental.
- c. Investment of Income Fluctuation — The worker must have either an investment in tangible assets used in performing the service or risk income fluctuations because remuneration is tied to output not to number of hours worked.
- d. Written Contract and Notice — The work must be performed pursuant to a written contract stating that the worker will not be treated as an employee. Additionally, a notice must be given of the worker's tax responsibilities.
- e. Filing of Returns — The service recipient (District) must satisfy all information return requirements (filing of a 1099-NEC Statement).

The above "safe harbor" test is not law. However, the five tests do provide a workable definition of an employee versus independent contractor. It is strongly suggested that school districts utilize these tests in making determinations of working status.

3. STRS, EDD, and Other Legal Considerations

STRS, under authority of state law and State Attorney General Opinion No. 73-282, has adopted further rules governing the determination of when a worker is deemed an employee. STRS has concluded from analysis of state law that a school district may enter into a contract with an independent contractor, but only where the services to be performed are special, and are not available from any public source. A contractor cannot perform teaching services. Further, STRS states that retirants providing services under the provision of E.C. 1300, 23010, 30546 and 72426 are considered employees, and the earnings must be reported to STRS. Finally, STRS advises that "when a retirant's earnings are not reported, it is understood that (the District's) legal counsel has supplied (the District) with an opinion that the retirant is an independent contractor under IRS common-law rules."

The State Employment Development Department similarly stated, in a notice dated June 1, 1980, that most early retirees who came back to work are still employees and amounts earned must be reported as subject wages.

The Government Code, Section 63060, authorizes school districts to contract for the furnishing of special services and advice in financial, economic, accounting, engineering, legal or administrative matters. Provisions of the Education Code authorize districts to enter into contracts relating to educational techniques. Education Code Section 10401 authorizes districts to enter into contracts for the improvement of educational programs, provided approval of the State Board of Education is obtained.

IRS provisions apply to services being performed by an employee within the district or an employee of another school district within the same federal and state reporting system. If additional compensation is being paid to an employee within the district, the payment must be made on payroll. If compensation is being paid to an employee of another district within the Contra Costa County school payroll system, and the services performed clearly qualify the individual as an independent contractor, payment may be made on a commercial warrant as long as the compensation is reported on a supplemental W-2 Statement.

4. District Procedures

- a. Determine whether the worker is an employee or an independent contractor (use of "safe harbor" test is suggested). Remember that the District will be held financially responsible for the payment of federal and state payroll taxes plus additional tax liabilities as well as retirement contributions if a worker is later determined to be an employee. If the worker is not clearly performing contractor services, put the worker on payroll.
- b. An executed contract for contractor services is required; the agreement should describe the contractor and District's obligations and provide an adequate description of the services (see Exhibit A for a sample). Please note that the inclusion of a Federal Employer ID number, city or county business permit number will protect the district and aid in confirmation of the contractor status.
- c. File a 1099-NEC or supplemental W-2 Statement return with the Internal Revenue Service and Franchise Tax Board.

6. Conclusion

It is the responsibility of each District to comply with state and federal laws and regulations governing payment for services received. Districts are encouraged to carefully follow these procedures in order to protect the financial interests of the district, to guard against legal impropriety, and to assure timely payment for services received.

OPERATION OF VEHICLES

This procedure specifies District guidelines concerning operation of District-owned and personal vehicles.

District-owned Vehicles

- Employees may operate a District-owned vehicle in the performance of *official duties and carry authorized passengers only.
- Students who are not employed by the District shall not be authorized to operate a District-owned vehicle.
- District-owned vehicles that will be used to travel out-of-state must have written approval from the location business officer, or their designee, prior to travel.
- Employees shall possess the state required minimum liability insurance in order to operate a vehicle.
- The District's liability insurance covers any liability caused by the operation of the vehicle.
- District credit cards shall be used for gasoline purchases for District-owned vehicles only.
- Only employees of the District are covered under Workers' Compensation for injuries incurred while operating or as a passenger while performing official duties.
- Employees on District business shall observe traffic and parking rules and regulations at all times. Fines imposed by a court are the personal responsibility of employees.

Personal Vehicles

- An employee may be authorized to use a privately owned vehicle in the performance of official duties and carry authorized passengers only. District employees shall not transport students in their personal vehicles.
- Student vehicles shall not be used on college business.
- Employees shall possess the state required minimum liability insurance in order to operate a vehicle.
- The District's liability insurance covers only the District's liability and is secondary to the personal liability insurance which is required by the operator.
- District credit cards shall not be used for gasoline purchases for personal vehicles.
- Only employees of the District are covered under Workers' Compensation for injuries incurred while operating or as a passenger while performing official duties.
- Employees on District business shall observe traffic and parking rules and regulations at all times. Fines imposed by a court are the personal responsibility of employees.

*Official duties are those designated by the Chancellor, college President, or their designees, and include authorized activities of the Associated Students of the colleges.

~~Certificated and classified employees of the District may operate a District owned vehicle or a personal vehicle in the performance of official duties. Student employees may operate a District owned vehicle or a personal vehicle in the performance of official duties. Students who are not employed by the District shall not be authorized to operate a District owned vehicle. (see Exhibit A).~~

~~Official duties are those designated by the Chancellor or, College President and include authorized activities of the Associated Students of the colleges.~~

~~In the operation of District owned vehicles the District's liability insurance covers any liability caused by the operation of the vehicle. In the operation of personal vehicles the District's liability insurance covers only the District's liability.~~

~~Only employees of the District are covered under Workers' Compensation for injuries incurred while operating or a passenger in a District or personal vehicle while performing official duties.~~

~~District credit cards shall be used for gasoline purchases for District owned vehicles only.~~

~~Employees shall use District vehicles for the conduct of District business and to carry authorized passengers only.~~

~~Employees on District business shall observe traffic and parking rules and regulations at all times. Fines imposed by a court are the personal responsibility of employees.~~

~~District vehicles are not be driven out of state unless prior approval is provided by the location business officer.~~

DELETE
Centre
Community College District

USE OF
AUTOMOTIVE VEHICLES
ON
COLLEGE BUSINESS

The following information is presented as a guide to District policy with respect to areas of potential District liability. It is not intended as a statement of District insurance coverage, that being a many-page document subject to legal interpretation and the many variables of each claim situation. The intent of this information is one of risk management aimed at risk reduction and eventual insurance savings; a second purpose is to make employees aware of their potential exposure to liability claims resulting from unauthorized activities. The District's insurance carrier has not and will not endorse the accuracy or content of this paper, fearing that to do so might result in a claim court utilizing this as an extension of the existing insurance policy.

If, after reading this leaflet, you have questions, please contact Dale Fink, Accounting Officer, at the District Office in Martinez, extension 25.

DELETE

1. Use of District Owned Vehicle on College Business

The District's comprehensive bodily injury and property damage liability insurance policy covers members of the Governing Board and employees of the District who are acting solely within the scope of their office or employment. Board members and employees driving District-owned vehicles (maintenance vehicles, cars, etc.) are covered by the District's liability policy.

2. Use of Privately Owned Vehicle on College Business

A portion of the District's liability insurance premium applies to District liability which would result from the use of a private automobile by an employee within the scope of his/her duties. Whether or not the employee receives mileage reimbursement has no effect on the insurance aspect. The insurance policy covers only the District's liability; the employee's liability rests with the employee's personal insurance policy.

The following example may help to illustrate the coverage by the District's liability insurance policy.

An employee is involved in an automobile accident with his own private automobile while on the performance of authorized District duties. Any damage to the employee's private automobile would not be covered by District insurance. A law suit by an injured party against the employee would be defended by the employee's insurance carrier. A lawsuit against the employee and the District would be defended by both insurance companies, with the employee's insurance primary and the District's "success over."

Several very important points should be made to all employees using their private cars on college business. They are:

- The employee should probably carry a minimum of \$100,000/\$300,000/\$50,000 liability insurance on his/her private automobile.
- When using a private automobile on authorized college business, reasonable and prudent care should be exercised with regard to the number of students transported at one time, to the safe operation of the automobile and to the maintenance of the automobile. State law requires a Class 2 driver's license if more than seven passengers are loaded in a passenger vehicle at one time (or if more than 8 passengers are loaded in a 9- or 10-passenger van or station wagon).

3. Use of Vehicles by Volunteer Personnel on College Business

Should volunteers who are employed on a gratuitous service basis be authorized to transport students on behalf of the District in their private automobiles, they would NOT be covered in the same manner as a paid employee in the above example. Therefore, the use of volunteers transporting students in their private vehicles on college business is strongly discouraged.

4. Use of Vehicles by Students

District liability insurance premiums would be prohibitively expensive if the use of student drivers and vehicles were to be covered. The following statements will serve to illustrate the District's position:

- Student drivers and/or student vehicles should not be used "on college business."
- Students who must travel by vehicle from one college to another college or place (field trip) for class purposes must travel via a chartered bus, in a District owned or rented vehicle, or with an authorized non-student employee in his/her privately owned vehicle.
- Off-campus classes, including work experience classes, are considered an extension of college with the District assuming no responsibility for the students' transportation to or from the class.
- An all-campus field trip may be scheduled to convene at the site of the field trip in which case the District assumes no responsibility for the students' transportation to or from the class.
- Students hired to drive a District vehicle are considered employees and are covered as such.

5. On College Business Defined

An employee is considered as "on college business" when acting solely within the scope of his office or employment. Knowledge of the employee's actions regarding the use of vehicles by the employee's immediate supervisor is necessary since court testimony affirming this knowledge is frequently required. Merit in his job description of an employee's need to drive a vehicle will add to the credibility of an "on college business" claim.

As a general rule, instances of instructors or other employees encouraging students to meet them in the mountains for a rich hunt, or transporting a few students in their private vehicle to such a place, to Chazyland, to a Dodge game, etc., are clearly not "on college business." These employees must be prepared to stand alone in the case of any lawsuit levied by the students/parents resulting from an accident. Employees involved in these or related activities have a responsibility to inform the students and their parents that such trips are "not on college business" and are not covered by District insurance.

DELETE

COURSE PREREQUISITES, COREQUISITES AND ADVISORIES

The colleges may establish prerequisites, corequisites and advisories on recommended preparation, in accordance with Title 5 requirements. Determinations about prerequisites and corequisites shall be made on a course-by-course or program-by-program basis.

In order to implement this policy, the colleges will:

1. Develop and implement a process for establishing prerequisites, corequisites and advisories that the college determines are necessary and appropriate for the purpose for which they are established. The level of scrutiny required as part of the process shall be based on statistical validation, content review or a combination thereof.
2. Ensure that courses for which prerequisites or corequisites are established are taught in accordance with the course outline of record.
3. Ensure that each section of the prerequisite or corequisite course is taught by a qualified instructor.
4. Establish the process for the regular review (at least once every six years) of prerequisites and corequisites to assure that they remain necessary and appropriate.
5. Establish the process for an individual student to challenge the application of a prerequisite or corequisite.
6. Conduct an evaluation on whether prerequisites and/or corequisites in precollegiate courses in reading, written expression or mathematics have a disproportionate impact on particular groups of students. Where there is disproportionate impact, develop and implement a plan to correct the disproportionate impact.
7. Provide an explanation of prerequisites, corequisites and advisories in both the college catalog and schedule of classes.

Title 5 of the California Code of Regulations, Section 55003

**COURSE PREREQUISITES, COREQUISITES AND
ADVISORIES ON RECOMMENDED PREPARATION**

Prerequisites, co-requisites, advisories, and limitations are necessary to ensure that students succeed in their coursework and have access to the courses they require. It is important to have prerequisites in place where they are a vital factor in maintaining academic standards. It is also necessary to ensure that prerequisites, co-requisites, advisories, and limitations do not constitute unjustifiable obstacles to student access and success. Therefore, to foster the appropriate balance between these two concerns, the Education Code requires that prerequisites, co-requisites, advisories, and limitations be established based solely on content review or content review with statistical validation.

Title 5, Section 55003(d) delineates the four purposes for which prerequisites and corequisites may be established:

1. the prerequisite or corequisite is expressly required or expressly authorized by statute or regulation;
2. the prerequisite will assure that a student has the skills, concepts, and/or information needed to succeed (receive a satisfactory grade) for the course it is established;
3. the corequisite will assure that a student has the skills, concepts, and/or information needed to succeed (receive a satisfactory grade) for the course it is established; and
4. the prerequisite or corequisite is needed to protect the health or safety of the student or others.

I. College Policies and Procedures

A. Information In the Catalog and Schedule of Classes

Each college shall provide the following explanations both in the college catalog and in the schedule of classes.

1. Definitions of prerequisites, corequisites, and limitations on enrollment including the differences among them and the specific prerequisites, corequisites, and limitations on enrollment which have been established.
2. Procedures for a student to challenge prerequisites, corequisites, and limitations on enrollment and circumstances under which a student is encouraged to make such a challenge. The information about challenges must include, at a minimum, the specific process including any deadlines, the various types of challenge that are established in law, and any additional types of challenge permitted by the college.
3. Definitions of advisories on recommended preparation, the right of a student to choose to take a course without meeting the advisory, and circumstances under which a student is encouraged to exercise that right.
4. Definitions of contract course, co-requisite, noncredit basic skills course, non-degree-applicable basic skills courses, prerequisite and satisfactory grade.

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B. Challenge Process

Any student who does not meet a prerequisite or co-requisite or who is not permitted to enroll due to a limitation on enrollment but who provides satisfactory evidence may seek entry into the course as follows.

1. If space is available in a course when a student files a challenge to the prerequisite or co-requisite, the District shall reserve a seat for the student and resolve the challenge within five (5) working days. If the challenge is upheld or the District fails to resolve the challenge within the five (5) working-day period, the student shall be allowed to enroll in the course.
2. If no space is available in the course when a challenge is filed, the challenge shall be resolved prior to the beginning of registration for the next term and, if the challenge is upheld, the student shall be permitted to enroll if space is available when the student registers for that subsequent term.²
3. Grounds for challenge shall include the following.
 - a. Those grounds for challenge specified in Title 5, Section 55201(f).
 - b. The student seeks to enroll and has not been allowed to enroll due to a limitation on enrollment established for a course that involves intercollegiate competition or public performance, or one or more of the courses for which enrollment has been limited to a cohort of students. The student shall be allowed to enroll in such a course if otherwise he or she would be delayed by a semester or more in attaining the degree or certificate specified in his or her educational plan.
 - c. The student seeks to enroll in a course which has a prerequisite established to protect health and safety, and the student demonstrates that he or she does not pose a threat to himself or herself or others.³
 - d. The student has the obligation to provide satisfactory evidence that the challenge should be upheld. However, where facts essential to a determination of whether the student's challenge should be upheld are or ought to be in the college's own records, then the college has the obligation to produce that information.⁴

C. Curriculum Review Process

The curriculum review process at each college shall at minimum be in accordance with all of the following.

1. Establish a curriculum committee and its membership in a manner that is mutually agreeable to the college administration and the academic senate.
2. Establish prerequisites, corequisites, and advisories on recommended preparation (advisories) only upon the recommendation of the academic senate except that the academic senate may delegate this task to the curriculum committee without forfeiting its rights or responsibilities under Title 5, Section 53200-53204 and within the limits set forth in Title 5, Section 55003. Certain limitations on enrollment must be established in the same manner.
3. Establish prerequisites, corequisites, advisories on recommended preparation, and limitations on enrollment on a course-by-course basis using either content review with statistical validation or content review alone, or conceivably both. To meet the requirements for adoption by either option colleges are required to meet the following requirements:

- a. The faculty in the discipline or, if the college has no faculty member in the discipline, the faculty in the department do all of the following:
- (1) approve the course⁶; and
 - (2) as a separate action, on a course by course basis, approve any prerequisite or corequisite, only if the prerequisite or corequisite is an appropriate and rational measure of a student's readiness to enter the course or program; as demonstrated by a content review including, at a minimum, all of the following:
 - i. involvement of faculty with appropriate expertise;
 - ii. consideration of course objectives set by relevant department(s). The curriculum review process should be done in a manner that is in accordance with accreditation standards;
 - iii. be based on a detailed course syllabus and outline of record, texts, related instructional materials, course format, type and number of examinations, and grading criteria;
 - iv. specification of the body of knowledge and/or skills which are deemed necessary at entry and/or concurrent with enrollment;
 - v. identification and review of the prerequisite or corequisite courses which develops the body of knowledge and skills identified under iv; and reference to a valid assessment procedure or instrument that measures these;
 - vi. matching of the knowledge and skills in the targeted course (identified under iv.) and those developed or measured by the prerequisite or corequisite (i.e., the course or assessment identified under v.); and
 - vii. maintain documentation that the above steps were taken.
 - (3) Approve any limitation on enrollment that is being established for an honors course or section, for a course that includes intercollegiate competition or public performance, or so that a cohort of students will be enrolled in two or more courses, and, in a separate action, specify which.
 - (4) Approve that the course meets the academic standards required for degree applicable courses, non-degree applicable courses, non-credit courses, or community service respectively.⁶
 - (a) Review the course outline to determine if a student would be highly unlikely to receive a satisfactory grade unless the student had knowledge or skills not taught in the course. If the student would need knowledge or skills not taught in the course itself, then the course may be approved for degree applicable credit only if all requirements for establishing the appropriate prerequisite have been met excepting only approval by the curriculum committee.
 - (b) Review the course outline to determine whether receiving a satisfactory grade is dependent on skills in communication or computation. If receiving a satisfactory grade is sufficiently dependent on such skills, then the course may be approved for degree applicable credit only if all requirements have been met for establishing a prerequisite or corequisite of not less than eligibility for enrollment to a degree-applicable course in English or mathematics, respectively.

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- (c) A course which should have a prerequisite or corequisite as provided in (a) or (b) but for which one or more of the requirements for establishing a prerequisite have not been met may only.
 - i. Be reviewed and approved pursuant to the standards for non-degree applicable credit, non-credit, or community service; (Title 5, Section 55002) or
 - ii. Be revised and reviewed as required to meet the criteria for establishing the necessary prerequisites or corequisites.⁸
- (d) The curriculum committee also reviews the course and prerequisite in a manner that meets each of the specified requirements.

D. Program Review

As a regular part of the Program Review process or at least every six years, except that the prerequisites and co-requisites for vocational courses or programs shall be reviewed every two years, the college shall review each prerequisite, corequisite, or advisory to establish that each is still supported by the faculty in the discipline or department and by the curriculum committee and is still in compliance with all other provisions of this policy and with the law. Any prerequisite or corequisite shall be reviewed promptly thereafter to assure that it is in compliance with all other provisions of this policy and with the law.

E. Implementing Prerequisites, Corequisites, and Limitations on Enrollment

Implementation of prerequisites, corequisites, and limitations on enrollment must be done in a consistent manner and not left exclusively to the classroom instructor. Every attempt shall be made to enforce all conditions a student must meet to be enrolled in the course through the registration process so that a student is not permitted to enroll unless he or she has met all the conditions or has met all except those for which he or she has a pending challenge or for which further information is needed before final determination is possible as to whether the student has met the condition.⁹ The determination of whether a student meets a prerequisite shall be based on successful completion of an appropriate course or on an assessment using multiple measures. (Title 5, Section 55003(k)) Any exit test that may be required to satisfy a prerequisite or corequisite must be incorporated into the grading for the prerequisite or corequisite course. (Title 5, Section 55003(n))

F. Instructor's Formal Agreement to Teach the Course as Described

Each college shall establish a procedure so that courses for which prerequisites or corequisites are established will be taught in accordance with the course outline by a qualified instructor, particularly those aspects of the course outline that are the basis for justifying the establishment of the prerequisite or corequisite. The process shall be established by consulting collegially with the local academic senate and, if appropriate, the local bargaining unit.

For prerequisites requiring precollegiate skills in reading, written expression, or mathematics, regardless of the level of scrutiny (content review with statistical validation or content review alone), colleges must also:

1. ensure that courses and sections designed to teach the required skills are available with reasonable frequency based on the number of students who are required to meet the prerequisites (Title 5, Section 55003(l)(1)); and

2. conduct an evaluation to determine the impact on student success and whether there is any disproportionate impact. Where there is disproportionate impact, develop and implement a plan, in consultation with the Chancellor's Office, to correct the disproportionate impact. (Title 5, Section 55003(l)(2)(A) and (B))

II. Review of Individual Courses

If the student's enrollment in a course or program is to be contingent on his or her having met the proposed prerequisite(s) or corequisite(s), then such a prerequisite or corequisite must be established as follows. If enrollment is not blocked, then what is being established is not a prerequisite or corequisite but, rather, an advisory on recommended preparation and must be identified as such in the schedule and catalog. Establishing advisories does not require all the following steps.

A. Advisories on Recommended Preparation

Each college may recommend that a student meet a standard of readiness at entry only if recommended by the faculty in the discipline or department and by the curriculum committee as provided in Section I. This process is required whether the college used to describe such recommendations in its catalog or schedule as "prerequisites," or "recommended," or by any other term.

B. Limitations on Enrollment

The types of limitation on enrollment specified below¹⁰ may only be established through the curriculum review process by the discipline or department faculty and the curriculum committee specified above including the requirement to review them again at least every six years, for example, as part of program review. The following requirements must also be met in order to establish these particular limitations on enrollment.

1. Performance Courses

Each college may establish audition or tryout as a limitation on enrollment for courses that include public performance or intercollegiate competition such as but not limited to band, orchestra, theater, competitive speech, chorus, journalism, dance, and intercollegiate athletics provided that:

- a. For any certificate or associate degree requirement which can be met by taking this course, there is another course or courses which satisfy the same requirement; and
- b. The college includes in the course outline or record a list of each certificate or associate degree requirement that the course meets and of the other course or courses which meet the same requirement.
- c. Limitations on enrollment established as provided for performance courses shall be reviewed during program review or at least every six years to determine whether the audition or try-out process is having a disproportionate impact on any historically underrepresented group and, if so, a plan shall be adopted to seek to remedy the disproportionate impact.¹¹ If disproportionate impact has been found, the limitation on enrollment may not be printed in subsequent catalogs or schedules nor enforced in any subsequent term until such a plan has been endorsed by the department and the college administration and put into effect. (See also Title 5, Sections 55502(e) and 55512.)

2. Honors Courses¹²

A limitation on enrollment for an honors course or an honors section of a course may be established if, in addition to the review by the faculty in the discipline or department and by the
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curriculum committee as provided above, there is another section or another course or courses at the college which satisfy the same requirements. If the limitation is for an' honors course and not only for an honors section, the college must also include in the course outline of record a list of each certificate or associate degree requirement that the course meets and of the other course or courses which meet the same associate degree or certificate requirement.

3. Blocks of Courses or Sections¹³

Blocks of courses or blocks of sections of courses are two or more courses or sections for which enrollment is limited in order to create a cohort of students. Such a limitation on enrollment may be established if, in addition to review by the faculty in the discipline or department and by the curriculum committee as provided above, there is another section or another course or courses that satisfy the same requirement. If the cohort is created through limitations on enrollment in the courses rather than limitations on specific sections of courses, then the college must include in the course outline of record a list of each certificate or associate degree requirement that the course meets and of the other course or courses which satisfy the same associate degree or certificate requirement.

4. Content Review

In order to provide the colleges with the option to establish prerequisites or corequisites in reading, written expression or mathematics for degree-applicable courses not in a sequence using content review alone (without statistical validations), the Board adopts the following requirements as a plan:

- a. The method used to determine which courses might be the most compelling candidates for new prerequisites and corequisites will be based on an analysis of a minimum of six semesters of data showing student success, retention, withdrawal and failure for the course(s) under consideration
- b. The provision of appropriate numbers of prerequisite and corequisite course sections to be determined based on the number of courses and sections proposed for prerequisite or corequisite implementation and the number of students impacted
- c. Colleges will not establish prerequisite or corequisites on more than 50% of the degree applicable courses for any given program using content review alone in order to insure that other degree applicable courses are available such that student progress toward their educational goals is not unnecessarily impeded
- d. Colleges will provide training for the curriculum committee including how to request, evaluate and interpret student success and enrollment data as it pertains to the establishment of prerequisites and corequisites
- e. Colleges will use research to evaluate the effect of new prerequisites and corequisites on student success; particular attention should be given to disproportionate impact.

Title 5, Sections 53200 et seq., 53200-53204, 55002, 55002(a)(2)(E), 55003, 55003(d)(k)(n), 55003(l)(1), 55003(l)(2)(A) and (B), 55201(f), 55502(e), 55512

The Model District Policy**Footnotes**

1. Colleges should also publish this information in the student handbook, if the college publishes one, or in whatever other documents that are published to assist students in understanding college rules and procedures.
2. The college has an obligation to resolve challenges in a "timely manner." (See Title 5, Section 55201(e).) However, the student should not wait until the last minute to file the challenge. If the college could not meet the one-week timeline, it could reserve a seat for the student or make provision in its policies on maximum class size to exceed the set size for such a student.
3. The Federal Government's Americans with Disabilities Act of 1990 requires further that if a student with a disability seeks admission to a course which has a prerequisite designed to protect health and safety, then the burden is on the college to establish that there is no accommodation available that would protect health and safety and permit the student to enroll without undue costs to the district.
4. For example, if a student challenges on the basis of claiming that a prerequisite was not established properly, that the student must show some legitimate reason for believing that the prerequisite was not established properly. However, if the student makes a prima facie case, the college must then produce the relevant information from its own files and not expect the student to request the files and search out the information.
5. The main point here is that the faculty, and the curriculum committee as well, must approve the prerequisite as a separate action from any approval of the course. However, it is not required that the faculty in the department in fact approve the course, although there are obvious reasons why that is recommended good practice. Title 5 requires only approval of the course by a curriculum committee that is a committee of the Academic Senate or established in a manner agreeable to the Senate and the campus administration. (Title 5, Section 55002) Title 5 further requires that prerequisites and all academic and professional matters be matters for the board to rely primarily on the Senate or reach joint agreement with it. (Title 5, Sections 53200 et seq.)
6. Individual courses will need to be reviewed first to determine whether, if appropriate academic standards are upheld, the students would need to have met a prerequisite or enroll in a corequisite: "When the college and/or district curriculum committee determines, based on a review of the course outline of record, that a student would be highly unlikely to receive a satisfactory grade unless the student has knowledge or skills not taught in the course, then the course shall require prerequisites or corequisites which are established, reviewed, and applied in accordance with the requirements of Article 2 (commencing with Title 5, Section 55200)," and "If success in the course is dependent upon communication or computation skills, then the course shall require ... as pre- or corequisites eligibility for enrollment in associate degree credit courses in English and/or mathematics, respectively." (Title 5, Section 55002(a)(2)(E), emphasis added) Secondly, the texts and other grading criteria for the course would need to be examined to see whether in actual fact the students do need to have the indicated skills or knowledge. If a course should require a prerequisite as determined by the first review, but does not meet the criteria required for establishing the prerequisite, then it must be revised so it does meet that standard, or it may not be offered as a degree applicable credit course.
7. It is possible to have degree applicable courses which have no prerequisites at all. For example, although reading would be assigned in an art history class, it might be possible to learn enough through visual and auditory means to get a satisfactory grade even though the student had difficulty with the reading and, yet, the level of instruction be collegiate.
8. For example, the committee receives a proposal for a physics course that is described as requiring calculus. The curriculum committee would first determine whether a calculus prerequisite seemed

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necessary to the course being taught at the indicated level. Since this course would appear to need a calculus prerequisite, the second step is to see whether all the requirements have been met for establishing such a prerequisite. If they have not, then the committee could not approve the course unless either (a) the further work was done to meet all the requirements for a prerequisite; or (b) the course was approved only for non-degree applicable credit, non-credit, or community service.

9. For example, this further information might require waiting for a final grade from the previous semester to be submitted or an assessment test to be scored. If a college is not able to put information into its data base from the transcripts of all students transferring into the college, it could simply inform the student that, according to their data, he or she has not met the prerequisite. If the student believes a course taken at another institution should satisfy the prerequisite, the student could then file a challenge and be enrolled in the course pending the resolution of the challenge. A college may also routinely ask students at the time of registration if they have met the prerequisite for the course in question and permit the student to enroll if the student says he or she has met the prerequisite. The college must then routinely check to confirm that the student has indeed met the prerequisite and, if not, the student's enrollment be canceled even if instruction has already begun.
10. These limitations on enrollment are academic matters and need to be established through the curriculum process. Other limitations on enrollment may also be determined to be academic and professional matters as provided in Title 5, Section 53200 et seq., or be included in collective bargaining agreements or be imposed by outside agencies such as fire departments. This document should not be interpreted to require or encourage any particular method for establishing other limitations on enrollment.
11. The determination of disproportionate impact should normally be done by comparing students enrolled in the course to the general student population.
12. If the honors section is a separate course, and an articulation agreement exists that treats the course differently upon transfer or if there are other extrinsic, concrete benefits to taking the honors course, then restriction on enrollment should be established as provided for prerequisites rather than as provided here for limitations on enrollment.
13. The Puente Program is perhaps the most well-known example of such a program.