CHAPTER: Personnel—All Employees

General Information

IV.A

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1. Functions of the Human Resources Office

The Human Resources Office shall coordinate the recruitment, employment, assignment, and termination of all personnel; maintain a compensation system; provide the record keeping required to perform the personnel functions; implement the District’s Equal Employment Opportunity and Staff Development Coordination Programs.

2. Staffing (See Procedure IV.A-02)

The Superintendent/President shall recommend to the Board the number and types of positions required to provide adequate personnel for the operation of the educational program of the District.

3. Job Descriptions (See Procedure IV.A-03)

The Board shall fix and prescribe the duties to be performed by all persons employed in the District.

The Human Resources Office shall develop, revise, and maintain a current job description for each classified position in the District. All job descriptions shall be subject to the approval of the Board.

Descriptions for educational administrator positions will be included in the Administrative Procedures.
4. **Personnel Records (See Procedure IV.A-04)**

Up-to-date, accurate personnel records for each employee of the District shall be maintained in the Human Resources Office. Records shall include, but not be limited to, such data as current address, salary, years of experience, education, leaves of absence, vacation records, evaluations and recommendations, tuberculin test certification, loyalty oath, and transcripts of all collegiate credits earned for which salary placement or advancement is obtained. It shall be the responsibility of the employee to inform the Human Resources Office of all changes that affect the employee's records.

All personnel files shall be kept in confidence and shall be available for inspection only to authorized employees of the District when actually necessary in the proper administration of the District’s affairs or the supervision of the employee. All contents of the individual personnel record, with the exception of evaluation comments or recommendations provided to the District on a confidential basis by a previous employer, shall be available for inspection by the employee concerned. Such review shall take place, by appointment, during normal business hours and without loss of pay.

Information of a derogatory nature, except material mentioned in paragraph two above, shall not be entered or filed unless and until the employee is given notice and an opportunity to review and comment thereon. An employee shall have the right to enter, and have attached to any such derogatory statement, his/her own comments thereon.

All formal grievance materials shall be kept in a separate central file away from the employee's permanent file.

5. **Employee Directory (See Procedure IV.A-05)**

A directory of employees may be made for use of the District and the departments, but shall not be available to commercial organizations.

The District shall establish procedures for restriction of addresses and telephone numbers of employees who wish such information to remain confidential.

The employee directory may be furnished to recognized employee organizations provided the employee organization pays to the District a fee not less than the cost of the preparation of the directory, and provided the information shall be confidential to the employee organization.
CHAPTER: Personnel – All Employees

Employment

IV.B

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1. Employment Policy

Acting on the principles of equal opportunity and non-discrimination, the Board of Trustees shall employ well qualified individuals upon the recommendation of the Superintendent/President.

Employees shall be selected, retained, and promoted on a basis of fitness, merit, and efficiency. Continued employment will be determined by the needs of the District, quality of service and availability of funds.

The District’s selection procedures shall ensure the employment of individuals who best meet position requirements and advance the District goals of gender and cultural diversity.

The Board shall appoint the candidates for each position without discriminating on the basis of race, color, creed, national origin, sex or sexual orientation, age, or disability and in compliance with federal regulations.

2. Employment Requirements

a. Physical Examination of Employees

All applicants selected for regular positions shall be required to complete a physical examination to determine their ability to perform the essential functions of the job.

Effective Date: 1/21/92  Adoption History: Revised 7/21/93, 9/2/97, 4/4/00, 4/15/03, 6/21/05, 12/5/06, 2/19/08, 3/18/08
References: EC 7001, 72200 et seq., 72400 et seq., 84041, 87400 et seq., 88000 et seq.
MiraCosta Community College District
without risk to themselves or others. These examinations will be at the District’s expense. Only persons who have otherwise successfully completed the selection process will be examined. Job offers will be made subject to satisfactory completion of the physical examination.

Applicants for temporary positions designated as “high risk” or “moderate risk” shall be required to complete a physical examination to determine their ability to perform the essential functions of the job without risk to themselves or others. These examinations will be at the District’s expense.

Reasonable accommodation of disabled applicants and employees will be provided in accordance with Federal (ADA and Section 504 of the Rehabilitation Act) and State (FEHA) mandates.

The Board may require a “fitness for duty” health examination of any regular or substitute employee where doubt exists as to the ability to continue to meet District health standards. Such examination will be conducted at no expense to the employee by any of the licensed physicians authorized to conduct health examinations for the District.

If as a result of such examination the employee is determined to be unable to perform the essential functions of his/her position, an evaluation will be conducted to determine whether his/her needs can reasonably be accommodated on either a temporary and/or permanent basis. The employee’s immediate supervisor, the appropriate division head and District’s Director of Risk Management/ADA Coordinator, with input from the examining physician, shall conduct such evaluation and render an accommodation determination thereof.

Limited duty offered to employees who are recovering from illness and/or injury shall not be extended beyond the point at which the employee is declared “permanent and stationary” by a physician authorized by the District to make such assessment or twelve weeks, whichever comes first.

b. Mental Health Screenings

The Board may require an employee to obtain a psychiatric clearance whenever, in the judgment of the Board, such employee shows evidence of deviation from normal mental health of such a degree as to render the employee incompetent to perform regular assigned duties. The selection of the physician and the cost of the examination shall be the responsibility of the District.

If as a result of such screening the employee is determined to be unable to perform the essential functions of his/her position, an evaluation will be conducted to determine whether his/her needs can reasonably be accommodated on either a temporary and/or permanent basis. The employee’s immediate supervisor, the appropriate division head and District’s Director of Risk Management/ADA Coordinator, with input from the examining mental health provider, shall conduct such evaluation and render an accommodation determination thereof.
c. Tuberculosis Clearance

Every employee shall furnish, at his/her expense, the District’s Human Resources office with a tuberculosis clearance prior to initial employment. Thereafter, a tuberculosis clearance shall be furnished by the employee every four years while employed by the District. Employees may have intradermal tuberculin skin tests performed at the Health Services Office free of charge.

Student workers are exempt from obtaining a tuberculosis clearance if their jobs do not require frequent or prolonged contact with other students.

The intradermal tuberculin skin test shall be the primary requirement, but a chest x-ray of the lungs will be acceptable clearance for tuberculosis, if preferred by the employee. Any employee required to have a chest x-ray as a result of a positive TB skin test will be reimbursed at the rate charged by the County Health Department for such service.

Failure to comply with this policy shall result in withholding salary warrants or removal from the classroom/position until this policy has been complied with.

The Board reserves the right to insist on tuberculosis clearance for continued employment when an employee is suspected of having tuberculosis.

d. Fingerprinting

All employees must be fingerprinted prior to initial employment. Student, substitute, and temporary classified workers may be exempt from being fingerprinted. Those working in the office of Campus Police or the Children’s Center are not exempt.

e. Oath to Support Federal and State Constitution

Each employee who is a citizen of the United States shall take the prescribed oath or affirmation.

f. Driver Authorization Requirements (See Procedure IV.B-02.f-g)

New employees who are required to possess a license valid to drive in the State of California as a condition of their employment must submit a completed "Motor Vehicle Authorization Request", Form B-167, together with a copy of their current driving record available for a fee from the California Department of Motor Vehicles at the time they are hired.

Employees who are not required but who wish to drive a District or private vehicle on authorized District business must submit a completed "District Motor Vehicle Driver Authorization Request", Form B-167, and "Authorization for Use of Private Vehicles for District Business", Form B-165, prior to being granted this privilege or requesting reimbursement for mileage (See Procedure III.F-01.f.)

District vehicles will not be released nor mileage paid to employees who have not complied with any of the above requirements.
3. **Employment of Members of the Same Family/Household** (See Procedure IV.B-03)

   The Board desires that all hiring, employee evaluation and work assignment decisions be made in a fair, impartial and objective manner. Insofar as possible, such decisions should be made solely on the basis of an individual's skills and abilities, the quality of his/her performance and the needs of the District and its students. The Board recognizes that it may be difficult to maintain this desired fairness and objectivity if an employee is in a position to make or influence, either directly or indirectly, such decisions involving a member of his/her immediate family or other individual living in the same household. The Board believes that this situation would place an employee in a position of actual or potential conflict of interest. The Board's desire to avoid such conflict of interest is the basis of the following policy.

   Two or more members of the same family may be employed by the District provided:
   
   - Their work assignments do not involve a direct or indirect supervisory relationship.
   - Their work assignments are in different departments.

   The Superintendent/President may approve a waiver of either condition if both positions involve associate faculty and/or temporary part-time classified positions. Such waiver(s) will be reported to the Board at the time the hiring recommendation is made.

   For purposes of this policy, each instructional area that has a department chair is considered to be a distinct department. In all other areas of the District, a department means a work group in which staff members have the same immediate supervisor. "Members of the same family" means grandparents, father, step-father, father-in-law, mother, step-mother, mother-in-law, brother, sister, spouse, domestic partner, child or other individual living in the same household.

4. **Assignment and Appointment**

   The Superintendent/President, subject to the approval of the Board, shall assign all employees to the positions in which they are to serve. Such assignment shall be made in accordance with employee's qualifications and the needs and the best interests of the District, without regard to age, marital status, race, religion, gender, national origin, or disability. A change in location may become necessary to meet workload, conditions, or program requirements. Transfers from one risk group to another may require a pre-placement physical to ascertain the employee's ability to safely and effectively perform the essential job functions.

   Assignment of faculty may be made at any location in the District and at any times when classes are offered.

   All changes in assignment of personnel involving a change in status, a change in salary classification, or the addition of benefits shall be submitted to the Board for approval.

5. **Faculty and Staff Exchange Program** (See Procedure IV.B-05)

   In support of its commitments to provide opportunities for revitalization and renewal of faculty and staff and to provide alternative means for staff development, the MiraCosta Community
College District will establish and facilitate opportunities for exchange of faculty, administrators, and staff among eligible community colleges.

6. **Volunteers** (See Procedure IV.B-06)

   A volunteer is a person who performs services for the District without compensation of any kind. Volunteers must complete the required forms and be approved by the Superintendent/President or his/her designee as set forth in Procedure IV.B-06.

   No gratuity or compensation may be given, e.g., meeting registration fee, to a volunteer worker. With prior approval, mileage may be reimbursed (See Procedure IV.B-06).

   Volunteers who have completed the proper volunteer forms and received approval by the Risk Management Department are covered under the District’s Workers’ Compensation program for benefits incurred while performing authorized services for the District.
CHAPTER: Personnel – All Employees
Benefits Philosophy

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All benefits specified by law or authorized by the Board shall also be provided to all faculty/staff working in regular positions. A benefit-eligible position is defined as one which is regular and ongoing or temporary with categorical funding or a strategic planning activity that is expected to continue for one year or more with an assignment of 20 hours/50 percent (50%) FTE or more per week.

Temporary faculty who substitute in benefit-eligible positions for a minimum of one semester, or temporary staff who substitute in benefit-eligible positions for a minimum of six months, or strategic planning assignments of 196 days or more shall receive health benefits from the beginning of the assignment. When the length of the temporary substitute assignment is unknown at the outset, benefits shall become effective on the first of the seventh month and shall continue to receive said benefits for the duration of the temporary assignment.

Regular, part-time classified employees who are temporarily assigned additional hours outside their usual job classification for six months or longer that when combined with their regular hours equal 20 or more hours per week shall become eligible to receive health benefits on the first of the seventh month and shall continue to receive said benefits for the duration of the temporary assignment.

Regular, part-time classified employees who are temporarily assigned additional hours in their usual job classification for 20 consecutive work days that when combined with their regular hours equal 20 or more hours per week shall become eligible to receive health benefits on the following month.

Regular, full and part-time classified employees who accept a temporary change of assignment of 20 or more hours per week as part of a one or two-year strategic planning activity shall be eligible to receive health benefits effective the first of the month following the beginning of the assignment and shall continue to receive said benefits for the duration of the temporary assignment.

Employment in two or more different, regular, non-benefit eligible positions qualifies an employee occupying these positions for benefits if the combined total hours of the positions are 20 or more per week.
When two or more positions are combined to equal 20 hours per week or more, the cost of providing the benefits will be prorated and charged to the departments in which the positions occur.

Should one of the positions be eliminated or reduced, resulting in the employee working fewer than 20 hours per week, the district will no longer be responsible for providing such benefits. Or, if the employee chooses not to occupy one of the positions any longer, resulting in that person working fewer than 20 hours per week, the district will no longer be responsible for providing such benefits. In either case, however, the employee may choose to participate in COBRA.

In order to protect the flexibility of scheduling courses to meet student needs, some regular positions are limited to 15 hours per week in order that one person may fill no more than one slot, although other position slots with the same title may be vacant. Examples of this are ESL Instructional Aide, position numbers 1001, 1002, 1003, 1004, etc.

In times of financial exigency, the president may waive the policy and allow one person to fill more than one slot. Should this result in an individual's working more than 25 hours within one week, the district will assume the costs of providing benefits as if the position were a benefits' eligible one.

1. **Health and Welfare Insurance Coverage**

   The District's contribution for health and welfare benefits will be maintained at level equal to or exceeding the average contributions paid for such benefits in California community colleges. Costs for coverage which exceed the District's contribution shall be borne by the employee. Information on the benefits currently provided are available from the Human Resources Office.

   An employee who is on an approved leave of absence may continue his/her benefits throughout the leave. However, he/she is ineligible to receive the District's contribution toward the cost of such coverage unless he/she is on Family Leave (FMLA) and/or remains in at least fifty percent (50%) pay status. Pay shall include all compensation received by the employee for sick leave, sabbatical leave, vacation and/or time worked.

   The District's Fringe Benefit Committee shall be informed of all changes which affect employee health and welfare benefits and shall be given the opportunity to make recommendations on their implementation, whenever appropriate.

2. **Tax-sheltered Annuities** (See Procedure IV.C-02)

   The Board authorizes contract amendments for employees to tax shelter part of their salary with companies who offer bona fide programs which adhere to all state and federal regulations. In addition, all companies are required to submit a hold harmless agreement which shall be subject to board approval. It shall be the employee's responsibility to accurately complete a worksheet of TSA contributions to ensure that all laws and regulations regarding maximum contributions are satisfied.
The employee must provide written authorization to the District to effectuate such amendments. Authorization to deduct may be revoked at any time by the employee upon written notice to the District. It shall also be the employee’s responsibility to notify the company when contributions are stopped.

3. **Health Improvement Program**

From time to time all regular employees shall have the opportunity to participate in the district-sponsored Health Improvement Program offered by the County Department of Education. The program is to be a part of the District's risk management effort to reduce job related injuries, health care costs, and absenteeism and is to be funded from the District's account with the San Diego County Schools Workers’ Compensation Joint Powers Authority.

All participation by employees shall be voluntary. Employees shall be required to make a “good faith” deposit of $25, which shall be refunded upon successful completion of the program. Employees shall be allowed release time to participate in health evaluation and counseling sessions and in the seminars associated with the program.

4. **Professional Development Enrollment-Fee Reimbursement** *(See Procedure IV.C-04)*

The District shall budget up to $10,000 annually to reimburse employees for enrollment fees paid for courses completed to further their professional development. The level of funding available for this purpose will be determined during the budget development cycle.

A maximum of $500 per year may be granted to an employee who meets the qualifications and follows the procedures developed by the Superintendent/President in consultation with employee organizations.
CHAPTER: Personnel — All Employees

Employer — Employee Relations

IV.D

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1. **Employee Organizations** (See Procedure IV.D-01)

Employee organizations which have been properly verified and which comply with the provisions of law and the policies of the District shall have the right to represent their members in matters relating to employer-employee relations with the District.

Procedures for verification of employee organizations shall be promulgated by the Superintendent/President. In the event that there is more than one verified employee organization which demonstrates a showing of interest, a representative election shall be held to determine the exclusive representative.

Meetings of organizations and meetings between representatives of organizations and employees shall be subject to the following conditions:

- Time must not be taken during faculty and staff meetings for employee organizational business. However, short announcements may be made at such meetings if the announcements are approved by the convener of the meeting. Employee organization meetings shall be held separately from faculty and staff meetings, with the allowance of no less than a five-minute interval between such meetings.

- School facilities may be used for meetings of employees on the campus immediately before or after regular duty hours if there is no conflict with official school use, with the approval of the Superintendent/President or his/her designee for calendaring.

- All other meetings of employee organizations held on district premises shall be approved in accordance with policies of the Board.

- Organizational matters shall not be conducted at times which would deprive students and the District of assigned services of district employees.
2. **Faculty Assembly** (See Procedure IV.D-02)

All faculty members are eligible for membership on a voluntary basis in the faculty assembly. The functions of the faculty assembly are:

- To complement the Academic Senate and to serve as a faculty voice in dealing with the administration and the Board.
- To develop an identification of faculty personnel as separate from administrative personnel.

3. **Grievance Due Process** (See Procedure IV.D-03)

The grievance policy is to be used after an attempt has been made to resolve a problem on a face-to-face basis between the parties concerned. The application of the grievance procedure will not, under any circumstances, constitute a reflection of the grievant or his/her employment record in the College. It is through a clarification of misunderstandings that the administration and the Board of Trustees of the College are able to provide a better working environment for all personnel involved in the education of the student.

It is assumed that the majority of all personnel problems will be solved on a face-to-face basis in a spirit of cooperative, interpersonal exchange without involving other parties.

If a harmonious solution is not realized, the procedures are provided for the resolution of differences.

4. **Investigative Process** (see Procedure IV.D-04)

The purpose of this policy is to establish guidelines and procedures for the investigation of complaints, allegations or concerns of employee wrongdoing involving employees who are not members of a collective bargaining unit when such an investigation is to be undertaken by the District Administration, to include any representative or agent of the District Administration, as opposed to an outside authority or is not otherwise covered by established procedures such as Title 5 under California Code of Regulations related to claims of discrimination. It is the intent of this policy to provide for an effective means to ascertain the truth at the same time being fair to such employees who are subject to such complaints, allegations or concerns ensuring that the employee is afforded all rights/protections afforded by applicable rules, guidelines, procedures, laws and constitutional principles. Once adverse action is undertaken, it is recognized that employee rights are governed by various state statutes (see, e.g., Education Code § 87660, et seq. and Government Code §54957.)
### CHAPTER: Personnel – All Employees

#### Individual Activities

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1. **Soliciting, Selling or Collecting**

   No soliciting, selling or collecting for a commercial enterprise or for personal gain shall be conducted by members of the staff on district property.

   Announcements placed in the MiraCosta, the staff newsletter, and flyers posted according to procedure shall be the only means of soliciting for charitable organizations, with the exception of direct solicitations for United Way/CHAD and fund-raising activities sponsored by student, employee, adjunct or affiliated organizations. The staff newsletter also may make space available for advertising personal items for sale by employees.

2. **Political Activity**

   Employees have the same citizenship rights and responsibilities as all citizens. However, employees shall neither engage in political activities during school hours, except during non-duty time, nor use students for political propaganda purposes.

   Employees shall not use district supplies or equipment for political or non-school related activities.

3. **Conflict of Interest**

   It is the policy of the Governing Board that employees of the District shall avoid situations which could result in a business, professional, or personal conflict of interest. The following standards of conduct are provided for guidance:

   - No employee shall accept or solicit any gifts, favor, or service that might reasonably tend to influence him/her in the discharge of duties.
   - No employee shall use his/her position to secure special privileges or exemptions for him/herself or others.

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Effective Date: 1/21/92

References: EC 72231, 87034

Adoption History: Updated/Reformatted 1/92

MiraCosta Community College District
• No employee shall disclose confidential information gained by reason of his/her position or otherwise use such information for personal gain or benefit.

• No employee shall transact or influence the transaction of any district business with any business entity in which he/she or an immediate family member owns a substantial interest or is an officer, agent, or member.

• No employee shall influence or attempt to influence employment decisions involving an immediate family member.

4. **Non-District Employment**

No employee shall engage in any non-district employment which interferes with employee’s time or ability to perform assigned duties. No faculty member shall instruct or tutor for compensation, other than provided by the District during the school year, any student who is a student in the District.
CHAPTER: Personnel – All Employees

Travel

IV.F

SYNOPSIS:

1. General Guidelines
2. Schedule of Expense Reimbursement

1. General Guidelines (See Procedure IV.F-01)

Travel will normally be limited to meetings held within the United States. The Superintendent/President shall promulgate regulations for securing authorization for travel expenditures and the securing of advances for said expenditures.

2. Schedule of Expense Reimbursement

Necessary expenses incurred by an employee on an authorized trip shall be reimbursed at actual costs, but not to exceed the following schedule:

- Transportation (except private vehicle) Actual Cost *
- Private vehicle Current IRS approved rate
- Auto storage (garage or parking) Actual Cost
- Lodging ** Actual Cost
- Meals $40.00 per day
- Registration Actual Cost

* Travel by other than coach airfare will be allowed, if the comparison cost of other means of transportation such as bus, train, or rental car is reasonable and documented.

** If the travel is for conference attendance, reimbursement for hotel will be at actual cost, if at the conference-sponsored hotel. If from a non-conference hotel, reimbursement will be limited to the highest conference-hotel rate. If travel is non-conference related (e.g. committee meeting, training), reimbursement for lodging will be at actual cost.

Telephone calls will be reimbursed for specifically detailed school business. One “safe on arrival” personal call, up to $5.00, may be reimbursed. Laundry, room service, valet service,
tips (other than the standard 18% for meal service, etc. are personal expenses and will not be reimbursed.

Effective Date: 1/21/92
Adoption History: Revised 7/21/93, 9/2/97, 1/15/02, 7/19/05, 2/21/06
References: MiraCosta Community College District
A professional code of ethics specifying the responsibilities of all employees to their colleagues, their profession, and all students shall be formulated, reviewed periodically, and published through the cooperative efforts of the faculty, classified employees, administrators, and the Governing Board.
CHAPTER: Personnel – All Employees

Acceptable Use of District Data and Information Systems

IV.H

SYNOPSIS: Policy Procedure

1. General Information * IV.H-01

1. General Information

All data and software contained in any District-owned or controlled information system (Finance, Human Resources, Student Administration, attendance tracing, Email and others), and others) or telecommunication systems (campus phones, voice mail, cell phones, PDAs, and others) are the property of the District and exists expressly for educational use and conducting legitimate District-related business. Any other use of District-owned information/telecommunication systems or equipment or release of data contained in these systems is prohibited. Employees are required to sign a Compliance Statement for Access to District Data and Information/Telecommunication Systems prior to being given access to these systems. By using any of these systems, users agree they will comply with this policy. Misuse of these systems or the data contained in them may subject employees and students to disciplinary action as described in MCCD Board of Trustees Policies and Administrative Procedures sections V.H.6, VI.H.6, VIII.E or prosecution consistent with California Penal Code section 502. MiraCosta College reserves the right to revoke the access to any and all data or information systems. (See Procedure IV.H-01.)