



Chancellor's Advisory Council

Meeting Agenda – April 23, 2021, 9:00-10:30 a.m.

Zoom

<https://fhda-edu.zoom.us/j/92128070959?pwd=VGdPeU1PTzZla0ZnZGhZZm9qQ1Fhdz09> (information to connect by phone below)

AGENDA TOPIC	PURPOSE/DESIRED OUTCOME	DISCUSSION LEADER
1. Welcome and introductions	I – Allow council members and guests to identify each other by name and constituent group represented and/or role at the colleges/district.	Joe Moreau
2. Approval of March 12, 2021, meeting summary (<i>attachment 2</i>)	A – Provide accurate record of previous meeting.	Joe Moreau
3. Proposed new and revised board policies (BP) and administrative procedures (AP) (First Reading) (<i>attachment 3</i>) <ul style="list-style-type: none"> BP 1100 The Foothill-De Anza Community College District Name (Revision) BP 3410 (formerly BP 4105) Nondiscrimination (Revision) AP 3410 Nondiscrimination (New) BP 5035 Interdistrict Attendance (Retire) BP 5035 Withholding of Student Records (New) AP 5035 Withholding of Student Records (New) BP 7330 (formerly BP 4210) Communicable Disease – Employees (Revision) AP 7330 Communicable Disease – Employees (New) AP 7336 Certification of Freedom from Tuberculosis (New) 	D – Provide input and seek feedback from constituencies for discussion at next meeting.	Joe Moreau
4. Biennial request for input into Board's performance in connection with self-evaluation (survey to be sent to Chancellor's Advisory Council members the first week in May)	I – Receive input of Chancellor's Advisory Council, Citizens' Bond Oversight Committee, Audit & Finance Committee, and Foundation Executive Committee about the governing board's performance	Joe Moreau
5. Board of Trustees Priorities 2020-21 (standing item)	I/D – Gain understanding of 2020-21 priorities adopted by the Board of Trustees and how the priorities are being implemented at the colleges and Central Services. Provide feedback, and share information with constituencies.	Joe Moreau
6. District initiatives update (standing item)	I/D – Broaden awareness regarding districtwide initiatives, provide feedback/advice, and share information with constituencies.	Joe Moreau
7. Enrollment management (standing item)	I/D – Gain understanding of enrollment initiatives, provide feedback/advice, and share information with constituencies.	Thuy Nguyen and Lloyd Holmes
8. District Governance Committee/Constituent Group Reports <ul style="list-style-type: none"> District Budget Advisory Committee http://www.fhda.edu/about-us/participatorygovernance/C-budget-advisory-committee.html Human Resources Advisory Committee/District Diversity and Equity Advisory Committee http://hr.fhda.edu/diversity/c-meeting-minutes-and-agendas.html Educational Technology Advisory Committee http://ets.fhda.edu/governance-committees/etac/index.html 	I – Broaden awareness. Provide information for council members to disseminate to constituents about work/actions of districtwide governance groups and constituent groups.	All

<ul style="list-style-type: none"> • Business Process Alignment Task Force https://www.yammer.com/fhda.edu/-/threads/inGroup?type=in_group&feedId=14505859 		
9. Dates to remember/other information and updates	I – Share information for council members to disseminate to constituents.	All

I – Information, D – Discussion, A – Action

2020-21 Chancellor's Advisory Council meeting dates:

October 16, 2020	March 12, 2021
November 13, 2020	April 23, 2021
January 15, 2021	May 7, 2021 (date changed)
February 19, 2021	June 18, 2021

Join Zoom Meeting

<https://fhda-edu.zoom.us/j/92128070959?pwd=VGdPeU1PTzZla0ZnZGhZZm9qQ1Fhdz09>

Meeting ID: 921 2807 0959

Passcode: 850475

One tap mobile

+16699006833,,92128070959# US (San Jose)

+14086380968,,92128070959# US (San Jose)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 408 638 0968 US (San Jose)

+1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma)

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 921 2807 0959



FOOTHILL-DE ANZA
Community College District

Office of the Chancellor

CHANCELLOR'S ADVISORY COUNCIL

Meeting Summary

March 12, 2021

Present: Melissa Aguilar, Anthony Cervantes, Susan Cheu, Karen Chow, Isaac Escoto, Rich Hansen, Lloyd Holmes, Heidi King, Gracian Lecue, Kathryn Maurer, Kevin Metcalf, Judy Miner, Joe Moreau, Abhiraj Muhar, Thuy Nguyen, Dorene Novotny, Katelyn Pan, Josh Pelletier, Myisha Washington, Chris White

Guests: Briseyda Aguilar, Anita Archarya, Becky Bartindale, Nicholas Chang, Kimberly D., Joycelyn Do, Katherine Duran, Christina Espinosa-Pieb, Tejhasvi Jaikumar, Rhys Jason, Yashika Karki, Jeffrey Kaspro, Griffin Lalsnic, Kristy Lisle, Jim Nguyen, Anya Pendyala, Janelle Perez, Breana Pleasants, Mandy Remingberry, Crystal Sipin, Temo Rosas, Gordan Tan, Mimi Trawinski, David Ulate, Zoe Vulpe, Hyon Chu Yi-Baker

1. Welcome and introductions

Chancellor Miner welcomed council members and guests.

2. Approval of January 15, 2021, meeting

The January 15, 2021, Chancellor's Advisory Council (CAC) meeting summary was approved by consensus.

3. Proposed revised board policy (BP) and administrative procedures (AP) (Second Reading)

- BP 3900 (formerly BP 5550 and BP 1240) Speech: Time, Place, and Manner (Revised)
- AP 3900 (formerly AP 5550.1 and 5550.2) Speech: Time, Place, and Manner (Revised)

The council approved the revised board policy and administrative procedure by consensus. Judy advised that the policy will be presented to the Board of Trustees for first reading at the April 5, 2021, meeting.

4. Proposed new board policy (First Reading/Waive Second Reading)

- BP 6307 Debt Issuance and Management (New)

Susan apologized for the request to waive the second reading of the proposed board policy. She explained that the district was informed by bond counsel that the policy

would be required before Measure G bonds are issued. A delay in adoption, Susan advised, would delay the issuance and could result in higher interest rates. She noted that the district's last bond issuance was in 2016, and the law requiring this policy was enacted in 2017.

Rich asked for more time to allow the Faculty Association to review the policy language. Susan responded that the policy language follows legal requirements. She stated that it could be amended after adoption with assistance from legal counsel should there be any serious issues brought up by constituents. Judy invited council members could send any questions regarding the policy to her by the morning of April 5, 2021. She advised the policy would be presented to the Board of Trustees for adoption at the April 5, 2021, meeting, which provides an additional opportunity for comment.

The council approved the new policy by consensus.

5. Classified professionals' participation in shared governance at De Anza

Lloyd reported that De Anza College's Senior Staff has been working with the Classified Senate leadership to determine concrete actions the college can take to help classified professionals feel that their voices are being heard. He shared a resolution that will be presented during the April 5, 2021, Conversation and Q&A with Senior Staff, noting that the resolution recognizes the struggle that some classified professionals feel in participating in classified senate and governance committees as well as the importance of including classified voices in shared governance, commits to allowing classified professionals to devote up to 10 percent of their scheduled work time to shared governance or committee work, and pledges that management and supervisors will work with classified professionals to balance workloads to allow participation and make classified participation and shared governance a regular part of the dialogue of department and division meetings.

Heidi described the De Anza Classified Senate's discussions about creating more diverse and equitable representation, including mentorship opportunities for classified professionals new to shared governance, clear job descriptions for senators, and revised constitution and bylaws that center equity in the senate's work. She indicated that there were many classified professionals who didn't feel that they were able to participate in shared governance or the senate, so senate leaders worked with Senior Staff on ways to ensure those who wish to participate are able to do so. She expressed appreciation to Lloyd for the public commitments being made to classified professionals in the resolution.

Josh congratulated De Anza for the actions they have taken. He shared a proposal of the Foothill Classified Senate that was recently presented to the college's Community and Communications Council, specifying that the proposal would establish a budget to compensate departments for overtime expenses triggered by shared governance work. He noted that Foothill's classified employees represent 16.2 percent of the college's workforce (state average 29 percent), and 70 percent of classified employees at Foothill are unique to their departments, which presents challenges to employees in completing work and supporting students if involved in shared governance.

Kathryn stated that the Academic Senate is committed to understanding the unique challenges and contributions of each of the senates to the college's participatory governance structure and has drafted a resolution in support of classified professionals and their proposal. Abhi reported that the Associated Students of Foothill supports the proposal as well. Thuy explained that the proposal was presented for a first reading and if approved would be formally included in the governance handbook. She expressed appreciation to the classified senate for caring about the impact shared governance work can have on departments and services.

Kevin applauded the efforts at both of the colleges and stated that the Central Services Classified Senate hopes to leverage the college senates' work to spark discussions within Central Services.

Judy invited the classified senates to propose changes to the district's board policy and administrative procedure language to underscore the support for classified participation in participatory governance at a district level.

6. Board of Trustees Priorities 2020-21

Judy advised that the Board president and vice president are working with the college and district researchers to identify equity and student success goals to regularly monitor.

7. District initiatives update

Judy reported that a conversation with Alta Housing regarding terms and pricing will be held during the closed session portion of the March 15, 2021, Board of Trustees meeting. She noted that no decisions will be made at the meeting.

Judy asked if the council would be interested in beginning a review of eligibility criteria and parameters for future housing units, such as maximum years of occupation, income levels, and preferences (if any) for particular groups. She stated that she would like to see proposals from constituencies and any other interested parties vetted by the council before a recommendation is made to the governing board. Abhi expressed support for the proposal, noting that student groups would be interested in considering eligibility requirements.

Rich shared excerpts from a resolution that the Faculty Association is circulating that calls upon the Board of Trustees to form a districtwide task force to consider on- and off-campus housing, a full range of financial models, and a full range of affordable housing administration. Judy responded that the governing board has previously asked for a focus on off-campus housing, but she hopes to include an item on housing on the April 5, 2021, meeting agenda to provide further clarification of the governing board's direction. She questioned what the agenda of the proposed task force might include as the transactional side of working with housing organizations and developers, such as capital stacking and land contracts, does not lend itself to shared governance. She noted that many conversations with potential partners have gone nowhere, and it would be a waste of effort to discuss proposals with constituents that won't meet the district's needs. Judy also spoke to the preparation work required for shared governance meetings and the heavy demands already placed on staff.

Rich thanked Judy for holding the recent informational session on student and employee housing and scheduling a meeting to discuss housing with interested parties on March 22, 2021. Abhi asked if another date could be selected for the meeting because March 22 falls during finals week. Judy noted that March 22 was the date selected by those who requested the meeting but offered to meet with students separately.

8. Enrollment managements

This item was not addressed due to time constraints.

6. District Governance Committee/Constituent Group Reports

This item was not addressed due to time constraints.

District Budget Advisory Committee <http://www.fhda.edu/about-us/participatorygovernance/C-budget-advisory-committee.html>

Human Resources Advisory Committee/District Diversity and Equity Advisory Committee <http://hr.fhda.edu/diversity/c-meeting-minutes-and-agendas.html>

Educational Technology Advisory Committee <http://ets.fhda.edu/governance-committees/etac/index.html>

Joe reported that the Educational Technology Advisory Committee has been working on the district Technology Master Plan.

7. Dates to remember/Other information and updates

This item was not addressed due to time constraints.

The meeting adjourned at 10:30 a.m.



Book	Board Policy
Section	Chapter 1 - The District (including former Article 1 - Community Relations and Service)
Title	The Foothill-De Anza Community College District Name
Code	BP 1100
Status	Up For Revision
Legal	Elections Code Section 18304 Education Code Section 72000(b)
Adopted	June 17, 2013
Last Revised	June 17, 2013
Origin	Legally required - Update to include Sunnyvale Center name
Office	Chancellor's Office

The District name is the Foothill-De Anza Community College District.

The name is the property of the District. No person shall, without the permission of the Board, use this name or the names of any colleges or other facilities of the District, or any abbreviation of them, to imply, indicate or otherwise suggest that an organization, product or service is connected or affiliated with, or is endorsed, favored, supported, or opposed by, the District.

The District consists of the following colleges and education center:

Foothill College
De Anza College
Foothill College ~~Middlefield~~ Sunnyvale Center

The Foothill-De Anza Foundation, union bargaining units or employee associations duly authorized to represent district employees and college or district-authorized clubs and organizations are through this policy granted permission by the Board to use the official district or college name.

Approved 6/17/13



Book	Board Policy
Section	Chapter 3 - General Institution
Title	Nondiscrimination (formerly Anti-Discrimination Policy)
Code	BP 3410 (formerly BP 4105)
Status	Up For Revision
Legal	ACCJC Accreditation Eligibility Requirement 20 ACCJC Accreditation Standards Catalog Requirements (p. 18) California Code of Regulations, Title 2, Sections 10500 et seq. California Code of Regulations, Title 5, Sections 53000 et seq. California Code of Regulations, Title 5, Sections 59300 et seq. Education Code Sections 66250 et seq. Education Code Sections 72010 et seq. Education Code Sections 87100 et seq. Government Code Section 12926.1 Government Code Sections 12940 et seq. Labor Code Section 1197.5 Penal Code Section 422.55
Adopted	November 15, 1993
Last Revised	August 28, 2006
Origin	Legally required. Revision to conform to Title 5 regulatory updates.
Office	Vice Chancellor Human Resources
Upload	February 18, 2015

~~The Foothill–De Anza Community College District Board of Trustees values the contributions that a diverse community of faculty, staff, and administrators makes to all the students who study at Foothill and De Anza Colleges. The Board of Trustees desires for students and for all District employees an environment where diverse cultures, abilities and needs are respected and where differences offer stimulating opportunities for learning and for personal and professional fulfillment.~~

~~Accordingly, the Board will not discriminate against any person in the provision of any program or services based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation or gender identity.~~

~~Complaints of discrimination by students and staff shall be referred to the District's complaint resolution procedure or student complaint procedure. Copies of the District's Administrative Procedures: Investigation and Resolution of Complaints Regarding Harassment and Discrimination, Procedures to Resolve Student Complaints of Sexual Harassment and Discrimination, and the~~

District's Unlawful Discrimination Complaint forms are available in the District Human Resources Office, the District Chancellor's Office, the President's Office at each campus, the Office of the Vice President for Student Services (De Anza), and the Office of the Dean of Instruction & Student Affairs (Foothill).

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, immigration status, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because he/she/they is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The Chancellor shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, immigration status, religion, age, gender, gender identity, gender expression, race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because he/she/they is perceived to have one or more of the foregoing characteristics, or because of his/her/their association with a person or group with one or more of these actual or perceived characteristics.

See Administrative Procedure 3410 Nondiscrimination

Approved 11/15/93
Amended 7/25/94, 5/1/95, 11/18/96, 8/28/06



FOOTHILL-DE ANZA
Community College District

Book	Administrative Procedures
Section	Chapter 3 - General Institution
Title	Nondiscrimination
Code	AP 3410
Status	New
Legal	ACCJC Accreditation Standards Catalog Requirements (p. 18) ACCJC Eligibility Requirement 20 California Code of Regulations, Title 2, Sections 10500 et seq. California Code of Regulations, Title 5, Sections 59300 et seq. Education Code Sections 200 et seq. Education Code Sections 66250 et seq. Education Code Sections 72010 et seq. Labor Code Section 1197.5 Penal Code Sections 422.55 et seq.
Origin	Legally required. CCLC template

Nondiscrimination References for Education Programs:

Education Code Sections 66250 et seq., 200 et seq., and 72010 et seq.;

Penal Code Sections 422.55 et seq.;

Title 5 Sections 59300 et seq.;

ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements

(CCLC NOTE: This procedure is legally required. Local practice may be inserted but should comply with these minimum requirements.)

Education Programs

The District shall provide access to its services, classes and programs without regard to national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or because he/she/they is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics. **(CCLC NOTE: Districts may add additional protected categories.)**

All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, “gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression” means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

The District shall not prohibit any student from enrolling in any class or course on the basis of gender.

Academic staff, including but not limited to counselors, instructors and administrators shall not offer program guidance to students which differs on the basis of gender.

Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.

Nondiscrimination References for Employment:

Education Code Sections 87100 et seq.;

Title 5 Sections 53000 et seq.;

Government Code Sections 11135 et seq. and 12940 et seq.;

Title 2 Sections 10500 et seq.;

Labor Code Section 1197.5

Employment

The District shall provide equal employment opportunities to all applicants and employees regardless of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, immigration status, or military and veteran status. (CCLC NOTE: Districts may add additional protected categories.)

All employment decisions, including but not limited to hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all position classifications shall be based on job-related criteria as well as be responsive to the District's needs.

The District shall from time to time as necessary provide professional and staff development activities and training to promote understanding of diversity.

It is unlawful to discriminate against a person who serves in an unpaid internship or any other limited-duration program to provide unpaid work experience in the selection, termination, training, or other terms and treatment of that person on any the basis of their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, immigration status, or military and veteran status.

See Board Policy 3410 Nondiscrimination



FOOTHILL-DE ANZA
Community College District

Book	Board Policy
Section	Chapter 5 - Student Services (including former Article 5 - Students)
Title	Withholding of Student Records
Code	BP 5035
Status	New
Legal	California Code of Regulations, Title 5, Section 59410
Origin	CCLC template - Legally advised
Office	Colleges - Student Services

CCLC NOTE: This policy is **legally advised**. Effective January 1, 2020, the Educational Debt Collection Practices Act prohibits Districts from withholding a transcript on the grounds that the student owes a debt.

Students or former students who have been provided with written notice that they have failed to pay a proper financial obligation shall have diplomas and registration privileges withheld.



Book	Administrative Procedures
Section	Chapter 5 - Student Services (including former Article 5 - Students)
Title	Withholding of Student Records
Code	AP 5035
Status	New
Legal	California Code of Regulations, Title 5, Section 59410
Origin	CCLC template - Legally required

CCLC NOTE: If Districts withhold student records due to non-payment of fees, the following is **legally required**. Effective January 1, 2020, the Educational Debt Collection Practices Act prohibits Districts from withholding a transcript because the student owes a debt. Local procedure may be inserted. The following is an illustrative example that meets legal requirements.

The Dean of Enrollment Services may withhold diplomas and registration privileges from any student or former student who fails to pay a proper financial obligation to the District. The student shall be given written notification and the opportunity to explain if the financial obligation is in error.

The definition of proper financial obligation shall include, but is not limited to: student fees; obligations incurred through the use of facilities, equipment or materials; library fines; unreturned library books; materials remaining improperly in the possession of the student; or any other unpaid obligation a student or former student owes to the District. A proper financial obligation does not include any unpaid obligation to a student organization.

CCLC NOTE: Insert local procedures on the notification process and the student's opportunity to explain.

Student accounts will be placed on hold by the department where the financial obligation is due. Notifications will be sent to the student via My Portal and email after the hold has been placed. A student can review the hold details in My Portal, Student Registration application. If an error has occurred, the student can contact the appropriate department listed on the notification.



Book	Board Policy
Section	Chapter 7 - Human Resources (including former Article 4 - Personnel)
Title	Communicable Disease - Employees (formerly Employee Examination for Tuberculosis)
Code	BP 7330 (formerly BP 4210)
Status	Up For Revision
Legal	Education Code Section 87408 Education Code Section 87408.6 Education Code Section 88021
Adopted	October 2, 1963
Last Revised	November 18, 1996
Origin	Legally required - Updated to CCLC template language, which includes Education Code requirement that the medical certificate indicate an employee's freedom from communicable diseases unfitting the employee to instruct or associate with students
Office	Vice Chancellor Human Resources
Upload	February 18, 2015

CCLC NOTE: This policy is **legally required**.

All newly hired academic employees shall have on file a medical certificate indicating freedom from communicable diseases unfitting the employee to instruct or associate with students, including tuberculosis. No academic employee shall commence service until such medical certificate has been provided to the District.

All newly hired academic or classified employees must show that within the past 60 days they have submitted to a tuberculosis risk assessment and, if risk factors are present, been examined to determine that they are free from active tuberculosis. If risk factors were present at the tuberculosis risk assessment, and an examination occurs, after the examination the employee shall provide the District with a certificate from the employee's examining physician showing that the employee was examined and found to be free from active tuberculosis.

All employees shall be required to undergo a tuberculosis risk assessment within four years of employment and every four years thereafter, to determine if they are free from tuberculosis.

~~The District will enforce the Education Code requirements that faculty, administrators and classified employees shall have on file a valid certificate indicating freedom from active tuberculosis. This certification must be submitted at least once in each four-year period.~~

This policy shall not apply to classified employees hired for any period of time less than a school year whose functions do not require frequent or prolonged contact with students or who are not working in food services or child development centers.

See Administrative Procedure 7330 Communicable Disease - Employees

See Administrative Procedure 7336 Certification of Freedom from Tuberculosis

Approved 10/2/63
Amended 10/6/71, 11/18/96



Book	Administrative Procedures
Section	Chapter 7 - Human Resources (including former Article 4 - Personnel)
Title	Communicable Disease - Employees
Code	AP 7330
Status	New
Legal	Education Code Section 87408 Education Code Section 87408.6 Education Code Section 88021
Origin	CCLC template - Legally required

CCLC NOTE: This procedure is **legally required**. Local practice may be inserted, which should address or include the following, which is excerpted from statute:

For successful applicants for academic positions:

- **A medical certificate is required showing that the applicant is free from any communicable disease, including, but not limited to, active tuberculosis, unfitting the applicant to instruct or associate with students.**
- **The medical certificate shall be submitted by a physician as authorized by code.**
- **The medical examination is conducted not more than six months before the submission of the certificate and is at the expense of the applicant.**
- **A contract of employment may be offered to an applicant subject to the submission of the required medical certificate.**
- **The medical certificate becomes a part of the personnel record of the employee and is open to the employee or his/her/their designee.**

CCLC NOTE: It is **optional** for the District to require academic employees to undergo periodic medical examinations to determine if they are free from any communicable disease, including, but not limited to, active tuberculosis, unfitting the applicant to instruct or associate with students. If the district does so, similar statutes apply.

It is **legally advised** that “communicable disease” also includes (but is not limited) to hepatitis.

See BP 7330 Communicable Disease - Employees

See AP 7336 Certification of Freedom from Tuberculosis



FOOTHILL-DE ANZA
Community College District

Book	Administrative Procedures
Section	Chapter 7 - Human Resources (including former Article 4 - Personnel)
Title	Certification of Freedom from Tuberculosis
Code	AP 7336
Status	New
Origin	CCLC template - Legally required

CCLC NOTE: *This procedure is **legally required**. Local practice may be inserted. The following is excerpted from statute.*

Except as provided herein, no person shall be initially employed by the District in an academic or classified position unless the person has within the last 60 days submitted to a tuberculosis risk assessment developed by the State Department of Public Health and the California Tuberculosis Controllers Association and, if risk factors are present, an examination to determine that the person is free of active tuberculosis, by a physician and surgeon licensed under the California Business and Professions Code. This examination shall consist of an X-ray of the lungs, or an approved intra-dermal tuberculin test, that, if positive, shall be followed by an X-ray of the lungs. This examination is a condition of initial employment and the expense shall be borne by the applicant.

The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a physician and surgeon licensed under the Business and Professions Code.

The Vice Chancellor of Human Resources and Equal Opportunity may exempt, for a period not to exceed 60 days following termination of the pregnancy, a pregnant employee from the requirement that a positive intra-dermal tuberculin test be followed by an X-ray of the lungs.

Thereafter, employees who are skin test negative, or were not tested because of a lack of risk factors, are required to undergo the foregoing tuberculosis risk assessment and, if risk factors exist, examination at least once every four years upon recommendation of the local health officer for so long as the employee remains skin test negative. Once an employee has a documented positive skin test that has been followed by an X-ray, the foregoing tuberculosis risk assessments and examinations shall no longer be required and referral shall be made within 30 days of completion of the examination to the local health officer to determine the need for follow up care.

If risk factors were present at the tuberculosis risk assessment and an examination occurs, after the examination, an employee shall cause to be on file with the District a certificate from the examining physician and surgeon showing the employee was examined and found free from active tuberculosis.

This procedure shall not apply to any employee of the District who files an affidavit stating that the employee adheres to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion and that to the best of the employee's knowledge and belief the employee is free from active tuberculosis. If at any time there should be probable cause to believe that the applicant is afflicted with active tuberculosis, the employee may be excluded from service until the Vice Chancellor of Human Resources and Equal opportunity is satisfied that the employee is not so afflicted.

A person who transfers employment from another school or community college District shall be deemed to meet the requirements of this procedure if the person can produce a certificate that shows a tuberculosis risk assessment that showed no risk factors were present or was examined and was found to be free of communicable tuberculosis within the past four years, or if it is verified by the college previously employing the person that it has a certificate on file that contains that showing.

A person who transfers employment from a private or parochial elementary school, secondary school, or nursery school to the District shall be deemed to meet the requirements of this procedure if the person can produce a certificate as provided for in Health and Safety Code Section 121525 that shows that the person within the last four years had a tuberculosis risk assessment that showed no risk factors were present or was examined and was found to be free of communicable tuberculosis, or if it is verified by the school previously employing the person that it has the certificate on file.

See Administrative Procedure 7330 Communicable Disease - Employees