

LOS ANGELES COMMUNITY COLLEGES  
**BOARD RULES, CHAPTER XVII, ARTICLE III**  
**BOND PROGRAM MONITOR**

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**17300. RETENTION OF THE BOND PROGRAM MONITOR.**

The Los Angeles Community College District Board of Trustees and Chancellor authorizes the Bond Program Monitor to ensure that the District's capital program funded by Proposition A, Proposition AA, Measure J, and Measure CC ("Bond Program") is performing with the utmost integrity and in furtherance of that objective authorize the Bond Program Monitor to investigate and report on circumstances involving action or inaction by an employee, contractor, consultant, or Trustee that the Bond Program Monitor reasonably suspects may involve or aid and abet in the occurrence of misconduct constituting fraud, corruption, a violation of a non-discretionary law, rule or regulation, an abuse of discretion in the exercise of a right or authority granted under a discretionary law, rule, or regulation, gross mismanagement or other actions or inactions occurring in the context of an evident deliberate or reckless disregard of an actual or probable waste or abuse of District funds.

**17300.1 Reporting.**

**A. Functional Reporting**

The Bond Program Monitor shall report directly to the Board of Trustees, but be directed and supervised on a day-to-day basis by the Chancellor or designee. Should unanticipated conflicts arise with respect to any investigation, the Chancellor, or his or her designee, shall designate the employee(s) and/or District internal office(s) that will provide direction, supervision, and assistance during a specific Bond Program Monitor investigation. To the extent that reports reflect matters under investigation for which a final determination has not been made, such reports shall be treated as confidential pursuant to the "deliberative process" exception of the California Public Records Act.

## **B. Executive Briefings**

As determined by the District, the Bond Program Monitor shall provide periodic briefings to keep executive management for the District apprised of important undertakings by the Bond Program Monitor, their outcomes, and other matters that warrant attention, including timely advice to the Chancellor if any employee, official, contractor, consultant or Trustee attempts to impede or obstruct any investigation or other activity of the Bond Program Monitor.

## **C. Periodic Activity Reports**

The Bond Program Monitor shall prepare periodic written reports on its activities, the frequency of which should be determined by the District, which shall be available to the public thereafter. Such reports shall be posted on the Bond Program Monitor website. Such website shall include a service that allows an individual to request automatic receipt of information relating to any public report, or portion thereof, by means of electronic transmittal of the information, or notice of the availability of the information, without further request.

## **17300.2 Generally Authorized Activities.**

The Bond Program Monitor is authorized to interview witnesses, take testimony, and demand the production of any information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence the Bond Program Monitor deems material, relevant, and reasonably related to any investigation of misconduct related to the Bond Program.

## **17301. POWERS AND DUTIES.**

The Bond Program Monitor shall have the following powers and duties:

- A. to plan, direct, and monitor day-to-day operations of the Bond Program insofar as may involve the detection, prevention, occurrence, or report of misconduct, or the threat of misconduct, related to the Bond Program;
- B. to receive and with integrity, objectivity, independence, and confidentiality, investigate complaints concerning incidents of possible misconduct, related to the Bond Program; and
- C. to evaluate the policies and procedures governing the Bond Program, as well as where appropriate, the performance of work related to the Bond Program, in order to develop recommendations on revisions that would facilitate prevention and detection of possible misconduct related to the Bond Program.

**17302. WHISTLEBLOWER HOTLINE.**

The Bond Program Monitor is directed to maintain a toll-free “Whistleblower Hotline” and a post office box for anonymous reporting, for the purpose of receiving citizen and employee reports of misconduct related to the Bond Program. Unless the caller consents to disclosure, the identity of any individual providing such reports shall to the maximum extent allowed by applicable law be kept confidential and any persons involved in the reporting should not be alerted until an investigation is complete and a corrective action is recommended by the Bond Program Monitor and approved by the District. All reports received shall be prioritized and investigated according to the nature and urgency of the allegation and the credibility of the report. The hotline and post office box will be publicized in a manner reasonably designed to reach all employees, contractors, and consultants, including, without limitation, by posting informative notices at locations where employees congregate and providing links on the websites maintained by the District (including, without limitation, the Bond Program website) and the Bond Program Monitor. The Bond Program Monitor shall follow the Whistleblower Complaint Process in Board Rule 7902, with membership for the Review Committee discrete from the membership for the Review Committee for operational matters.

**17303. INVESTIGATION REPORTS AND OTHER DOCUMENTARY MATERIAL.**

**A. Reports**

Upon conclusion of an investigation into possible misconduct, and in the interest of accountability, the Bond Program Monitor shall prepare a written report on the investigation as appropriate and such report shall be released to the public, subject to any redactions needed to protect witnesses. The Bond Program Monitor's investigation reports shall be provided to the Chancellor and the Board of Trustees, and may also be provided to parties affected by or involved in the investigation, if appropriate.

In the event that the report involves conduct by the Chancellor or an individual Trustee, the report will be delivered to the General Counsel who will have the responsibility to place the report on the next available board agenda for a report to the Board of Trustees as a whole. All final reports shall be submitted to the Board. The Board shall determine what, if any, action should be taken. Should unanticipated conflicts arise with respect to any investigation, the Chancellor, or his or her designee, shall designate the employee(s) and/or District internal office(s) to which the report shall be submitted. That/those employee(s) and/or Office(s) shall deliver the final report to the Board.

**B. Investigatory Materials**

In light of the purpose of the Bond Program Monitor as stated in Board Rule 17300, the records of the Bond Program Monitor are presumptively deemed investigatory records exempt from disclosure under the California Public Records Act. However, materials provided to the Board of Trustees for a matter that will be discussed in public session must be made available contemporaneously to the public as required by the Ralph M. Brown Act. Materials that relate to potential or existing litigation, employee privacy or other matters exempt from disclosure or subject to a lawful closed session discussion shall not be subject to public disclosure except as required by law.

**17304. DUTY OF VIGILANCE AND COOPERATION.**

It shall be the duty of every employee, contractor, consultant, and Trustee to extend full cooperation and all reasonable assistance to the Bond Program Monitor and his/her designees in connection with any Bond Program Monitor investigation, and all Trustees, employees, contractors, consultants are expected to be vigilant in preventing and reporting fraud, abuse, and corruption.

**17305. RETALIATION PROHIBITED.**

No employee, contractor, consultant, student or Trustee shall retaliate against, punish, or penalize any person for complaining to, cooperating with, or assisting the Bond Program Monitor in the performance of his or her duties. Any employee, contractor, consultant, student or Trustee who violates the provisions of this section shall be subject to disciplinary action, in accordance with the due process provisions associated with his or her position.

**17306. REFERRALS OF INVESTIGATIONS.**

Upon making a preliminary determination that alleged misconduct may involve possible criminal conduct, the Bond Program Monitor, in consultation with the Chancellor, may refer complaints regarding such misconduct to the appropriate law enforcement authority. In the event that the Chancellor is the alleged wrongdoer, the Bond Program Monitor shall consult with the Board President.

**17307. CONFLICTS OF INTEREST.**

The Bond Program Monitor, and its staff members, must be free both in fact and appearance from person, external, and organizational impairments to its objectivity and independence. Consistent with the foregoing, all allegations against the Bond Program Monitor or its staff for violations of the provisions of these rules and any matters that the Bond Program Monitor determines cannot be objectively and independently investigated by the Bond Program Monitor shall be submitted directly to the Chancellor and, if appropriate, to proper law enforcement authorities. The Bond Program Monitor and its staff shall submit such conflict of interest

disclosures and certifications as may be requested by the District in order to confirm compliance with this requirement.

**17308. LEGAL COUNSEL.**

The Bond Program Monitor shall have available legal counsel, through an appropriate competitive selection process, who shall not be a legal counsel contemporaneously retained by the District on any other bond matters, to advise the Bond Program Monitor on legal matters related to performance of its functions under these rules and who shall be free of any conflicts of interest. Such legal counsel is not retained to provide advice to the Bond Program Monitor on matters relating to the Bond Program Monitor's legal or contractual duties to the District or on questions that may arise between the District and the Bond Program Monitor relating to the adequacy of the Bond Program Monitor's performance. Such legal counsel shall be deemed to be in a direct and confidential client-attorney relationship with the District, and not with the Bond Program Monitor individually, and the District shall be deemed the holder of all related legal privileges.

**17309. INTERNAL PRINCIPLES, POLICIES, AND PROCEDURES.**

The Bond Program Monitor and its staff shall act with integrity and exercise objectivity and professional skepticism and avoid circumstances that would cause a reasonable and informed third party to believe that the Bond Program Monitor or its staff is not capable of exercising objectivity and impartial judgment or that the Bond Program Monitor's work has been compromised. Consistent with the foregoing, the Bond Program Monitor shall (1) develop internal rules and procedures for conduct of investigations and for external quality assurance reviews of investigations and other activities of the Bond Program Monitor, (2) identify and assess threats to its independence of objectivity from both external and internal sources, (3) evaluate the significance of threats identified and prioritize them in a manner consistent with the Bond Program Monitor's obligations under these rules or as other directed by the Chancellor or Trustees, (4) apply safeguards as necessary to eliminate the threats or reduce them to an acceptable level, (5) not use confidential information for personal gain or in any other manner that is detrimental to the legitimate

interests of the District, and (6) establish criteria for the conduct of investigations before commencing investigations, and (7) prepare an "Investigative Manual" that described the principles, policies, and procedures to implement and govern the Bond Program Monitor's performance of its duties and responsibilities under these rules.

If a complaint is made against the Bond Program Monitor, the Chancellor shall receive said complaints and will refer the matter appropriately for further review and handling.

**17310. AUDITING AND MANAGEMENT FUNCTIONS.**

It is not the function of the Bond Program Monitor to perform management functions, to give recommendations on management decisions, to evaluate budgets, to set policy, to design internal management controls affecting routine management functions, to perform functions assigned to the District's auditors performing financial or performance audits (internal or external), or to issue interpretations of or legal determinations on existing policies, rules, or regulations of or governing the Bond Program. Notwithstanding the foregoing, however, the Bond Program Monitor in performing the duties and obligations provided for under these rules shall review, assess, and recommend enhancements to the functions and duties of the District's auditors and to the District's program management policies and procedures that will facilitate the prevention, detection, and reporting of misconduct related to the Bond Program.

Amended 08-05-20