

Antelope Valley Community College District

Administrative Procedures

Chapter 3

General Institution

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AP 3050 Institutional Code of Ethics

Reference:

Accreditation Standard III.A.1.d

Note: The Accreditation Standard requires districts to uphold a written code of professional ethics for all of its personnel.

The employees of Antelope Valley Community College District are committed to providing a high quality learning environment to help our students successfully achieve their educational goals and objectives. To support this commitment, college employees adhere to the following standards of ethical and professional behavior related to their duties.

Antelope Valley Community College District employees:

- Are honest and accountable in all actions and activities.
- Demonstrate personal and professional integrity in supporting the mission of the college.
- Are fair and respectful in all interactions with colleagues, students, and the public.
- Avoid conflicts of interest, or its appearance, between their obligations to the District and private business or personal commitments and relationships.
- Address issues and work with people without prejudice.
- Act within applicable laws, codes, regulations, and District policies and procedures.
- Respect the personal values, beliefs and behaviors of others.
- Maintain confidentiality regarding information about students or staff obtained in the course of their duties.
- Protect District assets.
- Maintain a working and learning environment free from harassment as defined by District policies.
- Maintain and enhance job effectiveness and competency through professional development.
- Respect the integrity and professionalism of administrators, faculty, staff and students.
- Make every reasonable effort to create an equal-access learning environment that will help students succeed.

7/10/06

AP 3100 Organizational Structure

Reference:

Education Code Section 72400; Title 5, Section 53200

The District's organizational structure shall be:

3100.1 ORGANIZATIONAL DIVISIONS, DEPARTMENTS AND OFFICES

(See Appendix I – Organizational Charts)

3100.2 President's Executive Council-Level Administration

President's Executive Council level administration consists of those officials and functions that control the organization and operation of the college system, or employees whose responsibilities extend over a major administrative division of the college.

In the Antelope Valley Community College District, President's Executive Council-level administration shall consist of the President; Vice President Academic Affairs; Vice President Business Services; Vice President Student Services, and Vice President of Human Resources and Employee Relations.

3100.3 Line of Responsibility (EC 70902)

Each District employee shall be responsible to the Board through the President. Supervision of District employees shall be exercised by personnel to whom such responsibility has been specifically delegated.

District personnel shall refer matters requiring administration action to the administrative officer having immediate responsibility of the area in which the problem arises.

Administrative officers shall refer such matters to the next higher authority if circumstances warrant.

All District employees have the right to appeal any decision made by an administrative officer to the next higher authority and, through appropriate successive steps, to the Board.

3100.4 President's Executive Council

Purpose

It is the desire of the Board that democratic working relationships be maintained among the personnel of the administrative staff, and to maintain a free flow of communications involving College Administration and District employees.

Meetings

Regular meetings shall be held at periodic intervals as determined by the President. The President may also call special meetings as conditions may warrant.

Responsibilities

The President's Executive Council shall function in an advisory capacity to the President on matters related to District policies, administrative problems, collective bargaining issues or any issue related to the District's education program or school operation.

The President's Executive Council shall also serve as a channel of communication in the administrative organization of the District.

3100.5 President's Cabinet

Purpose

The President's Cabinet will consist of all vice presidents and the Executive Director of Institutional Advancement and Foundation, the Director of Public and Governmental Relations, the Director of Information Technology Services, and the Director of Campus Security. The primary purpose of the President's Cabinet will be to work collaboratively to develop, implement and evaluate practices that will improve processes and services under their supervision.

Meetings

Regular meetings will be held at periodic intervals as determined by the Superintendent/President. The Superintendent/President will call special meetings as needed.

3100.6 Administrative Council

In an endeavor to promote communications with middle management and supervisory officials, the President may establish an Administrative Council whose membership shall consist of management personnel.

The responsibilities of the Administrative Council shall be comparable to those of the President's Cabinet.

Meetings shall be held at the discretion of the President.

PROCESSES FOR CHANGING THE ORGANIZATIONAL STRUCTURE

The College President may initiate an organizational structure change process in any area of the college, as well as campus-wide, at any time in order to improve efficiency and cost effectiveness of services and programs and improve institutional learning outcomes. [See AP 2430.4(a)] Prior to beginning an organizational structure change process, the College President will provide the Board of Trustees with a rationale for the change.

When a campus-wide organizational structure change process is initiated, the College President will inform the College Coordinating Council (CCC) that a review of the organizational structure is needed and the reasons for the review. Each CCC member will be responsible for informing their constituents about the review process and gathering suggestions for restructuring that will improve efficiency and cost effectiveness of services and programs and improve institutional outcomes.

After initiation of a campus-wide organization structure change process, all employees will be asked by their immediate supervisor to provide suggestions for restructuring in their respective office, department or area. In consultation with the employees under him/her, each supervisor will develop a written summary of the suggestions for improvements and

forward it to his/her senior administrator. The senior administrator will submit a written summary to the CCC that represents the suggestions for improvements from her/his area. Likewise, other members of the CCC will submit a written summary representing the suggestions for improvements from their constituent groups.

The CCC will discuss the merits of the recommended changes with the College President, but will not make recommendations. Based on the recommendations from the campus community, the College President will inform the Board of Trustees of changes in the organizational structure.

When the College President initiates an organizational structure change process in a functional area of the college, e.g. Academic Affairs, Business Services, etc, an Organizational Structure Review Task Force will be formed with the senior administrator as the Chair. Task force members will be selected from within the functional area and must include members from areas that will be impacted by the proposed changes. In addition, the Task Force must include a representative from the Strategic Planning and Budget Council, the classified and faculty collective bargaining units and the Academic Senate. If no representative from SPBC, the CB units and Academic Senate is available within the functional area, the Review Task Force Chair, in consultation with the respective heads of these groups, will select a representative from these groups that is outside the functional area.

If an office, department, or area outside the area being considered for restructuring will be impacted by proposed changes, the supervisor or senior administrator for the affected area must be consulted before formulating organizational structure changes.

When a reorganization across divisions/areas within the President's or a Vice President's Office is identified as necessary due to either fiscal or academic impact, the President or appropriate Vice President will inform the College Coordinating Council.

The divisions/areas most affected will be consulted and given the opportunity to participate in the discussion of any changes to the existing organizational structure. Once a recommendation is presented to the President by the divisions/areas, the President will inform the College Coordinating Council.

All employees in the areas being considered for reorganization will be asked to provide suggestions for restructuring to improve efficiency and cost effectiveness of services and programs and improve institutional learning outcomes. The senior administrator of the area considering a change, in consultation with the employees under her/him, will summarize suggestions for improvements from that area and forward those suggestions to the College President for consideration. Based on the suggestions for improvement, the College President will inform the Board of Trustees of changes in the organizational structure.

An office, department, or area may consider internal changes to increase efficiency or cost effectiveness in delivering programs and services in support of institutional or student learning outcomes at any time. All employees in the areas being considered for reorganization will be asked to provide suggestions for restructuring to improve efficiency and cost effectiveness of services and programs and improve learning outcomes. Offices, departments or areas outside the area being restructured must be consulted in formulating organizational structure changes, if the outside area will be impacted by the proposed changes.

The senior administrator of the area, in consultation with the employees under her/him, will summarize suggestions for improvements from that area and forward those suggestions to

the College President for consideration. Based on the suggestions for improvement, the College President will inform the Board of Trustees of changes in the organizational structure.

In order to improve institutional learning outcomes, a member of the College Coordinating Council can request a review of the organizational structure of an office, department or area when it can be demonstrated that such restructuring may result in increased efficiency or cost effective delivery of programs and services in support of learning outcomes. Substantive data to support increased efficiency or cost effectiveness must be presented to the CCC before the CCC will consider the request. A consensus of the CCC will be required in determining whether the data is substantive enough to warrant a review.

If the CCC agrees that restructuring may substantially improve institutional learning outcomes, an Organizational Structure Review Task Force will be formed from within the office, department or area in question in accord with the composition and process outlined above for an Organizational Structure Review Task Force. The Review Task Force will summarize suggestions for improvement from that area and forward those suggestions to the College President for consideration. Based on the suggestions for improvement, the College President will inform the Board of Trustees of changes in the organizational structure.

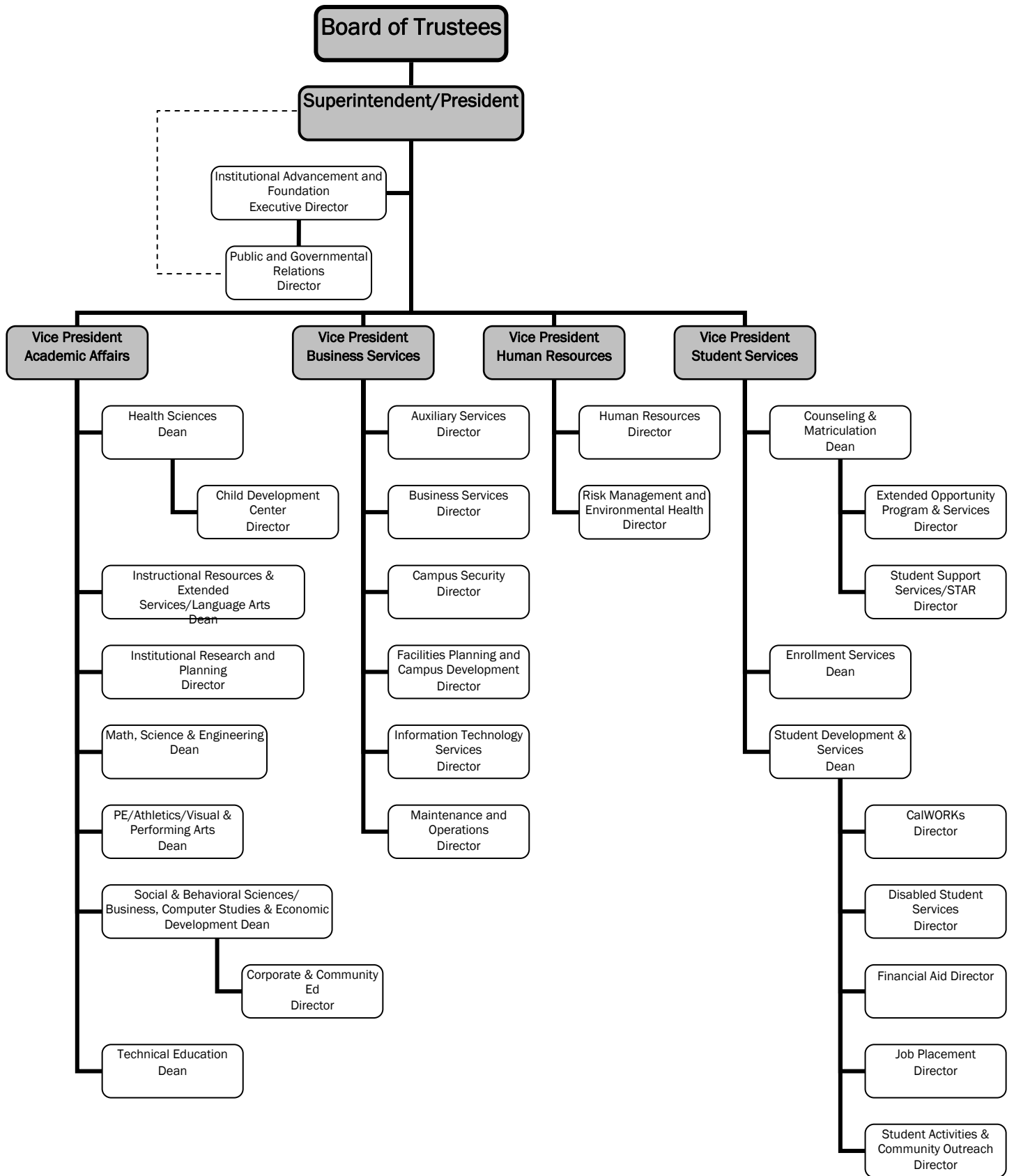
After review of organizational structure changes by the Board of Trustees, the President of the College will communicate changes to all campus employees through the Strategic Planning and Budget Council Communications subgroup, and the organizational chart will be redrawn and distributed campus-wide.

11/7/05

Revised: 10/9/06

Revised: 4/9/07

Revised: 6/11/07



AP 3200 Accreditation

Reference:

Accreditation Eligibility Requirement 20, Standard IV.B.1.i

Organizational Process for the Self Study

AVC Statement of Philosophy for the Self Study Process:

Dr. Bryan Cooper

We at Antelope Valley College view the accreditation process as an opportunity for reflection and self-examination, activities often neglected in the day-to-day pressures of meeting the needs of our students and community. Through reflection and self-examination, we hope to refine our programs and services, identify areas that need strengthening and determine the future direction of the institution. If we are to fulfill these goals, we must conduct our self-examination honestly, openly, and objectively.

It has been our experience in the past that the self-study process has tended to provide a sense of common purpose and unity to the campus. Staff from every sector of the campus work harmoniously together to create a document that reflects our best appraisal of where we are, where we want to go, and how to get there. The process by which we create a self-study report is, therefore, as valuable as the document it produces.

The Steering Committee for the Self Study

The Accreditation Self Study is guided by a Steering Committee that is co chaired by the Faculty Coordinator, and the Accreditation Liaison Officer (ALO), and consists of the co chairs of each standard committee, the presidents of the Academic Senate and the Associated Student Body, the presidents of the faculty and classified unions, a board member, a community member, and self study editor(s). The Institutional Researcher serves in an *ex officio* capacity. Each member of the steering committee should receive a notebook containing a copy of the ACCJC standards, an ACCJC glossary, and the *Guide to Evaluating Institutions Using the ACCJC Standards*.

The committee should discuss the importance of honest inquiry, the nature of evidence, and the difference between the self-study and the report of the self-study. Members of the Steering Committee should attend training workshops offered by the ACCJC if possible. The Steering Committee establishes the timeline for the self-study, monitors the progress of the standards committees, and decides how the final report of the self-study will be written and edited. Regular meetings should be held to discuss progress on the self-study and resolve any problems or questions that arise. In preparation for the self-study, the Steering Committee conducts a staff survey and a student survey based upon the accreditation standards and created by the standards committees.

The Accreditation Liaison Officer (ALO), the Vice-President of Academic Affairs, will work collegially with the Faculty Coordinator for the Self-Study. The Academic Senate calls for applications for the position of Faculty Coordinator for the Self-Study no less than two years before the scheduled visit. Applicants must submit a letter of interest and qualifications to the Executive Board of the Senate who interviews the candidates and makes the appointment.

Standards Committees for the Self-Study

Committees for each of the standards are formed to conduct the self-study. Each committee is co chaired by a faculty member or a classified employee and an administrator. The Faculty Accreditation Coordinator puts out a call for the co-chairs for the Standards Committees of the self-study. The Accreditation Liaison Officer is responsible for assuring that there is an administrator serving as a co-chair on each standards committee. Each pair of co chairs invites the campus community to participate in the study. Certain members of the staff may be particularly recruited because of their expertise in various areas. Other staff members may serve as resource persons to the committees. Each standard committee should be reviewed to reflect campus diversity. Every standard committee should have a student member. Community members should also be recruited to serve on each standard committee. It is the responsibility of the standard committee along with the Faculty Accreditation Coordinator to collect data to measure how well Antelope Valley College has met accreditation standards.

Clerical support as well as an Accreditation Office must be provided for the Steering Committee. The office serves as a repository for the documents collected for the Self-Study as well as a meeting room.

Drafting the Report of the Self Study

Generally, each of the standards committees submits a report of its findings using the format established by the ACCJC regarding the analysis of current status, evaluation and plans for addressing issues raised during the self-study. These drafts are then edited by an individual or editing committee as determined by the Steering Committee for consistency in format, tone, and voice.

Campus Communication

Communication with the campus community about the progress of the self-study is critical. The Faculty Accreditation Coordinator and the Accreditation Liaison Officer make presentations to the Academic Senate, the Associated Student Body, the Administrative Council, the College Coordinating Council, the Board of Trustees and other shared governance committees concerning the accreditation standards and process. Venues for additional communication, like newsletters or websites, should be created by the Steering Committee. Drafts of the report of the self-study as well as the results of the staff and student survey should be made available on the intranet and on reserve in the library as well as in various administrative offices for campus comment. Campus forums should be held to discuss the draft and the issues raised by the self-study. A summary of the issues raised by the open forums is communicated to the campus community and to the Steering Committee. Based on feedback from the campus community, the self-study will be amended as needed.

Visiting Team Findings

The findings of the ACCJC visiting team will be available to the campus at large. The Steering Committee should continue to meet to prepare the mid-term report as well as any interim reports that are required.

The Board of Trustees, Academic Senate, Strategic Planning and Budget Committee, Administrative Council and other appropriate campus committees and constituent groups should review the findings of the visiting team and develop institutional goals to implement those findings.

11/7/05

AP 3250 Institutional Planning

Reference:

Accreditation Standard I.B; Title 5, Sections 51008, 51010, 51027, 53003, 54220, 55080, 55190, 55510, 56270 et seq.

The Strategic Planning & Budget Council (SPBC) is a shared governance council that provides oversight and monitoring of the various planning documents within the institution in order to accomplish the mission and goals of the district. SPBC utilizes the Educational Master Plan, which is the district's strategic plan, to review the mission, vision, values, and practices of the institution and to monitor and modify the Strategic Goals and the Institutional Learning Outcomes (ILOs). The Council reviews the annual budget requests brought forward by the Budget Subcommittee and makes a recommendation to the Superintendent/President to fund those requests that utilize institutional resources most efficiently in accomplishing the district's strategic goals and improving the institutional learning outcomes (ILOs). SPBC works collegially with the Superintendent/President to recommend budget priorities in a timely fashion. The Superintendent/President may recommend budget expenditures to the Board of Trustees without consensus of the SPBC in those instances of legal and fiscal responsibility, as cited in both Education Code and Title 5. The Superintendent/President submits budget recommendations to the Board of Trustees for approval.

SPBC obtains feedback from both the community and campus in identifying educational program needs, ensuring that what is considered aligns with the mission of the college. The mission of the college is reflected in the ILOs that encompass diverse perspectives, application of lifelong learning skills, breadth of knowledge using oral and written communication, good citizenship, and career opportunities for economic well-being. The college mission and ILOs direct the development and revisions to the Educational Master Plan. The Educational Master Plan drives the instructional programs, services to students, and the college operations.

The Finance Plan, Facilities Plan, Human Resources Plan, Computer and Information Technology Plan, and Enrollment Management Plan all ensure that the Educational Master Plan is supported and accomplished. Subcommittees or subgroups of the SPBC are responsible for the development of each plan and a Communication Subcommittee is responsible for disseminating information to the entire campus and general community on the process and outcomes for budget decisions that meet the mission of the college.

Program Review, Student Equity Plan, Accreditation Self Study, Matriculation Plan, transfer rates, and input from the vocational program advisory groups provide data, both qualitative and quantitative, for the assessment and development of each plan and provide continual input into the overall planning, assessment, and evaluation of the Educational Master Plan.

The Educational Master Plan, along with each supporting plan, contains Student Learning Outcomes and/or Operational Outcomes. These outcomes are then measured against a set of effectiveness criteria that assesses their effectiveness. The evaluations of these outcomes are then used to determine the most appropriate goals to improve student learning outcomes. The data is then used to prioritize budget requests. Resources are then allocated and outcomes are assessed annually to determine and verify that the Institutional Learning Outcomes (ILOs) have been met.

The Educational Master Plan and the College Mission are annually reviewed for revision and modification based on the final assessments of the ILOs. Major revisions to the Educational Master Plan will occur on a three-year cycle.

5/8/06

Revised: 12/10/07

Revised: 7/14/08

AP 3280 Grants

Reference:

Education Code Section 70902

Procedures for Application for Grants

Criteria:

The Foundation Grants will be awarded in the following categories:

- \$2,000-programs (\$1,000 fall, \$1,000 spring)
- \$2,000-equipment (\$1,000 fall, \$1,000 spring)
- \$500-faculty support (\$250 fall, \$250 spring)
- \$500-staff support (\$250 fall, \$2500 spring)
- The funds must provide a direct student benefit.
- The funds must be one-time funding with no recurring expenses.
- AVC administrator(s) must approve projects.

Timeframe:

Applications Due:	March 4
Applications Reviewed By:	March 10
Decisions Made by:	March 18
Awards Made:	March 31

Awarding:

Grant requests must include the following:

1. Grant applicant(s) name
2. Supporting administrators (Dean and Vice President or President)
3. Abstract describing the project/program/activity
4. Objectives
5. Duration
6. Activities
7. Performance Outcomes
8. Budget
9. Additional Funds

A Foundation Grant Review Subcommittee will review applications/grant requests.

Grant Request Application

Please submit this application to the Advancement Office, Administration 118, e-mail to brazo@avc.edu, or fax to (661) 722-6550. Incomplete applications and applications not meeting the criteria will not be reviewed. The Foundation Grant Review Committee will review applications and make awarding decisions. Mid-year and end-of-year reports (January/June) must be submitted to the Foundation Board of Directors to update the board on the progress of the project.

Application Deadline: March 4, 2005

Applicant Name: _____ Date: __

Supporting Administrator: _____ Amt. Requested: _____

Supporting Administrator's brief statement: (please state why you support this grant)

Signature of Supporting Administrator: _____

Administrator's Ranking (please rank priority): __ Low __ Medium __ High

Purpose: __ Programs __ Equipment __ Faculty Support __ Staff Support

1. Abstract: Please concisely detail the intended project/program/activity.
2. Objective:
3. Duration:
4. Activities:
5. Performance Outcomes: Please describe who will be involved and who will benefit from these activities. How will success be measured?
6. Budget: Please list any funds that have been secured.
7. Additional Funds: Please list any additional sources of funds.

Foundation Fund Access and Special Grant Procedure

Faculty or Staff Responsibilities

Fill out the Request for Foundation Funds Form (available on the Intranet and in the Foundation Office).

Attach to the Request for Foundation Funds Form the appropriate District forms (available from the Business Office) and any necessary receipts or documentation. Original receipts must accompany all requests for funds. An itemized accounting of expenses, complete with appropriate description, is required. District forms to be used are:

- Purchase Requisition
- Trip Request
- Bulk Mailing Form
- Xerox Request Form

Submit all of the above to the Executive Director of the AVC Foundation.

Responsibilities of the Executive Director and the Foundation Office:

After receiving the above from a faculty or staff member, verifies funds, signs Request for Foundation Funds Form, reviews documentation and logs form into computer.

Sends all of the above to the Superintendent/President or any of the Vice Presidents for signature approval.

Forms/documents are returned to the Foundation Office and forwarded to the Business Office.

Responsibilities of the Business Office:

After receiving above from the AVC Foundation Office, check is issued and the check is forwarded to the requestor.

On a monthly basis, the Foundation is billed for approved Foundation expenditures, and the District is reimbursed.

Reimbursements will be paid within the current fiscal year: July 1 through June 30. A 21-day grace period will follow the close of each fiscal year allowing for incoming/pending bills, etc.

* Note: Once the AVC Foundation receives all paperwork, allow the standard District processing time for receipt of funds.

The AVC Foundation follows, without exception, federal and state law, generally accepted accounting principles (GAAP) and Antelope Valley Community College District policies as administered by the Office of the Vice President of Business Services.

11/7/05

AP 3300 Public Records

References:

Government Code Section 6250 et seq.

Members of the public may request to inspect or copy public records. A request by a member of the public may be delivered by mail or in person to the Office of the Superintendent/President.

Any request shall identify with reasonable specificity the records that are sought. If additional information is needed, the Superintendent/President may request it be provided in writing.

Any request to inspect records shall be made sufficiently in advance of the date of inspection to allow staff time to assemble the records and identify any records that may be exempt from disclosure.

Records that are exempt from disclosure under the Public Records Act or any other provision of law may not be inspected or copied by members of the public. Social security numbers must be redacted from records before they are disclosed to the public.

Members of the public shall be assisted in identifying records or information that may respond to their request. Assistance that will be provided includes: the information technology and physical location in which the records exist; practical suggestions for overcoming denial of access to the records or information; and the estimated date and time when the records will be made available.

Within ten days, the Superintendent/President will determine whether or not the records can be produced and will communicate the determination to the member of the public requesting the record(s).

The most common exemptions for community colleges include:

- Student records (Education Code Section 76243)
- Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding the records clearly outweighs the public interest in disclosure. (Government Code Section 6254(a))
- Records pertaining to pending litigation ...or to claims...until the pending litigation or claim has been finally adjudicated or otherwise settled. (Government Code Section 6254(b))
- Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code Section 6254(c))
- Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination [except for standardized tests provided for by Education Code Sections 99150 et seq.]. (Government Code Section 6254(g).)
- The contents of real estate appraisals or engineering or feasibility estimates and evaluations...relative to the acquisition of property, or to prospective public supply and

construction contracts, until all of the property has been acquired or all of the contract agreement obtained. (Government Code Section 6254(h)).

- Internet posting of home address or telephone numbers of local elected officials (Government Code Section 6254.21)
- Home addresses and home telephone number of employees of a school District or county office of education (other than to an agent or family member of the employee, to an officer of another school District when necessary, to an employee organization, or to an agency or employee of a health benefit plan.) (Government Code Section 6254.3)
- Records regarding alternative investments (i.e. an investment in a private equity fund, venture fund, hedge fund, or absolute return fund; limited partnership, limited liability company or similar legal structure) involving public investment funds, unless already publicly released by the keeper of the information.

11/7/05

Revised: 5/8/06

Revised: 5/12/08

AP 3310 Records Retention and Destruction

Reference:

Title 5, Sections 59020, et seq.; Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, 45

“Records” means all records, maps, books, papers, data processing output, and documents of the District required by Title 5 to be retained, including but not limited to records created originally by computer and “electronically stored information” (“ESI”), as that term is defined by the Federal Rules of Civil Procedure.

The Superintendent/President shall supervise the classification and destruction of records and ESI. The District must preserve ESI and ESI that is relevant to actual or potential litigation pursuant to the Federal Rules of Civil Procedure. The District shall comply with the Federal Rules of Civil Procedure and produce relevant ESI in the form in which it is ordinarily maintained or readily usable.

Records shall be classified as required by Title 5 and other applicable statutes, federal and state regulations.

Records shall annually be reviewed to determine whether they should be classified as Class 1 – Permanent, Class 2 – Optional, or Class 3 – Disposable (as defined in Title 5).

Class 3 – disposable records shall be maintained for the period required by applicable law or regulation, but in any event shall be retained for at least three college years after the year in which they were originally created.

Destruction is by any method that assures the record is permanently destroyed, e.g. shredding, burning, pulping.

11/7/05

Revised: 9/10/07

Revised: 5/12/08

AP 3410 Nondiscrimination

Education Programs

Reference:

Education Code Sections 66250 et seq.; 200 et seq; 72010 et seq.; Penal Code Section 422.55 et seq.; Title 5 Section 59300 et seq., Accreditation Standard 1.6

It shall be a violation of this policy for any District employee or student through conduct or communications to commit an act of discrimination as defined in BP 3410.

The District shall provide access to its services, classes and programs without regard to, national origin, religion, age, sex or gender, race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, Vietnam Veteran status, or because he or she 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.

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-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.

Employment

Reference:

Education Code Section 87100 et seq., Title 5 Section 53000 et seq.; Government Code Sections 11135 et seq; 12940 et seq.

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, marital status, sex, age, sexual orientation, or status as a Vietnam-era veteran.

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.

Any person who alleges discrimination by any employee or student in the college district may file a grievance under the discrimination complaint procedures contained in the Antelope

Valley College Complaint Procedure for Allegations of Discrimination or Sexual Harassment document that can be obtained in the Human Resources Office.

11/7/05

Revised: 5/8/06

Revised: 1/8/07

Revised: 1/12/09

AP 3420 Equal Employment Opportunity

Reference:

Education Code Section 87100 et seq.; Title 5, Section 53000, et seq.

The EEO plan shall be a district-wide, written plan that implements the District's EEO program, includes the definitions contained in Title 5, Section 53001, and addresses the following:

- Submission of plans and revisions to the state Chancellor's Office for review and approval as required.
- The designation of the District employee or employees who have been delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of this Procedure;
- The procedure for filing complaints and the person with whom such complaints are to be filed;
- A process for notifying all District employees of the provisions of the plan and the policy statement required;
- A process for ensuring that District employees who are to participate on screening or selection committees shall receive appropriate training on the requirements of this Subchapter and of state and federal nondiscrimination laws;
- A process for providing annual written notice to appropriate community-based and professional organizations concerning the District's plan and the need for assistance from such organizations in identifying qualified applicants for openings within the District;
- An analysis of the number of persons from "monitored groups", as defined by Title 5, Section 53001(j), who are employed in the District's work force and those who have applied for employment in each of the job categories listed below.
- An analysis of the degree to which monitored groups are underrepresented in comparison to the numbers of persons from such groups whom the state Chancellor's Office determines to be available and qualified to perform the work required for each such job category and whether or not the under-representation is significant;
- The steps the District will take to promote diversity in its work force;
- Methods for addressing any discrimination that is detected in the District's hiring practices, and;
- Additional steps to address any significant under-representation of monitored groups identified in the plan.

The plan shall be a public record.

The District shall make a continuous good faith effort to comply with the requirements of the plan.

Annual Evaluation

The Office of Human Resources will annually survey the district's workforce composition and shall monitor applicants for employment on an ongoing basis to evaluate the District's progress in implementing the EEO Plan, to provide data needed for the reports required by the Plan and to determine whether any monitored group is underrepresented. The district will annually report to the Chancellor the results of its annual survey of employees. At least every three years the Plan will be reviewed and, if necessary, revised based on an analysis of the ethnic group identification, gender, and disability composition of existing staff and of those who have applied for employment in each of the following identified job categories:

- executive/administrative/managerial
- faculty and other instructional staff
- professional non-faculty
- secretarial/clerical
- technical and paraprofessional
- skilled crafts; and
- service and maintenance.

For purposes of the survey and report, each applicant or employee will be afforded the opportunity to voluntarily identify her or his gender, ethnic group identification and, if applicable, her or his disability. Persons may designate as many ethnicities as they identify with, but shall be counted in only one ethnic group for reporting purposes. This information will be kept confidential and will be separated from the applications that are forwarded to the screening/selection committee and hiring administrator(s).

EEO Advisory Committee

The district has established an Equal Employment Opportunity Advisory Committee to assist the district in implementing its EEO Plan. The committee may also assist in promoting an understanding and support of equal opportunity and nondiscrimination policies and procedures. The committee may sponsor events, training, or other activities that promote equal employment opportunity, nondiscrimination, retention and diversity. The committee shall include a diverse membership whenever possible. The committee will be composed of the EEO Officer, Human Resources Director, two members from the Academic Senate, one administrative council member, two ASO representatives, two classified union representatives, one member of the confidential/management/supervisory unit, one member from Disabled Student Services, and one member from the faculty union. Ex-officio members shall include the Human Resources Vice President and the EEO Officer, if different from the Human Resources Vice President. The Equal Employment Opportunity Advisory Committee shall hold a minimum of four (4) meetings per fiscal year, with additional meetings if needed to review EEO and diversity efforts, programs, policies, and progress. When appropriate, the advisory committee shall make recommendations to the Board of Trustees, the President, and EEO Officer.

Employment Procedures

Recruitment

- Recruitment must be conducted actively within and outside of the District work force.

- Open recruitment is mandated for all new full-time and part-time positions, except under limited circumstances.
- Recruitment must utilize outreach strategies designed to ensure that all qualified individuals, from all monitored groups, are provided the opportunity to seek employment with the District.
- Recruitment for administrative and faculty positions (full and part-time) may include advertisement in appropriate professional journals, job registries and newspapers of general circulation; distribution of job announcements to the EEO Registry, K-12 districts, two and four year colleges, and graduate schools where appropriate candidates might be enrolled; recruitment at conferences, fairs, and professional meetings; notices to institutions and professional organizations that primarily serve members of monitored groups that are underrepresented in the District.
- Recruitment for classified positions shall include notice to all District personnel; notice to Employment Development Department; and advertising in area newspapers of general circulation.

Applicant Pools

- The application for employment shall afford each applicant an opportunity to identify himself or herself voluntarily as to gender, ethnicity and, if applicable, his or her disability. This information shall be maintained in confidence and shall be used only for research, validation, monitoring, evaluation of the effectiveness of the Plan, or as authorized by law.
- After the application deadline has passed, the initial applicant pool shall be analyzed to determine whether the projected representation has been achieved for monitored groups. If these projections have not been met, the District shall immediately determine whether the failure to meet the projected representation of monitored groups in the initial pool was due to discriminatory practices. If not, the hiring process may continue to the next level. If, however, the District determines that discriminatory practices caused the under-representation, the District may immediately, and before the selection process continues, consult with legal counsel to determine what, if any, corrective action is required by law.
- Once the qualified pool is formed, the pool must again be analyzed. If this analysis reveals adverse impact against any monitored group, the District may immediately, and before the selection process continues, consult with legal counsel to determine what, if any, corrective action is required by law.

Screening and Selection

Screening, selecting and interviewing candidates for all positions shall include thorough and fair procedures that are sensitive to issues of diversity. Procedures to be used must address or include that:

- Hiring procedures will be provided to the state Chancellor's Office on request.
- All tests conform to generally applicable legal standards for uniformity.
- A reasonable number of candidates are identified for interview.

- Screening and selection committees are developed that are representative of the District community and campus; include a diverse membership when possible; and exclude applicants, persons who have written letters of recommendation, family members, and relatives.
- Every screening and selection committee includes an EEO representative trained to monitor conformance with EEO requirements. The Vice President of Human Resources assures that the screening and selection process conforms to accepted principles and practices, including preparation of job-related questions in advance; maintains records of screening checklists and rating scales, which shall be signed and kept on file; maintains notes for all interviews and records relevant factual reasons stating why a candidate was not hired or was not invited to interview; and monitors the hiring process for adverse impact.
- Selection shall be based solely on the stated job criteria.
- If the District determines that a particular monitored group is significantly underrepresented with respect to one or more job categories, the District shall take the following additional steps:
 - review its recruitment procedures;
 - consult with counsel to determine whether there are other, additional measures that may be undertaken that are required and/or permitted by law;
 - consider various other means of reducing the under-representation which do not involve taking monitored group status into account and implement any such techniques that are feasible;
- If significant under-representation persists:
 - monitor on an on-going basis;
 - review each locally-established job qualification to determine if it is job related and consistent with business necessity;
 - discontinue the use of any non job-related local qualification;
 - and continue using job-related local qualifications only if no alternative standard is reasonably available.

Delegation of Authority

The Board of Trustees delegates to the Vice President of Human Resources the responsibility for ongoing implementation of the Plan and for providing leadership in supporting the district's equal employment opportunity policies and procedures. The Vice President of Human Resources shall also serve as the Equal Employment Opportunity Officer who is responsible for the day-to-day implementation of the Plan. If a complaint involves the Equal Employment Opportunity Officer, the complaint may be filed with the President.

Complaint Procedure

The process for filing a complaint alleging that the equal employment opportunity regulations have been violated is outlined in the EEO Plan. In addition, the district has adopted procedures for complaints alleging unlawful discrimination or harassment. The district's discrimination and sexual harassment complaint procedures are attached to the EEO Plan.

Dissemination and Revision of the Plan

The EEO Plan and subsequent revisions will be distributed to the Board of Trustees, the President, administrators, the Academic Senate President, faculty and classified union presidents, and members of the district Equal Employment Opportunity Advisory Committee. The Plan will be available on the district's website, and when appropriate, may be distributed by e-mail.

4/14/08

AP 3430 Prohibition of Harassment

References:

Education Code Sections 212.5; 44100; 66281.5; Title IX, Education Amendments of 1972; Title 5, Sections 59320 et seq.; Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000e.

The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines sexual harassment and other forms of harassment on campus-

Definitions

General Harassment. Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation of any person, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct:

- **Verbal:** Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's race gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race, nationality, sexual orientation or other protected status.
- **Physical:** Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation or other protected status.
- **Visual or Written:** The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

- **Environmental:** A hostile academic or work environment exists where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his or her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

Sexual Harassment. In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:

- submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
- submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment; or
- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.

This definition encompasses two kinds of sexual harassment:

- **"Quid pro quo"** sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct. Quid pro quo includes, but is not limited to, implying or withholding support for an appointment, promotion, or change of assignment; suggesting a poor performance report will be prepared; or suggesting probation will be failed. Within the educational environment, implying or actually withholding grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied.
- "Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile.

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

Examples: Harassment includes, but is not limited to the following misconduct:

- **Verbal:** Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's protected status, including but not limited to sex. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.
- **Physical:** Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.
- **Visual or Written:** The display or circulation of offensive sexually oriented or other discriminatory visual or written material. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.
- **Environmental:** An academic or work environment that is permeated with racially or sexually-oriented talk, innuendo, insults or abuse not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. An environment may be hostile if unwelcome sexual behavior or other harassing behavior based on a protected status is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his or her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

Consensual Relationships

Romantic or sexual relationships between supervisors and employees, or between administrators, faculty or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such

relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

11/7/05

AP 3435 Complaint Procedure for Discrimination or Harassment

Reference:

***Education Code Section 66281.5; Government Code 12950.1
Title 5, Sections 59320, 59324, 59326, 59328, and 59300 et seq.; 34 C.F.R. Section 106.8(b)***

ANTELOPE VALLEY COLLEGE COMPLAINT PROCEDURE FOR ALLEGATION OF DISCRIMINATION* OR SEXUAL HARASSMENT

***Based on Age, Disability, Race, Religion, Sex**
(Revised 7/1/99, Revised 11/24/03)

Statement

An employee, student, or other individual who perceives, or has actually experienced conduct that may constitute discrimination or sexual harassment should, if possible, inform the individual engaging in such conduct that the behavior being demonstrated is offensive and must stop.

The complaint shall be filed by one who alleges that he/she has personally suffered unlawful discrimination or by one who has learned of such unlawful discrimination in his/her official capacity.

The complaint shall be filed within one (1) year of the date of the alleged unlawful discrimination or within one (1) year of the date on which the complainant knew or should have known of the facts underlying the allegation of unlawful discrimination.

Informal

When it is not possible or practical to confront the person directly or if the situation continues, the aggrieved must inform the District's Equal Employment Opportunity Coordinator or designee. The Equal Employment Opportunity Coordinator or designee will hear the complaint, make appropriate notes, and proceed to final resolution informally, and if not possible, proceed to the formal steps in the process by using the established formal complaint procedure. The informal process shall not exceed thirty (30) days from receipt of the complaint.

Defective Complaint

When a district receives a complaint which it finds does not meet the requirements pursuant to Title 5, the district shall immediately notify the complainant that the complaint does not meet the requirements and shall specify in what requirement the complaint is defective.

Formal

1. District Investigation

Upon receiving a properly filed complaint, the District will commence an impartial fact-finding investigation of that complaint and notify the complainant and Chancellor that it is doing so. The results of the investigation shall be set forth in a written report which shall include at least all of the following:

- a. a description of the circumstances giving rise to the complaint;

- b. a summary of the testimony provided by each witness, including the complainant and any witnesses identified by the complainant in the complaint;
- c. an analysis of any relevant data or other evidence collected during the course of the investigation;
- d. a specific finding as to whether discrimination did or did not occur with respect to each allegation in the complaint;
- e. any other information deemed appropriate by the district.

Defective Complaint

When a district receives a complaint which it finds does not meet the requirements pursuant to Title 5, the district shall immediately notify the complainant that the complaint does not meet the requirements and shall specify in what requirement the complaint is defective.

2. Administrative Determination

Within ninety (90) days of receiving a complaint, the district shall complete its investigation and forward all of the following to the complainant, the accused, and the Chancellor's office:

- a. a copy or summary of the investigative report;
- b. a written notice setting forth:
 - 1. determination of the Affirmative Action Officer as to whether discrimination did or did not occur with respect to each allegation in the complaint;
 - 2. a description of actions taken, if any, to prevent similar problems from occurring in the future;
 - 3. the proposed resolution of the complaint;
 - 4. the complainant's right to appeal to the district governing board and the Chancellor.

3. District Final Decision; Appeals

If the complainant is not satisfied with the results of the administrative determination, the complainant may, within fifteen (15) days, submit a written appeal to the district governing board. The governing board shall review the original complaint, the investigative report, the administrative determination, and the appeal and issue a final district decision in the matter within forty-five (45) days after receiving the appeal. A copy of the final district decision rendered by the governing board shall be forwarded to the complainant and to the Chancellor. The complainant shall also be notified of his/her right to appeal this decision. If the governing board does not act within forty-five (45) days, the administrative determination shall be deemed approved and shall become the final district decision in the matter.

In any case not involving employment discrimination, the complainant shall file written appeal with the Chancellor within thirty (30) days after the governing board issues the final district decision or permits the administrative determination to become final. Such appeals shall be processed pursuant to the provision of Title 5.

In any case involving an allegation of discrimination on the basis of race, color, national origin, sex, disability or age, in the provision of programs and services provided by the

college, a complainant may also file a complaint with U.S. Department of Education. Such complaints are timely filed if they are filed within 180 days of the alleged discriminatory act or within 60 days of the final determination made in a discrimination complaint filed with the college under its internal procedures.

Complaints may also be filed with the Equal Employment Opportunity Commission or the Department of Fair Employment and Housing. (addresses listed below)

Equal Employment Opportunity Commission
111 North Market Street, Suite 810
San Jose CA 95113

United States Department of Education, Office for Civil Rights
50 United Nations Plaza, Room 239
San Francisco CA 94102

Department of Fair Employment and Housing
30 Van Ness Avenue, Suite 300
San Francisco CA 94102

In addition, in such cases, the complainant may file a petition for review with the Chancellor within thirty (30) days after the governing board issues the final district decision or permits the administrative determination to become final. The Chancellor shall have discretion to accept or reject any such petition for review in employment discrimination cases. If the Chancellor agrees to accept the case, he/she may:

- a. attempt to informally resolve the matter;
- b. where applicable, treat the complaint as an allegation that the district has violated the provisions of Title 5 of the California Code of Regulations;
- c. take any other action deemed appropriate by the Chancellor.

Forward to Chancellor

Within 150 days of receiving a complaint, the district will forward the following to the Chancellor:

- a. the original complaint;
- b. the report describing the nature and extent of the investigation conducted by the district;
- c. a copy of the notice sent to the complainant (pursuant to Government Code 59336);
- d. a copy of the final district decision rendered by the governing board or a statement indicating the date on which the administrative decision became final
- e. a copy of the notice to the complainant (pursuant to Government Code 59338);
- f. such other information as the Chancellor may require.

4. Extensions: Failure to Comply

If a district, for reasons beyond its control, is unable to comply with the 150-day deadline specified for submission of materials to the Chancellor, the district may file a written request that the Chancellor grant an extension of the deadline. The request shall be submitted no later than ten (10) days prior to the expiration of the deadline established

and shall set the reasons for the request and the date by which the district expects to be able to submit the required materials.

A copy of the request for an extension shall be sent to the complainant who may file written objections with the Chancellor within five (5) days of receipt.

The Chancellor may grant the request unless delay would be prejudicial to the complainant.

If a district fails to comply with the requirements by the required deadline, including any extension granted, the Chancellor may proceed to review the case based on the original complaint and any other relevant information then available.

4/14/08

AP 3500 Campus Safety

Reference:

Education Code Section 212, 67380, 87014; Penal Code Section 245; 20 U.S.C. Section 1232g, 1292(f); 34 C.F.R. 668-46; 34 C.F.R. 99.31(a)(13), (14); Campus Security Act of 1990

The Chief of Police shall prepare a monthly report of all criminal and non-criminal activity that occurs on and off campus involving a Police or Security response under California Penal Code 836. The Chief of Police prepares and annually updates a report of all occurrences reported to campus police of any and all arrests for crimes that are committed on campus and that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication, and of all occurrences of no criminal acts of hate violence reported to campus authorities. A written report will be submitted to the Board.

Written records of non criminal acts of hate violence shall include at least a description of the act of hate violence, the victim characteristics, and offender characteristics, if known.

A campus safety plan shall be developed and distributed to students annually at the start of the fall semester via posting on the Campus Information Kiosk, student newspaper, college class schedule and college website. The campus safety plan shall include the availability and location of security personnel, how to contact security personnel, actions taken to increase campus safety in the preceding 18 months, and changes to increase safety in the next 24 months.

The Campus Safety Plan shall be integrated with the current Campus Police Departments Emergency Preparedness Operations and Procedures Manual and shall be coordinated through the Campus Police Department.

11/7/05

Revised: 1/8/07

AP 3510 Workplace Violence Plan

Reference:

Cal/OSHA; Labor Code Sections 6300 et seq. Title 8, Section 3203; Code of Civil Procedure Section 527.8; Penal Code Sections 273.6; 626.9; 626.10; and 12021

The Antelope Valley Community College District is committed to providing a safe work environment that is free of violence and the threat of violence.

Responding to Threats of Violence

The top priority in this process is effectively handling critical workplace incidents, especially those dealing with actual or potential violence.

Violence or the threat of violence against or by any employee of the District or any other person is unacceptable.

Should a non-employee on District property demonstrate or threaten violent behavior, he/she may be subject to criminal prosecution.

Should an employee, during working hours, demonstrate or threaten violent behavior he/she may be subject to disciplinary action.

The following actions are considered violent acts:

- Striking, punching, slapping or assaulting another person.
- Fighting or challenging another person to fight.
- Grabbing, pinching or touching another person in an unwanted way whether sexually or otherwise.
- Engaging in dangerous, threatening or unwanted horseplay.
- Possession, use, or threat of use, of a firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, on District property, including parking lots, other exterior premises, District vehicles, or while engaged in activities for the District in other locations, unless such possession or use is a requirement of the job.
- Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm.
- Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2½ inches upon the grounds, unless the person is authorized to possess such a weapon in the course of his or her employment, has been authorized by a District employee to have the knife, or is a duly appointed peace officer who is engaged in the performance of his or her duties.

Any employee who is the victim of any violent threatening or harassing conduct, any witness to such conduct, or anyone receiving a report of such conduct, whether the perpetrator is a District employee or a non-employee, shall immediately report the incident to his/her supervisor or other appropriate person. Referrals to the Antelope Valley College Police Department or emergency services can be made in the following ways:

Antelope Valley College Police Department: (661) 722-6399 (Outside Line)
Antelope Valley College Police Department: 6399 (Non Emergency On-Campus Line)
Antelope Valley College Police Department: 444 (Emergency On-Campus Line)
Antelope Valley College Police Department: *80 (Police Contact On-Campus Pay Phones)
Chief of Police: (661) 722-6300 Extension: 6265
Off Campus Emergency: Dial 911

No one, acting in good faith, who initiates a complaint or reports an incident under this policy will be subject to retaliation or harassment.

Any employee reported to be a perpetrator will be provided both due process and representation before disciplinary action is taken. In the event the District fears for the safety of the perpetrator or the safety of others at the scene of the violent act, the Antelope Valley Police Department will call the appropriate law enforcement officials.

11/7/05

AP 3515 Reporting of Crimes

Reference:

Penal Code Section 245; Education Code Section 212; 67380; 87014 ; Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998; 20 U.S.C. § 1232g; 34 C.F.R. 668.46; 34 C.F.R. 99.31(a)(13), (14); Campus Security Act of 1990

Members of the Antelope Valley Community College District who are witnesses or victims of a crime should immediately report the crime to the Antelope Valley Community College Police Department when and if that criminal act is committed within the jurisdiction of the District police Department. Members of the Antelope Valley Community College District who are witnesses or victims of a crime off campus and outside the jurisdiction of the campus Police department, should contact the Los Angeles County Sheriff's Department:

In Lancaster contact: (661) 948-8466

In Palmdale contact: (661) 267-4300

In the event an employee is assaulted, attacked or menaced by a student, the employee shall notify his or her supervisor as soon as practical after the incident. The supervisor of any employee who is attacked, assaulted or menaced shall assist the employee to promptly report the attack or assault to the Antelope Valley Community College District Police Department. The supervisor himself or herself shall make the report if the employee is unable or unwilling to do so.

The District shall publish warnings to the campus community about crimes that are considered to represent a continuing threat to other students and employees in a manner that is timely and will aid in the prevention of similar crimes. The information shall be disseminated by the Director of Public and Governmental Relations in a manner that aids the prevention of similar crimes.

The District shall annually collect and distribute statistics concerns crimes on campus. All college staff with significant responsibility for student and campus activities shall report crimes about which they receive information.

The District shall publish an Annual Security Report every year by October 1 that contains statistics regarding crimes committed on campus and at affiliated locations for the previous three years. The Annual Security Report shall also include policies pertaining to campus security, alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, victims' assistance program, student discipline, campus resources and other matters. The District shall make the report available to all current students and employees. The District will also provide perspective students and employees with a copy of the Annual Security Report upon request. A copy of the Annual Security Report can be obtained by contacting the offices of campus Media and Public Relations, or published in the campus newspapers monthly.

The District may disclose the final results of disciplinary proceeding to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, regardless of the outcome. The District may also disclose to anyone, the final results of a disciplinary proceeding in which it concludes that a student violated school policy with respect to a crime of violence or non-forcible sex offense. The offenses that apply to this permissible disclosure are:

- Arson;
- Assault offenses;
- Burglary;
- Criminal homicide – manslaughter by negligence;
- Criminal homicide – murder and non-negligent manslaughter;
- Destruction, damage, or vandalism of property;
- Kidnapping or abduction;
- Robbery;
- Forcible sex offenses.

The disclosure may only include the final result of the disciplinary proceeding with respect to the alleged criminal offense. The District shall not disclose the name of any other student, including a victim or witness, unless the victim or witness has waived his or her right to confidentiality.

11/7/05

AP 3516 Registered Sex Offender Information

Reference:

Penal Code 290 and 290.01, 290.95; 34 CFR 668; Campus Sex Crimes Prevention Act 42 U.S.C. § 14071j; 20 U.S.C. § 1092(f)(1)(I); 20 U.S.C. § 1232g(b)(7)(A)

The District shall include in its Annual Security Report a statement advising the campus community where information pertaining to registered sex offenders may be obtained:

Sex offenders are required to register with the police in the jurisdiction in which they reside and at institutions of higher learning if they are students there or if they work there as employees, contractors, or volunteers. A sex offender who is an employee or volunteer in the District must disclose his or her status as a registrant upon his or her application or acceptance of the position if he or she 1) would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children, or 2) would be working directly and in an accompanied setting with minor children and his or her work would require touching minor children on more than an incidental basis.

A sex offender who must register for committing a crime against a minor victim under the age of 16 is prohibited from serving as an employer, employee, contractor, or volunteer in any capacity in which the sex offender would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or involving having supervision or disciplinary power over minor children.

Sex offenders who may be required to register should do so at: the Antelope Valley Community College District Police Department prior to registering or attending any classes. Sex offenders who wish to register at the Antelope Valley Community College District to attend classes must first be registered with their local law enforcement agency in the area in which they reside as required by state law.

Information concerning registered sex offenders can be obtained from the Megan's law computer terminal at the Lancaster and Palmdale stations of the Los Angeles County Sheriff's department:

Lancaster Sheriff's Station: 501 West Lancaster Blvd., Lancaster Calif. 93534

Palmdale Sheriff's Station 1020 East Palmdale Blvd., Palmdale Calif. 93550

The Antelope Valley Community College Police Department shall not release information regarding a sex offender, unless the person seeking the information has signed a statement, on a form provided by the Department of Justice, stating that he or she is not a registered sex offender, that he or she understands the purpose of the release of information is to allow members of the campus community to protect themselves and their children from sex offenders, and that he or she understands it is unlawful to use the information received to commit a crime against any registered sex offender or to engage in illegal discrimination or harassment of a registered sex offender. The department will maintain the signed statement in its records for a period of five years.

The Antelope Valley Community College Police Department will release the following information regarding a registered sex offender: (1) full name; (2) known aliases; (3) gender;

(4) race; (5) physical description; (6) photograph; (7) date of birth; (8) crimes resulting in registration; and (9) The date of last registration or reregistration.

11/7/05

Revised: 9/10/07

AP 3518 Child Abuse Reporting

Reference:

Penal Code Sections 261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a, 11164-11174.3; Welfare and Institutions Code Sections 300, 318, 601; Family Code Sections 7802, 7807, 7808, 7820-7829, 7890, 7892.

The Antelope Valley Community College District recognizes the responsibility of its staff to report to the appropriate agency when there is a reasonable suspicion that an abuse or neglect of a child may have occurred. Mandated reporters include faculty, educational administrators and classified staff. Volunteers are not mandated reporters, but are encouraged to report suspected abuse or neglect of a child.

Child abuse is defined as physical abuse, neglect, sexual abuse and/or emotional maltreatment. This procedure addresses the sexual assault, sexual exploitation, and/or sexual abuse of a child; the willful cruelty or unjustifiable punishment of a child; incidents of corporal punishment or injury against a child; abuse in out-of-home care; and the severe and/or general neglect of a child (definitions contained in Penal Code Section 11165).

“Reasonable suspicion” occurs when “it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position drawing when appropriate on his or her training and experience, to suspect child abuse” (Penal Code Section 11166[a]).

A child protective agency is a police or sheriff’s department, a county probation department, or a county welfare department. School district police, Community College Police departments, or security departments are not child protective agencies (Penal Code Section 11165.9).

Any person not mandated by law to report suspected child abuse has immunity unless the report is proven to be false and the person reporting knows it is false, or the report is made with reckless disregard of the truth or falsity of the incident (Penal Code Section 11172(a)). Reporting is an individual responsibility. An employee making a report cannot be required to disclose his or her identity to the employer (Penal Code Section 11166(h)). However, a person who fails to make a required report is guilty of a misdemeanor punishable by up to six (6) months in jail and/or up to a \$1,000 fine (Penal Code Section 11172e).

Mandated reporters must report immediately any reasonable suspicion of child abuse to a local child protective agency and follow up with a written report within 36 hours. Students who will receive college credit for coursework are mandated reporters while volunteers are not. The written report may be mailed or submitted by facsimile or electronic transmission.

Child abuse reporting forms are available in the campus Police Department located in the Student Center Building.

No mandated reporter who reports a known or suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by the Penal Code. Any person other than a child care custodian reporting a known or suspected instance of child abuse shall not incur any liability as a result of making any report of child abuse, unless it can be proven that a false report was made and the person knew that the report was false. (Penal Code Section 11172a)

When an official of AVC releases a minor pupil to a peace officer for the purpose of removing the minor from the campus, the district official shall take immediate steps to notify the parent or guardian regarding the release of the minor to the officer, and regarding the place to which the minor is reportedly being taken (Education Code Section 87044), except when a minor has been taken into custody as a victim of suspected child abuse, as defined in Section 11165 of the Penal Code, or pursuant to Section 305 of the Welfare and Institutions Code. In those cases, the official shall provide the peace officer with the address and telephone number of the minor's parent or guardian.

Non-accidental physical injury is considered to be a health and safety emergency, and parental consent is not required for release of student information under the Family Education Rights and Privacy Act, or the California Student Records Act (Ed Code Section 76200 *et seq.*).

Information relevant to the incident of child abuse may be given to an investigator from a child protective agency who is investigating the known or suspected cause of child abuse (Penal Code Section 11167b).

The Antelope Valley Community College District shall provide a mandated reporter with a statement informing the employee that he or she is a mandated reporter and inform the employee of his or her reporting obligations under Penal Code Section 11166 and of his or her confidentiality rights under subdivision (d) of Penal Code Section 11167. The Antelope Valley Community College District shall provide a copy of Penal Code Sections 11165.7, 11166, and 11167 to the employee. Prior to commencing his or her employment and as a prerequisite to that employment, employee shall sign and return the statement to the Antelope Valley Community College District. The signed statements shall be retained by the Antelope Valley Community College District (Penal Code Section 11166.5).

The District will distribute this procedure to all employees.

11/7/05

Revised: 5/8/06

Revised: 1/8/07

Revised: 4/14/08

AP 3520 Local Law Enforcement

Reference:

Education Code Section 67381

The Antelope Valley Community College District has a written agreement with the Los Angeles County Sheriff's Department and the California State University at Bakersfield. The agreement clarifies operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location.

The written agreement designates which law enforcement agency has operational responsibility for violent crimes and delineates the specific geographical boundaries of each agency's operational responsibility, including maps as necessary.

The written agreements required by the Board policy are public records and are made available for inspection by members of the public upon request to AVC Police Department.

The Antelope Valley Community College Police Department has full jurisdictional control over all properties of the Antelope Valley College District. In the event of a major felony or criminal act in which the Chief of Police deems necessary, the Los Angeles County Sheriff's Department shall be called in and given full jurisdiction over the incident. The Los Angeles County Sheriff's department has entered into written agreement that it shall investigate all major offenses on campus in which the campus Police Department has requested.

11/7/05

AP 3530 Weapons on Campus

Reference:

Penal Code Section 626.7

The Antelope Valley Community College District shall be considered a “Gun Free Zone” in accordance with California Penal Code Section 626.9. The Antelope Valley Community College District shall also be known for a “Zero” tolerance in regards to any weapons violations as stated in California penal Code Section 626.9 and 626.10.

The Antelope Valley Community College District shall consider the following as “Zero” tolerance violations:

Firearms, knives, explosives or other dangerous objects, including but not limited to any facsimile firearm, knife or explosive, are prohibited on any District campus or at any District center, or in any facility of the District.

Activities involving firearms or other weapons conducted under the direction of District officials or as authorized by an official law enforcement agency shall be reported to the Antelope Valley Community College Police Department before taking place.

Any person who believes that he or she may properly possess a firearm or other weapon on campus or in a District center or other facility of the District must promptly notify the Antelope Valley Community College Police Department.

Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2 1/2 inches upon the grounds, unless the person is authorized to possess such a weapon in the course of his or her employment, has been authorized by a District employee to have the knife, or is a duly appointed peace officer, who is engaged in the performance of his or her duties.

11/7/05

AP 3540 Sexual Assaults on Campus

Reference:

Education Code Section 67385; 20 U.S.C. § 1092(f); 34 C.F.R. § 668.46(b)(11)

Any sexual assault or physical abuse, including, but not limited to, rape, as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (See also, AP 5520 Procedures for Discipline Related to Standards of Conduct.)

“Sexual assault” includes but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

These written procedures and protocols are designed to ensure victims of sexual assault receive treatment and information. (For physical assaults/violence, see also AP 3500, 3510, and 3515.) All students, faculty members or staff members who allege they are the victims of a sexual assault on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the campus Police Department, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the campus Police Department is authorized to release such information by court order.

The Chief of Police shall provide all alleged victims of sexual assault with the following, upon request:

A copy of the District's policy and procedure regarding sexual assault; a list of personnel on campus who should be notified of the assault (see list below), and procedures for such notification, if the alleged victim consents; a description of available services, and the persons on campus available to provide those services if requested.

The persons on campus who should be notified of the assault include:

- The President/Superintendent
- The Vice President of Student Services
- Sexual Assault Response Services(SARS) (661) 723-7273

Services and those responsible for providing or arranging them include:

- The Vice President of Student Services for referral to a counseling center and other on or off-campus resources, student disciplinary procedures, modification of class schedules, and tutoring, if necessary.
- The Vice President of Human Resources for employee disciplinary procedures
- The Antelope Valley College Police Department for transportation to a hospital, if necessary, and all other law enforcement matters

All alleged victims of sexual assault on District property shall be kept informed, through the campus Police Department, or the Vice President of Student Services of any ongoing

investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of sexual assault are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

The District shall maintain the identity of any alleged victim or witness of sexual assault on District property, as defined above, in confidence unless the alleged victim or witness specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged sexual assaults on District property shall be referred to the District's media and information Public Relations office, which shall work with the campus Police Department and the Vice President of Student Services office to assure that all confidentiality rights are maintained.

Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent sex offenses and procedures that should be followed after a sex offense occurs. The statement must include the following:

- A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses;
- Procedures to follow if a sex offense occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
- Information on a student's option to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests;
- Information for students about existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses;
- Notice to students that the campus will change a victim's academic situation after an alleged sex offense and of the options for those changes, if those changes are requested by the victim and are reasonably available;
- Procedures for campus disciplinary action in cases of an alleged sex offense, including a clear statement that:
 - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
 - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged sex offense. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged sex offense and any sanction that is imposed against the accused.
 - A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or nonforcible sex offenses.

Education and Prevention Information

The Superintendent/President or designee shall:

- Provide, as part of the campus established on-campus orientation program, education and prevention information about sexual assault. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations.
- Post sexual violence prevention and education information on the campus internet website.

11/7/05

Revised: 1/8/07

AP 3550 Drug Free Environment and Drug Prevention

Reference:

Drug Free Schools and Communities Act Amendment, 1989; Federal Drug-Free Workplace Act, 1988

The District is committed to providing its employees and students with a drug-free workplace and campus environment. It emphasizes prevention and intervention through education.

The Antelope Valley Community College District Police Department may make recommendations to the District Attorneys office for a "Drug Diversion" program for any offender of the Districts "Drug Free" policy.

Prohibition of Drugs

The unlawful manufacture, distribution, dispensing, possession or use of alcohol or any controlled substance is prohibited on District property, during District-sponsored field trips, activities or workshops, and in any facility or vehicle operated by the district.

Violation of this prohibition will result in appropriate action up to and including termination of employment, expulsion, and referral for prosecution, or, as permitted by law, may require satisfactory participation in an alcohol or drug abuse assistance or rehabilitation program, or other services such as those provided through the Central Valley Trust Employee Assistance Program.

As a condition of employment, employees must notify the District within ten days of any conviction for violating a criminal drug statute while in the workplace. The District is required to inform any agencies that require this drug-free policy within ten days after receiving notice of a workplace drug conviction.

11/7/05

AP 3560 Alcoholic Beverages

Reference:

Business and Professions Code Sections 24045.4, 24045.6, and 25608

Alcoholic beverages on campus are permitted if:

- The alcoholic beverage is for use in connection with a course of instruction, sponsored dinner, or meal demonstration given as part of a culinary arts program at a community college campus, and the instructor or individual has been authorized to acquire, possess, use, sell, or consume it by the Vice President of Academic Affairs.
- The alcoholic beverage is wine produced by a bonded winery owned or operated as part of an instructional program in viticulture and enology.
- Lawful possession, consumption or sale of alcoholic beverages such as wine and beer on college property is limited to activities that benefit and are coordinated through the Antelope Valley College Foundation, with the approval of the Executive Director of the Foundation and/or the Superintendent/President of the Antelope Valley Community College District. A valid permit must be obtained from the California Department of Alcoholic Beverage Control. A reasonable charge may be assessed for this coordination. In addition, event insurance must be purchased for the event and the college named as additional insured.

Alcoholic beverages are prohibited at football games or other athletic contests sponsored by the district.

11/7/05

Revised: 4/9/07

Revised: 9/10/07

Revised: 4/14/08

AP 3570 Smoking on Campus

Reference:

Government Code Section 7596, 7597, 7598; Labor Code 6404.5; Title 5, Section 5148

Tobacco smoking shall be prohibited in all buildings on campus as well as within 25 feet of the entrance or exit to buildings or structures on campus.

Chewing tobacco shall be prohibited any place on campus.

Smoking and chewing of tobacco shall be prohibited when riding or driving a college owned vehicle.

Smoking is prohibited inside any indoor area of any campus building, except for covered parking lots and residential space.

“Covered parking lot” means an area designated for the parking of vehicles that is enclosed or contains a roof or ceiling, but does not include lobbies, lounges, waiting areas, stairwells, and restrooms that are a structural part of the parking lot or a building to which it is attached.

“Residential space” means a private living area, but does not include common areas such as lobbies, lounges, waiting areas, elevators, stairwells, and restrooms that are a structural part of a multicomplex building such as a dormitory.

Smoking is prohibited in any enclosed place of employment on campus, including lobbies, lounges, waiting areas, stairwells, and restrooms that are a structural part of any building that is a place of employment.

11/7/05

Revised: 9/10/07

AP 3600 Auxiliary

Reference:

Education Code Sections 72670 et seq.; Government Code Section 12580 et seq.; Title 5, Sections 59250 et seq.

Definitions

Board of Directors. The term board of directors as used herein means the governing board of an auxiliary organization.

Board of Trustees. The term Board of Trustees as used herein means the Board of Trustees of the District.

Board of Governors. The term Board of Governors as used herein means the Board of Governors of the California Community Colleges.

Superintendent/President The term Superintendent/President as used herein means the Chancellor or Superintendent of the District or designee.

District. The term District as used herein means the Antelope Valley Community College District.

Associated Student Body. The terms Associated Student Body, Associated Student Organization, Student Association, Student Organization, or ASB as used herein means an organization formed by any group of students from a College of the District in accordance with the provisions of Education Code Section 76060. All clubs and organizations recognized by an Associated Student Body or Organization shall be included in any auxiliary organization established by the Student Body or Organization.

Recognition and Establishment of Auxiliary Organizations

The Superintendent/President shall submit a recommendation to the Board of Trustees to establish an auxiliary organization when the organization will serve the District. The recommendation includes, but is not limited to, the following:

- The purpose(s) for which the auxiliary organization is to be established;
- Whether the proposed auxiliary organization will primarily serve the District or a particular division or department within the district;
- The functions which the auxiliary organization is intended to perform;
- The proposed bylaws and articles of incorporation for the auxiliary organization, including the size and composition of the Board of Directors; and
- The proposed written agreement between the auxiliary organization and the District, as required in Title 5, Sec. 59259.

The process of recognition shall be as follows:

- When the Superintendent/President receives a request to establish an auxiliary organization, the Superintendent/President shall submit a recommendation concerning the establishment of said organization to the Board of Trustees within three months.

- The Board of Trustees shall hold a public hearing on each recommendation concerning the establishment of an auxiliary organization.
- At a subsequent scheduled meeting after the public hearing, the Board shall announce its decision concerning the establishment of the organization, and, if approved, authorize the functions it may perform, identify the number and category or categories of the Board of directors and approve contractual arrangements.

At such time as the District recognizes an auxiliary organization, it shall submit to the state Chancellor's Office any written agreements with the auxiliary organization, as well as the articles of incorporation, bylaws, or other governing instruments.

Recognized Services, Programs and Functions

Auxiliary organizations may be recognized and established by the Board of Trustees to perform the following services, programs and functions:

- Student organization activities;
- Bookstores;
- Food and campus services;
- Facilities and equipment, including parking;
- Loans, scholarships, grants-in-aid;
- Workshops, conferences, institutes and federal and specially funded projects;
- Alumni activities;
- Supplementary health services;
- Gifts, bequests, devises, endowments and trusts; and
- Public relations programs.

No auxiliary organization shall be authorized by the Board of Trustees to engage in any other function unless the Board of Governors amends Section 59259 of Title 5 by adding said function to the list of approved functions of auxiliary organizations. This section shall not be construed to prohibit an auxiliary organization from performing the duties essential to satisfy the non-profit corporation or tax laws of the State of California or the Federal tax laws.

Operations of commercial services on a campus shall be self supporting when operated by an auxiliary organization.

Authority and Responsibility of Auxiliary Organizations

Participation in workshops, conferences, or institutes offered by auxiliary organizations shall not be included in reports to the state for the purpose of receiving apportionment funding.

All services, programs and activities that may be undertaken by an auxiliary organization shall be maintained for the general benefit of the educational program of the District. Upon Board of Trustees approval, an auxiliary organization may assume any of the services, programs and activities listed in these procedures in order:

- To provide the fiscal means and the management procedures that allow the District to carry on educationally related activities not normally funded by State apportionment;

- To eliminate the undue difficulty that would otherwise arise under the usual governmental budgetary, purchasing and other fiscal controls except as expressly prohibited by the Education Code or Title 5, or the District's procedures; or
- To provide fiscal procedures and management systems that allow effective coordination of the auxiliary activities with the District in accordance with sound business practices.

Composition of Boards of Directors

The board of directors of each auxiliary organization shall have the following composition:

Student Associations or Organizations. the Board of directors shall consist primarily of students. The Superintendent/President's designee may attend and participate in meetings of the Board of directors in order to advise on policy and to provide for the control and regulation required by Education Code Section 76060.

Other Auxiliary Organizations. Any District approved auxiliary organization that is established pursuant to Section 72670 *et seq.* of the Education Code shall have a board of directors appointed in accordance with the organization's articles of incorporation or bylaws and consisting of voting membership from one or more of the following categories: Administration, staff; members of the community; students.

The size of the Board of directors of an auxiliary organization shall be at least large enough to accommodate the one or more categories from which board members are selected.

The board of directors shall have the advice and counsel of at least one attorney admitted to practice in California and at least one certified public accountant. Upon being notified of the certified public accountant selected by an auxiliary organization, the district shall forward the applicable auditing and reporting procedures to the selected certified public accountant.

Conduct of Boards of Directors

No member of the Board of directors of an auxiliary organization shall be financially interested in any contract or other transaction entered into by the Board of which he/she is a member. Any contract or transaction entered into in violation of this section is void.

No contract or other transaction entered into by the Board of directors of an auxiliary organization is void under the provisions of Education Code Section 72677; nor shall any member of such board be disqualified or deemed guilty of misconduct in office under such provisions, if pursuant to Education Code Section 72678 both of the following conditions are met:

- The fact of such financial interest is disclosed or known to the Board of directors and noted in the minutes, and the Board thereafter authorizes, approves, or ratifies the contract or transaction in good faith by a vote sufficient for the purpose without counting the vote or votes of such financially interested member or members.
- The contract or transaction is just and reasonable as to the auxiliary organization at the time it is authorized or approved.

The provisions of Education Code Section 72678 above shall not be applicable if any of the following conditions are met:

- The contract or transaction is between an auxiliary organization and a member of the Board of directors of that auxiliary organization.

- The contract or transaction is between an auxiliary organization and a partnership or unincorporated association of which any member of the governing board of that auxiliary organization is a partner or in which he or she is the owner or holder, directly or indirectly, of a proprietorship interest.
- The contract or transaction is between an auxiliary organization and a corporation in which any member of the Board of directors of that auxiliary organization is the owner or holder, directly or indirectly, of five percent or more of the outstanding common stock.
- A member of the Board of directors of an auxiliary organization is interested in a contract or transaction within the meaning of Education Code Section 72677 and without first disclosing such interest to the governing board at a public meeting of the board, influences or attempts to influence another member or members of the Board to enter into the contract or transaction.

It is unlawful for any person to utilize any information, not a matter of public record, which is received by the person by reason of his/her membership on the Board of directors of an auxiliary organization, for personal pecuniary gain, regardless of whether he or she is or is not a member of the Board at the time such gain is realized.

Bylaws

The bylaws of an auxiliary organization shall include, but not be limited to, specifying:

- The number of members of the Board of directors, the categories from which members shall be selected and the method by which they shall be selected.
- The size of the Board of directors.
- That at least one public business meeting will be held each quarter.
- The time table for the preparation and adoption of its program and annual budget and the submission of both for review to the Superintendent/President.
- That an attorney admitted to practice in this state and a licensed certified public accountant shall be selected to provide advice and counsel to the Board of directors. Each shall have experience appropriate to the responsibility and shall have no financial interest in any contract or other transaction entered into by the Board which he/she serves. Neither the attorney nor the certified public accountant needs to be a member of the Board of directors.
- The procedures for approving expenditures.
- The procedures for accepting gifts, donations, bequests, trusts and specially funded grants and other income. All such gifts, donations, bequests, trusts and specially funded grants must be accepted through the Antelope Valley College Foundation.

Master Agreement between District and Auxiliary Organizations

In the recognition and establishment of an auxiliary organization, there shall be a written agreement between the District and the auxiliary organization which sets forth the purposes of the auxiliary organization as permitted under this Regulation, and Title 5 Section 59259.

Should an auxiliary organization provide more than one service, program or function, such service, program or function may be authorized in one of more written contracts with the District. Such services, programs and functions thereby performed by an auxiliary

organization may also be part of a joint powers agreement in accordance with Education Code Section 72671 and Government Code Section 6500 *et seq.*

An auxiliary organization shall provide only those services, programs or functions authorized by a written agreement. No other service, program or function shall be permitted or performed unless a written agreement between the District and the auxiliary organization is amended to provide otherwise.

The agreement shall include, but is not limited to, the following provisions:

- The services, programs, or functions the auxiliary organization is to manage, operate or administer.
- A statement of the reasons for administration of the functions by the auxiliary organization instead of by the District under usual District procedures.
- The areas of authority and responsibility of the auxiliary organization and the District or College.
- The facilities and services to be made available by the District to permit the auxiliary organization to perform the services, programs or functions specified in the written agreement.
- The charge or rental to be paid to the District by the auxiliary organization for the facilities used or services provided in connection with the performance of its function. The charge or rental specified shall be identified in sufficient time before it is incurred so that the organization may determine to what extent it is liable.
- Full reimbursement to the District for services performed by the District or by District employees in support of the auxiliary organization. No more than 50% of the reimbursement may be made in the form of non-monetary benefits that the auxiliary organization provides to the District, such as increased community awareness or other such benefits that are agreed upon by authorized District officials and the auxiliary organization. The District shall assign a good-faith reimbursement value to such non-monetary benefits. This does not preclude financial support for operational functions of the district in support of the college. Student body auxiliary organizations may be exempt from reimbursing all or any portion of the costs for such services. Methods of proration where services are performed by District employees for the organization shall be as mutually determined.
- A mutually agreed upon method of determining in advance to what extent the organization shall be liable for indirect costs relating to specially funded programs (including federally sponsored programs.).
- The responsibility for maintenance and payment of operating expenses.
- Proposed expenditures for public relations or other purposes which would serve to augment District appropriations for operation of the District. With respect to these expenditures, the auxiliary organization may expend funds in such amount and for such purposes as are approved by the Board of directors of the auxiliary organization. The Board of directors shall file with the Superintendent/President a statement of such policy on accumulation and use of public relations funds. The statement shall include the policy and procedure on solicitation of funds, source of funds, amounts, and purpose for which the funds will be used, allowable expenditures, and procedures of control.

- The disposition to be made of net earnings derived from the operation of the auxiliary organization, including earnings derived from facilities owned or leased by the auxiliary organization, and provisions for reserves.
- The disposition to be made of net assets and liabilities on dissolution of the auxiliary organization or cessation of the operations under the agreement.
- The covenant of the auxiliary organization to maintain its organization and to operate in accordance with Sections 72670 through 72682 of the Education Code and with the regulations contained in Title 5, Section 59250 *et seq.*, as well as District Board Policy.
- The understanding that the auxiliary organization shall obtain the services and counsel of an attorney admitted to practice in the State of California whenever the need arises.
- The understanding that the auxiliary organization shall not enter into any contract or other business arrangement involving real property either by lease involving payments of more than \$25,000 per annum and duration terms of more than one year, or by purchase without prior notification and consultation with the Superintendent/President.

Personnel

Each auxiliary organization shall develop general regulations to govern its operations, including policies and regulations concerning the salaries, working conditions and benefits of its employees.

The aforesaid regulations shall not conflict with the implementing policies adopted by the Board of Trustees or with these procedures.

Except as otherwise provided in any board rules, the Board of directors of each auxiliary organization shall, pursuant to Education Code Section 72672, provide salaries, working conditions and benefits for its full-time employees that are comparable to those provided District employees performing substantially similar services. For those full-time employees who perform services that are not substantially similar to the services performed by District employees, the salaries established shall be comparable to the salaries prevailing in other educational institutions in the area or commercial operations of like nature in the area.

Regular District employees may be employed by the auxiliary organization. District employees must resign or request a personal leave of absence from the District in order to accept employment with the auxiliary organization. District officers and employees who are required by the district's Conflict of Interest Code (AP 2712) to file disclosure of financial information are responsible to determine whether or not they are eligible to accept employment with the auxiliary organization immediately upon resignation from the district.

- Educational Administrators or other Management Employees may be granted a personal leave of absence for two semesters, which may be extended to a maximum of ten consecutive semesters.
- Classified management employees may be granted a personal leave of absence for up to one year. This leave may not be extended beyond one year without the employee first having returned to active duty.
- Academic (faculty) employees may be granted personal leave of absence for two semesters. The leave may be extended for not more than six consecutive semesters.

- Classified employees may be granted a personal leave of absence for up to one year. This leave may not be extended beyond one year without the employee first having returned to active duty.

The board of directors of each auxiliary organization may provide retirement benefits different from those provided comparable District employees and may withhold retirement benefits or permanent status benefits or both from temporary employees. For the purposes of this Procedure, a temporary employee is:

- An employee employed for a specific research project, workshop, institute or other special project funded by any grant, contract or gift; or
- An employee whose contract of employment is for a fixed term not exceeding three years.

The board of directors of each auxiliary organization may withhold permanent status benefits from executive employees. For the purposes of this Procedure, an executive employee is any management employee with responsibility for the development and execution of the auxiliary organization's policies and includes, but is not limited to, general managers, managers, directors and the like, as determined by the Board of directors of each auxiliary organization.

Should retirement benefits be provided, they may but need not be provided by the Public Employees' Retirement System. Any newly created auxiliary organization is exempted from the requirement of providing retirement benefits for a period not to exceed three years from the date on which the Board of Trustees recognizes the establishment of such auxiliary organization.

An auxiliary organization may contract with the District for the services of a District employee and reimburse the District for that portion of the employee's full-time assignment (and corresponding benefits) that is spent in providing said services.

Accounting and Reporting for Auxiliary Organizations

The fiscal year of the auxiliary organization shall coincide with that of the District.

Each auxiliary organization shall develop an accounting system that is in accordance with generally accepted accounting principles.

The auxiliary organization shall implement financial practices that will assure its fiscal viability. Such standards shall include professional management, adequate working capital, adequate reserve funds for current operations, capital replacements, contingencies and adequate provisions for new business requirements.

Each auxiliary organization serving the District shall submit its programs and budgets for review at a time and in a manner specified by the Superintendent/President.

Funds derived from indirect cost payments shall only be appropriated with the specific approval of the Superintendent/President. All uses of such funds shall be regularly reported to the district governing board.

Should the Superintendent/President determine that any program or appropriation planned by an auxiliary organization is not consistent with District policy, the program or appropriation shall not be implemented. Further, should a program or appropriation which has received approval, upon review, be determined by the Superintendent/President to be operating outside the acceptable policy of the Board of Governors or the District, then that program or appropriation shall be discontinued by direction of the Superintendent/President until further review is accomplished and an appropriate adjustment is made.

The board of directors of an auxiliary organization shall approve all expenditure authorizations.

If the auxiliary organization receives or accrues in any fiscal year gross revenue of two million dollars (\$2,000,000) or more, it shall also:

- Include in its bylaws an audit committee appointed by the board of directors. The audit committee may include persons who are not members of the board of directors, but the member or members of the audit committee shall not include any members of the staff, including the president or chief executive officer and the treasurer or chief financial officer. If the auxiliary committee has a finance committee, it must be separate from the audit committee. Members of the audit committee shall not receive any compensation from the corporation in excess of the compensation, if any, received by members of the board of directors for service on the board and shall not have a material financial interest in any entity doing business with the corporation. Subject to the supervision of the board of directors, the audit committee shall be responsible for recommending to the board of directors the retention and termination of the independent auditor and may negotiate the independent auditor's compensation, on behalf of the board of directors.
- The audited financial statements shall be available for inspection by the Attorney General and shall be made available to members of the public.
- The board of directors, or an authorized committee of the board, shall review and approve the compensation, including benefits, of the President or Chief Executive Officer and the Treasurer or Chief Financial Officer to assure that it is just and reasonable. This review and approval shall occur initially upon the hiring of the officer, whenever the term of employment, if any, of the officer is renewed or extended, and whenever the officer's compensation is modified. Separate review and approval shall not be required if a modification of compensation extends to substantially all employees.

Records and Annual Report of Auxiliary Organizations

Personnel and payroll records shall be maintained as permanent records by each auxiliary organization.

Adequate records of all other transactions of an auxiliary organization shall be maintained for a minimum of five years. Transactions of the organization include, but are not limited to, purchases, disbursements, and investments.

An annual report shall be submitted to the Board of directors of the auxiliary organization and to the Superintendent/President by September 15. The report shall include, but is not limited to:

- All financial statements required to be filed with the state Chancellor's Office
- A comparison of budgeted and actual expenditures
- A description of major accomplishments of the organization
- A description of improvements proposed for operation of the organization.

Annual Audit

Each auxiliary organization shall have an annual fiscal audit of any and all funds. The audit shall be performed by a certified public accountant in accordance with procedures prescribed by the Chancellor. Copies of the annual audit report shall be submitted to the

Board of Trustees and to the state Chancellor's Office within 30 days after it is received by the auxiliary organization. Thereafter, it shall be a public record, except as otherwise provided by law. Such audits may be conducted as part of a fiscal audit of the District itself.

Auxiliary organizations shall annually publish an audited statement of their financial condition, which shall be disseminated as widely as feasible and be available to any person on request. A reasonable fee may be charged to cover the costs of providing a copy. An auxiliary organization shall comply with this requirement by:

- Publishing the audited financial statement in a campus newspaper; or
- Publishing a notice in a campus newspaper indicating the on-campus location where copies of the financial statement may be obtained or reviewed; or
- Publishing or noticing the audited statement in a campus bulletin or other appropriate medium if a campus newspaper is unavailable.

Insurance

Unless otherwise defined by the master agreement between the auxiliary organization and the district, an auxiliary organization shall secure and maintain insurance adequate to protect its operations from catastrophic losses and as required by law, including but not limited to, the following:

- Comprehensive liability;
- Property and extended coverage, when applicable;
- All risks, money and securities;
- Fidelity and performance bonds covering its chief fiscal officer;
- Automotive liability when applicable; and
- Workers' Compensation

In any insurance policy secured by the auxiliary organization, the District shall be named as additional insured.

A copy of each policy or endorsement or insurance certificates setting forth the coverage and limits shall be provided to the District within 30 days from the receipt of the document.

In obtaining the insurance coverage, the auxiliary organization may secure the insurance directly through its own broker or through the District.

Auxiliary Organizations: Use of Facilities

Facilities may be made available by the District to an auxiliary organization to perform the functions specified in these regulations or in an agreement, under the following circumstances:

- The auxiliary organization may occupy, operate and use such District facilities as are mutually identified as appropriate for the functions and/or activities that have been undertaken by the auxiliary organization.
- Unless otherwise defined by the master agreement between the auxiliary organization and the district, the auxiliary organization shall pay to the District a charge or rental for

the District facilities to be used by it in connection with the performance of its function or functions.

- The charge or rental to be paid by the auxiliary organization shall not require involved methods of computation, and shall be identified by the District and the auxiliary organization in sufficient time before it is incurred so that the auxiliary organization may determine to what extent it shall be liable.
- The charge or rental to be incurred by an auxiliary organization for use of District facilities in excess of five days shall be incorporated into the agreement between the parties.
- An auxiliary organization shall provide full reimbursement to the District for any services performed by District employees under the direction of the auxiliary organization. Methods of proration where services are performed by District employees for the auxiliary organization shall be simple and equitable.

List of Auxiliary Organizations in Good Standing

Each year, the Superintendent/President shall provide to the Board of Trustees a list of all auxiliary organizations in good standing. All auxiliary organizations which, after periodic review in the manner specified hereinafter in these regulations, are found to be in compliance with applicable laws, policies and regulations shall be included in the list.

When the Superintendent/President has reason to believe that a particular organization should be removed from the list of auxiliary organizations in good standing, a conference shall be held to determine whether such grounds for removal do in fact exist. The Board of directors of such organization shall be entitled to participate in this conference, and shall have a minimum of one month notice to prepare response to the issues which have been raised.

Based upon such conference, the Superintendent/President shall decide whether the particular organization shall be removed from the list of auxiliary organizations in good standing.

An organization so removed shall not be permitted to do any of the following:

- Use the name of the District;
- Have as a director any official in the District acting in his/her official capacity;
- Operate a commercial service for the benefit of the District or any of its Colleges; and

If the auxiliary organization is dissolved or ceases operations upon removal from the list of organizations in good standing, its net assets and liabilities shall be distributed according to the terms of the written agreement between the organization and the District.

Limitation on Transfer of Funds to Auxiliary Organizations

No funds or resources, other than funds or resources derived from gifts or bequests, shall be transferred by the District to any of its auxiliary organizations for the purpose of either avoiding laws or regulations which constrain community college districts or providing the District with an unfair advantage with respect to the application of any state funding mechanism. Such state funding mechanisms include, but are not limited to, general apportionment funding, capital outlay funding, Extended Opportunity Programs and Services funding, and funding for programs and services for disabled students.

Compliance Review by Superintendent/President

All auxiliary organization procedures and practices shall be reviewed to determine compliance with Education Code Section 72670 *et seq.*, and the policies, rules and regulations of the Board of Governors, and of the District. The Superintendent/President shall designate the individual to conduct this review, which shall be conducted at the end of the first complete fiscal year after its establishment and at least once every three years thereafter.

When the Superintendent/President's designee determines, after inspection and review, that certain auxiliary organization procedures and practices are not in compliance with policies, rules and regulations of the Board of Governors and the District, a recommendation concerning the items of noncompliance shall be communicated in writing to the Superintendent/President and to the Board of directors of the auxiliary organization. The Board of directors shall reply in writing within one month, either describing the actions which will be taken, including time table, to bring said procedures and practices into compliance; or describing the reasons why the Board considers the procedures already to be in compliance.

If the Superintendent/President's designee considers the proposed corrective actions to be acceptable, the auxiliary organization shall be so informed. A second compliance review shall be held at the end of the time agreed to and the results communicated in writing to the Superintendent/President and to the Board of directors.

When the auxiliary organization fails to provide an acceptable proposal for corrective actions or fails to implement successful corrective actions within the agreed upon time, the Superintendent/President shall inform the Board of directors of such further action as he/she considers appropriate, which may include a recommendation to the Board of Trustees for termination of the contract.

Revision of Rules and Procedures and Reports to the CCC System Office

Rules and procedures for the administration of auxiliary organizations may be revised as necessary by the Superintendent/President or designee. The Board of directors of each auxiliary organization in good standing shall be promptly notified in writing of such revisions and be informed of the date by which any changes in the organization's procedures must be accomplished.

Any such revisions shall be submitted to the state System Office for approval.

The District shall report, as may be required from time to time, on the operation of its auxiliary organizations.

11/7/05

Revised: 5/8/06

Revised: 4/14/08

AP 3710 Securing of Copyright for District Materials

Reference:

Education Code Sections 72207; 81459, 17 United States Code 201

The President, through legal counsel, shall initiate the process for securing copyright for any materials the District is entitled to ownership and for which the District wishes to obtain copyright protection to safeguard its rights of using, selling, giving or exchanging and licensing of those materials. Through legal counsel, the Superintendent/President shall initiate action to protect the District's copyrights against infringement.

Copyright Issues in the Library (17USC108)

Interlibrary Loan

Lending

The library may make one copy of an article from a periodical or chapter of a book in order to fulfill a request for this material from another library through interlibrary loan.

- The copy must become the property of the requestor.
- The copy must have a notice of copyright.
- The copy must be for private educational purposes.

Interlibrary Loan/Reserve Photocopy Notice

Notice: This material may be protected by copyright law. (Title 17 U.S. Code)

Borrowing

Issues surrounding the borrowing of materials are complex. It is considered appropriate to follow the **CONTU Guidelines on Photocopying and Interlibrary Loan Arrangements**.

- The library may only receive in any calendar year five copies of an article or articles from any one particular journal or periodical published within the last five years prior to the date of the request. This is known as "The Rule of Five". Subsection 108 (g) (2)
- The Rule of Five does not apply to works prior to the last five years.
- The requested copies must become the property of the requestor.
- The copies may be used only for "private study, scholarship or research."
- The library shall keep records of all requests "until the end of the third complete calendar year after the end of the calendar year in which the respective request shall have been made". (CONTU Guidelines 4)
- The "Warning of Copyright" must be printed on the interlibrary loan request form and be prominently displayed at the place where interlibrary loan requests are taken.

"Warning of Copyright" Notice

Notice

Warning Concerning Copyright Restrictions

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material.

Under Certain Conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship, or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use", that user may be liable for copyright infringement.

This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

Photocopy Machines

Photocopy Machine Liability

General Exemptions. Clause (1) of subsection (f) specifically exempts a library or archives or its employees from liability for the unsupervised use of reproducing equipment located on its premises, provided that the reproducing equipment displays a notice that the making of a copy may be subject to the copyright law. Clause (2) of subsection (f) makes clear that this exemption of the library or archives does not extend to the person using such equipment or requesting such copy if the use exceeds fair use. Insofar as such person is concerned the copy or phonorecord made is not considered "lawfully" made for purposes of sections 109, 110 or other provisions of the title.

Photocopy Machine Notice

Notice: The copyright law of the United States (Title 17 U.S. Code) governs the making of photocopies or other reproductions of copyrighted material. The person using this equipment is liable for any infringement.

Other Library Copyright Issues (17UCS108)

Replacement of Damaged Copy

Subsection (c) authorizes the reproduction of a published work duplicated in facsimile form solely for the purpose of replacement of a copy or phonorecord that is damaged, deteriorating, lost or stolen, if the library or archives has, after a reasonable effort, determined that an unused replacement cannot be obtained at a fair price. The scope and nature of a reasonable investigation to determine that an unused replacement cannot be obtained will vary according to the circumstances of a particular situation. It will always require recourse to commonly-known trade sources in the United States, and in the normal situation also to the publisher or other copyright owner (if such owner can be located at the address listed in the copyright registration), or an authorized reproducing service.

Out-of-Print Works

Subsection (e) authorizes the reproduction and distribution of a copy or phonorecord of an entire work under certain circumstances, if it has been established that a copy cannot be obtained at a fair price. The copy may be made by the library where the user makes his request or by another library pursuant to an interlibrary loan. The scope and nature of a

reasonable investigation to determine that an unused copy cannot be obtained will vary according to the circumstances of a particular situation. It will always require recourse to commonly-known trade sources in the United States, and in the normal situation also to the publisher or other copyright owner (if the owner can be located at the address listed in the copyright registration), or an authorized reproducing service. It is further required that the copy become the property of the user, that the library or archives have no notice that the copy would be used for any purpose other than private study, scholarship, or research, and that the library or archives display prominently at the place where reproduction requests are accepted, and include on its order form, a warning of copyright in accordance with requirements that the Register of Copyrights shall prescribe by regulation.

Multiple Copies and Systematic Reproduction

Subsection (g) provides that the rights granted by this section extend only to the "isolated and unrelated reproduction of a single copy or phonorecord of the same material on separate occasions." However, this section does not authorize the related or concerted reproduction of multiple copies or phonorecords of the same material, whether made on one occasion or over a period of time, and whether intended for aggregate use by one individual or for separate use by the individual members of a group. With respect to material described in subsection (d)—articles or other contributions to periodicals or collections, and small parts of other copyrighted works—subsection (g)(2) provides that the exemptions of section 108 do not apply if the library or archive engages in "systematic reproduction or distribution of single or multiple copies or phonorecords." This provision in S. 22 provoked a storm of controversy, centering around the extent to which the restrictions on "systematic" activities would prevent the continuation and development of interlibrary networks and other arrangements involving the exchange of photocopies. After thorough consideration, the Committee amended section 108(g)(2) to add the following proviso:

- Provided, that nothing in this clause prevents a library or archives from participating in interlibrary arrangements that do not have, as their purpose or effect, that the library or archives receiving such copies or phonorecords for distribution does so in such aggregate quantities as to substitute for a subscription to or purchase of such work.

11/7/05

AP 3715 Intellectual Property

Reference:

17 USC 101 et seq.; 35 USC 101 et seq.; and 37 CFR 1.1 et seq.

Intellectual property rights of faculty are defined and determined in accord with ARTICLE XIX, "Intellectual Property Rights," in the Faculty Collective Bargaining Agreement.

11/7/05

AP 3720 Computer, Network and Telecommunications Use

References:

17 U.S.C. Section 101 et seq.; Penal Code Section 502, Cal. Const., Art. 1 Section 1; Government Code Section 3543.1(b); Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, 45

AVC Computer Use and Electronic Mail Guidelines

The District Computer, Network and Telecommunications systems are the sole property of Antelope Valley Community College District. The Computer, Network and Telecommunications systems are for District instructional and work related purposes only in accordance with the AVC Computer Use and Electronic Mail Guidelines.

This procedure applies to all District students, faculty and staff and to others granted use of District information resources. A user is defined as any individual or group who uses college computing facilities.

This procedure refers to all District information resources whether individually controlled or shared, stand-alone or networked. It applies to all computer and telecommunication facilities owned, leased, operated, or contracted by the District. This includes, but is not limited to, personal computers, personal digital assistants (PDAs), handheld computing or telecommunications devices, workstations, mainframes, minicomputers, and associated peripherals, software, networks, telephone and telecommunications equipment, including cellular telephones, and information resources, regardless of whether used for administration, research, teaching or other purposes.

This procedure does not apply to non-District owned devices, unless such devices are connected to District networks or other District resources.

Conditions of Use

Individual units within the District may define additional conditions of use for information resources under their control. These statements must be consistent with this overall procedure but may provide additional detail, guidelines and/or restrictions.

Legal Process

This procedure exists within the framework of the District Board Policy and state and federal laws. A user of District information resources who is found to have violated any of these policies will be subject to disciplinary action up to and including but not limited to loss of information resources privileges; disciplinary suspension or termination from employment or expulsion; and/or civil or criminal legal action.

Copyrights and Licenses

Computer users must respect copyrights and licenses to software and other on-line information.

- Copying - Software protected by copyright may not be copied except as expressly permitted by the owner of the copyright or otherwise permitted by copyright law. Protected software may not be copied into, from, or by any District facility or system, except pursuant to a valid license or as otherwise permitted by copyright law.

- Number of Simultaneous Users - The number and distribution of copies must be handled in such a way that the number of simultaneous users does not exceed the number of original copies purchased by the District, unless otherwise stipulated in the purchase contract.
- Copyrights - In addition to software, all other copyrighted information (text, images, icons, programs, audio, video, etc.) retrieved from computer or network resources must be used in conformance with applicable copyright and other law. Copied material must be properly attributed. Plagiarism of computer information is prohibited in the same way that plagiarism of any other protected work is prohibited. Refer to the AVC Computer Use and Electronic Mail Guidelines for additional information.

Integrity of Information Resources

Computer users must respect the integrity of computer-based information resources.

- Modification or Removal of Equipment - Computer and telecommunications users must not attempt to modify or remove computer, network or telecommunications equipment, software, or peripherals that are allocated to other District users without proper authorization.
- Unauthorized Use - Computer users must not interfere with others' access and use of the District computers. This includes but is not limited to: the sending of chain letters or excessive messages, either locally or off-campus; printing excess copies of documents, files, data, or programs, running grossly inefficient programs when efficient alternatives are known by the user to be available; unauthorized modification of system facilities, operating systems, or disk partitions; attempting to crash or tie up a District computer or network; and damaging or vandalizing District computing facilities, equipment, software or computer files.
- Unauthorized Programs - Computer users must not intentionally develop or use programs which disrupt other computer users or which access private or restricted portions of the system, or which damage the software or hardware components of the system. Computer users must ensure that they do not use programs or utilities that interfere with other computer users or that modify normally protected or restricted portions of the system or user accounts. The use of any unauthorized or destructive program will result in disciplinary action as provided in this procedure, and may further lead to civil or criminal legal proceedings.

Unauthorized Access

Computer users must not seek to gain unauthorized access to information resources and must not assist any other persons to gain unauthorized access.

- Abuse of Computing Privileges - Users of District information resources must not access computers, computer software, computer data or information, or networks without proper authorization, or intentionally enable others to do so, regardless of whether the computer, software, data, information, or network in question is owned by the District. For example, abuse of the networks to which the District belongs or the computers at other sites connected to those networks will be treated as an abuse of District computing privileges.
- Reporting Problems - Any defects discovered in system accounting or system security must be reported promptly to the appropriate administrator so that steps can be taken to investigate and solve the problem.

- Password Protection - A computer user who has been authorized to use a password-protected account may be subject to both civil and criminal liability if the user discloses the password or otherwise makes the account available to others.

Usage

Computer users must respect the rights of other computer users. Attempts to circumvent these mechanisms in order to gain unauthorized access to the system or to another person's information are a violation of District procedure and may violate applicable law.

- Unlawful Messages - Users may not use electronic communication facilities to send defamatory, fraudulent, harassing, obscene, threatening, or other messages that violate applicable federal, state or other law or District policy, or which constitute the unauthorized release of confidential information.
- Commercial Use - Electronic communication facilities may not be used to transmit commercial or personal advertisements, solicitations or promotions. District information resources may not be used for commercial purposes. Users are also reminded that the ".cc" and ".edu" domains on the Internet have rules restricting or prohibiting commercial use. However, where legally permissible, District electronic media such as message boards or mail systems may be designated for selling or fundraising.
- Information Belonging to Others - Users must not intentionally seek or provide information on, obtain copies of, or modify data files, programs, voice messages or passwords belonging to other users, without the permission of those other users.
- Rights of Individuals - Users must not release any individual's (student, faculty, and staff) personal information to anyone without proper authorization.
- User identification - Users shall not send communications or messages anonymously or without accurately identifying the originating account or station.
- Political, Personal and Commercial Use - The District is a non-profit, tax-exempt organization and, as such, is subject to specific federal, state and local laws regarding sources of income, political activities, use of property and similar matters.
- Political Use - District information resources must not be used for partisan political activities where prohibited by federal, state or other applicable laws.
- Personal Use - District information resources should not be used for personal activities not related to appropriate District functions, except in a purely incidental manner.

Nondiscrimination

All users have the right to be free from any conduct connected with the use of Antelope Valley Community College District network, telecommunications and computer resources which discriminates against any person in violation of Board Policy 3410. No user shall use the District network, telecommunications or computer resources to transmit any message, create any communication of any kind, or store information which violates any District procedure regarding discrimination or harassment, or which is defamatory or obscene, or which constitutes the unauthorized release of confidential information.

Disclosure

- No Expectation of Privacy - The District reserves the right to monitor all use of the District network and computer resources to assure compliance with these policies. Users should be aware that they have no expectation of privacy in the

use of the District network and computer resources. The District will exercise this right only for legitimate District purposes, including but not limited to ensuring compliance with this procedure and the integrity and security of the system.

- Possibility of Disclosure - Users must be aware of the possibility of unintended disclosure of communications.
- Retrieval - It is often possible for information entered on or transmitted via computer and communications systems to be retrieved, even if a user has deleted such information.
- Public Records - The California Public Records Act (Government Code Sections 6250 *et seq.*) includes computer transmissions in the definition of “public record” and nonexempt communications made on the District network and computer must be disclosed if requested by a member of the public.
- Litigation - Computer transmissions and electronically stored information may be discoverable in litigation.

Dissemination and User Acknowledgment

All users shall be provided access to these procedures and be directed to familiarize themselves with them. Periodically users will be reminded of these procedures.

Users shall sign and date an acknowledgment of BP 3720 and the associated procedures and guidelines.

This acknowledgement shall be included in the application for admission in the case of students, and included in the new employee hiring packet in the case of employees.

11/7/05

Revised: 1/8/07

Revised: 9/10/07

AP 3721 Network Remote Access Procedure

Reference:

Vendor Support of Network Services

The district relies on vendor support to assist with the administration of select network systems. Several departments have requested the ability to allow vendors and consultants to remotely connect to the district network in order to fix an urgent issue, or to help keep consultant fees to a minimum by reducing the need for travel and accommodations when services could be rendered from a distance. Previously, AVC did not have the technology to allow vendors to connect to the district network without exposing the network to unnecessary risks.

Access Requirements

Remote access to the district network is for contractors and vendor support personnel only, in accordance with application maintenance agreements. To defend the district network from malware and other potential threats to network and data security, vendors and contractors must meet certain security criteria before they will be allowed to connect to the network remotely. Contractor and vendor workstations must be current with operating system and application security patches and have anti-virus software loaded and up to date before a connection with the AVC network will be established.

Remediation (For Vendors and Contractors)

If remote connection to the AVC network is denied because of insufficient security software, the contractor or vendor simply has to update or install the missing components (e.g., anti-virus or operating system patches) and attempt a reconnection to the district remote access device. The software on the remote access device will ensure that the workstation the contractor or vendor is connecting from has met AVC network security requirements. If all workstation prerequisites have been met, the software will establish the connection.

4/13/09

AP 3750 Use of Copyrighted Material for Educational Purposes

References:

U. S. Code Title 17, Copyright Act of 1976; Education Code Sections 32360, 67302

Employees and students shall not reproduce copyrighted materials without prior permission of the copyright owner, except as allowed by the “fair use” doctrine.

Fair Use

Reference:

Copyright Act, Section 107.

The “fair use” doctrine permits limited use of copyrighted materials in certain situations, including teaching and scholarship. In some instances, copyright may be required for works that fall within “fair use.”

Note: The following is excerpted from the legislative history of the 1976 Copyright Act, which established congressionally endorsed guidelines related to classroom copying for educational use.

I. Single Copying for Teachers

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

- A. A chapter from a book
- B. An article from a periodical or newspaper
- C. A short story, short essay or short poem, whether or not from a collective work
- D. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper

II. Multiple Copies for Classroom Use

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that:

- A. The copying meets the tests of brevity and spontaneity as defined below; and
- B. Meets the cumulative effect test as defined below; and
- C. Each copy includes a notice of copyright

Definitions:

Brevity:

i. Poetry: (a) A complete poem if less than 250 words and if printed on not more than two pages or (b) from a longer poem, an excerpt of not more than 250 words.

ii. Prose: (a) Either a complete article, story or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words. (Each of the numerical limits stated in "i" and "ii" above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.)

iii. Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.

iv. "Special" works: Certain works in poetry, prose, or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph "i" above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof may be reproduced.

Spontaneity:

- i. The copying is at the instance and inspiration of the individual teacher; and
- ii. The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Cumulative Effect:

- i. The copying of the material is for only one course in the school in which the copies are made.
- ii. Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.
- iii. There shall not be more than nine instances of such multiple copying for one course during one class term. (The limitations stated in "ii" and "iii" above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)

III. Prohibitions

Notwithstanding any of the above, the following shall be prohibited:

A. Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts there-from are accumulated or are reproduced and used separately.

B. There shall be no copying of or from works intended to be "consumable" in the course of study or teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.

C. Copying shall not:

- i. substitute for the purchase of books, publisher's reprints or periodicals
- ii. be directed by higher authority
- iii. be repeated with respect to the same item by the same teacher from term to term.

D. No charge shall be made to the student beyond the actual cost of the photocopying.

MATERIALS PLACED ON RESERVE

General Guidelines

Policies for placing materials on reserve in the library are based on "fair use" guidelines (17 USC 107). The amount of materials placed on reserve should be reasonable and not have adverse impact on the market for such materials. Reserve materials should make up only a small portion of the instructional materials used in the class.

What can be put on reserve?

- An article from a journal (3-6 copies of the article if class size warrants)
- A chapter from a book (3-6 copies of the chapter if class size warrants)
- A short story, essay or poem (3-6 copies of the material if class size warrants)
- A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper (3-6 copies of the material if class size warrants)
- Materials from the library collections including government publications
- Student papers
- Exams
- Lecture notes

What cannot be put on reserve?

- Interlibrary loan books
- Course packs
- Consumables (workbooks, exercises, standardized tests, test booklets, answer sheets, etc.)

How long can materials remain on reserve?

- Materials may only be placed on reserve for one semester.
- At the end of the semester, library materials will be re-shelved.
- Items owned by instructors will be returned to those instructors.

When is copyright permission needed?

- If the same material will be used by the same instructor for the same class for more than one semester
- If more than one article from a particular journal is needed for one particular course
- If more than one chapter of a book is needed for one particular course
- If an out of print book is to be used

Copyright Notice

- A notice of copyright must appear on all reserve materials.

Faculty Responsibility

- Materials on reserve are to be used for solely educational purposes.
- The faculty member placing the item on reserve must have legal possession of said item.
- The responsibility for legally possessing an item lies with the faculty member.
- A signed reserve request form is required wherein the faculty member acknowledges responsibility for compliance with copyright laws.
- If the faculty member wishes to place materials on reserve in excess of one semester, permission must be obtained from the copyright holder.

Compilations

Reference:

Basic Books, Inc. v. Kinko's Graphics Corp. (S.D.N.Y. 1991) 758 F.Supp. 1522; and Princeton University Press v. Michigan Document Services, Inc. (6th Cir. 1996) F.3d 1381.

Permission from the copyright owner should be obtained when using excerpts of copyrighted work to create anthologies or “coursepacks,” even if the excerpts fall under the definitions in the “fair use” doctrine.

HOW TO OBTAIN COPYRIGHT PERMISSION

Permission to use copyright-protected materials, when required, should be obtained prior to using those materials. It is best to obtain permission in writing (including e-mail) and to ensure that the Copyright Officer has a copy of each permission form or letter.

The time to obtain permission may vary and, where possible, it is recommended to start the permissions procedure at least six months prior to the time that you wish to use the materials. If you need a quicker permission, let the copyright owner know this and he/she may be able to get back to you more quickly. Often, Copyright Clearance Center is your quickest one-stop resource for obtaining copyright permission.

Fact Finding Questions

Once you have identified the materials you want to use and determined that copyright permission is required, you must locate the copyright holder. If the copyright holder is not listed on the work, locating the appropriate person or entity to grant permission may take some investigative and creative work.

The Copyright Office of the Library of Congress (www.loc.gov) may be of assistance in locating a copyright owner if the work is registered. Note, however, that copyright is automatically granted to all works upon their being written down and that registration with the Copyright Office is not required.

There are two primary options for obtaining permission to use the work. You may contact the copyright holder directly or you may contact Copyright Clearance Center. Check with your department manager to determine if your institution already has an established process for obtaining copyright permission through Copyright Clearance Center. If your department or campus does not have a centralized location or process for obtaining copyright permission, you may create an account with Copyright Clearance Center at www.copyright.com.

Information in your Permission Request

The copyright holder or its agent will require the following information in order to provide you with permission:

- Title of the material
- Creator/author of the material
- Publisher of the material
- Description of material
- ISBN or ISSN, if applicable
- Date of publication, if applicable
- Purpose for which you wish to reproduce the item (research, commercial, educational, etc.)
- How the material is to be reproduced (e.g., photocopied, digitized)
- Where the reproduced material will be used or will appear and for how long

Online Courses (*Note: This area will be drafted after the Distance Education Task Force makes its recommendations.*)

Reference:

The TEACH (Technology, Education and Copyright Harmonization) Act, USC 17, Copyright Act, Sections 110(2) and 112

The Teach Act provides instructors greater flexibility to use third party copyrighted works in online courses. An individual assessment will be required to determine whether a given use is protected under the Act. The following criteria are generally required:

- The online instruction is mediated by an instructor.
- The transmission of the material is limited to receipt by students enrolled in the course.
- Technical safeguards are used to prevent retention of the transmission for longer than the class session.

- The performance is either of a non-dramatic work or a “reasonable and limited portion” of any other work that is comparable to that displayed in a live classroom session.
- The work is not a textbook, course pack, or other material typically purchased or acquired by students for their independent use and retention, including commercial works that are sold or licensed for the purposes of digital distance education.
- The district does not know, or have reason to know, that the copy of the work was not lawfully made or acquired.
- The district notifies students that the works may be subject to copyright protection and that they may not violate the legal rights of the copyright holder.

11/7/05

AP 3810 Claims for Damages

Reference:

Education Code Section 72502; Government Code Sections 900 et seq., 910 et seq

Claims for money or damages as prescribed under Board Policy 3810 shall be submitted to the Office of the Vice President Business Services on the appropriate form. Claim forms may be obtained from the Vice President's office. If a claim is not submitted on the appropriate form, it will be returned. Any claim returned to a person may be resubmitted using the appropriate form.

All claims shall be made in writing and signed by the claimant or by his or her guardian, conservator, executor or administrator. No claim may be presented on behalf of a class of persons unless verified by every member of that class as required by this section. In addition, all claims shall contain the information required by California Government Code Section 910.

Within forty-five days after the claim has been presented on the appropriate form to the Office of the Vice President, the Board of Trustees may take action to allow the claim in whole or in part, or the Board may take action to reject the claim. If the Board takes no action, the claim is rejected by operation of law on the 45th day after it was presented to the Office of the Vice President Business Services.

The Vice President of Business Services, or his/her designee, shall serve notice to the claimant of the Board's action allowing or rejecting the claim. The claimant shall be notified that the claim is rejected, allowed in whole or in part, or rejected by operation of law. Said notice shall also inform the claimant of the six-month time limit pertaining to filing court action pursuant to Government Code Section 913.

If the District decides to allow the claim or offer compromise in an attempt to settle the dispute, the District shall require the claimant to sign a release or waiver agreeing to payment as full and complete settlement of the claim.

In accordance with California Government Code Sections 935(b) and 945.6, all claims shall be presented as provided in this section and acted upon by the district prior to the filing of any suit on such claim, and no such suit may be maintained by a person who has not complied with the requirements of this administrative procedure.

4/14/08

AP 3820 Gifts

Reference:

Education Code Section 72122

Anyone who wishes to give a gift, develop a fundraising program, or solicit a gift on behalf of the college must first consult with the Antelope Valley College Foundation, through the Office of Institutional Advancement and Foundation, to determine the appropriate procedures and necessary forms. Exceptions for gifting directly to the District must be approved by the President/Superintendent.

11/7/05