

BPAP
Friday, March 17, 2023
11AM-12:30PM
Zoom

Attendance: Deneatrice Lewis, Daniel Spitz, Ruben Gil, Linda Esparza Dozer, Valdas Karalis, Michael Medel, Christopher Johnson, Melanie Eckford-Prosser, Scott Kennedy, Donna Lewis(NV)

- I. Quorum (7): **Achieved**
- II. Minutes Approval: **Approved**
 - A. [02/03/2023](#)
 1. *Linda motion Donna seconds*
- III. Public Comment: *None*
- IV. Announcements:
 - A. *AP7120 Recruitment and Selection coming soon*
 1. *AP7120A: Melanie request that we have something for the Faculty portion (AP7120A) ready for the Fall*
 - B. *Legal Updates coming in April (FYI) ready to look over in May after Chapter Leads review and disseminate.*
- V. Continued Discussion
 - A. Gold pass events information for Emeritus Status [AP7217 Emeritus Status](#)
 1. [AP 7210 Academic Employees](#) will need an update based on this new policy (reference pg 14-15 under Emeritus Status)
 - a) *Gold pass questions-have been referred to the foundation*
 - b) *Parking privilege: Donna asks why does security have a problem to have the window small?*
 - (1) *Possible limited spots when everyone was on campus?*
 - Can this change due to pandemic impact? Security replied back and stated prkg can start at 1PM*
 - c) *Move forward to Superintendent./ President for review and approval; out for information to the Board*
- VI. Following up on Discussion:
 - A. [BP7700 Whistleblower Protection](#) / [AP7700 Whistleblower Protection](#) *(out for review for BPAP committee);*
 1. [Equal Employment Opportunity Commission - Retaliation Fact Sheet](#)
 2. Retaliation occurs when an employer takes an adverse action against an employee for engaging in protected activity. [\(US Dept. of Labor\)](#)
 - a) *An adverse action is an action which would dissuade a reasonable employee from raising a concern about a possible violation or engaging in other related protected activity. Retaliation can have a negative impact on overall employee morale.*
 - b) *Protecting the anonymity of the whistleblower themselves?*
Language on this

- (1) Depends on the identity/type of the whistleblower?
- (2) Explain to what extent it will be anonymous-provide some examples
- (3) Maintain anonymity to the extent that we could; whoever is making the report has some sort of confidentiality protection

- c) Can there be any protection on a countercomplaint?
- d) Add a link to the [EEOC page](#) on retaliation at the end of the BP/AP? Or add it under the References at the top? If so, would this be binding? Broadest possible definition of retaliation? More precise definition of retaliation. Is there a current retaliation definition in our policies that we can reference?

(1) Come back with references and definition in our current policies

- e) AP7700 add the protection of anonymity; definition of retaliation (similar notes from the BP)

(1) Complying due process and notification of accusation to the respondent consistent with other policy

B. [BP7800 Incompatible Activities](#)

1. Question on who determines whether the employment outside of the District is in conflict/incompatible - there is a legal definition listed; evaluation would be completed by the supervisor and HR
2. Some of the language should be included in an AP
 - a) Check to see if there is an AP; there is no draft in progress ([AP 2710](#) loosely related dealing specifically with Board members)
 - b) Is an AP needed?
3. Is there a process to get a sign off?
 - a) Encouraged to discuss with your groups to determine if there is a need/desire before we spend time on drafting.
4. Volunteer activities included? Not the same as employment? (wage earning only?)
 - a) Look at a case by case basis-
 - (1) Moral issue when asking about incompatible? Broad and vague?
 - (2) Association of groups?
 - (3) Ex: faculty maxing out on TLU here and at different college (#4 on the list of the outside employment, activity or enterprise may be prohibited)
 - (a) Duties: what are they failing to do
 - (b) Look at EDCode; statutory language
 - b) Written with compensation in mind (the BP)

VII. For review and discussion: **Ended here 3/17**

- A. [AP7344 Notifying the District of Illness](#)
- B. [BP 7340 Leaves:](#)

- VIII. Coming Attractions
- C. [BP7345 Catastrophic Leave Program](#)
 - A. [AP7336 Certification of Freedom from Tuberculosis](#)
 - B. [BP7350 Resignations or Retirements:](#)
 - C. [BP7341 Sabbatical Leaves](#) / [AP7341 Sabbatical Leaves:](#)
 - D. [BP7380 Eligibility for Retiree Health Benefits](#) / [AP7380 Retiree Health Benefits](#)
 - E. Academic Senate to bring Academic Freedom and Faculty Hiring (*ETA end of the Semester*)
 - F. AP7120 Recruitment and Selection (to be broken up to different groups) -ETA in Spring Discussion

Next time: *Friday, April 7th*

- AP7700 Whistleblower Protection (con't. discussion)
- BP7800 Incompatible Activity (ed./gov code and statutory language)

Committee Chair -Deneatrice Lewis*

Administrator Appointee - Dean Nevins

ALA - Linda Esparza Dozer, Christopher Johnson, Michael Medel

CSEA - Liz Auchincloss, Elizabeth Taylor-Schott, Valdas Karalis

Academic Senate - Daniel Spitz, Ruben Gil, Melanie Eckford-Prosser

ASG - Andrianina Rajaosera

FA- Cornelia Alsheimer-Barthel*, Donna Lewis *

Admin Support- Diana Lopez*

*non voting members