

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

Reviewed: 11/14/16

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AP 3100 Organizational Structure

Reference:

Education Code Section 72400; Title 5, Section 53200

The District's organizational structure shall be:

ORGANIZATIONAL DIVISIONS, DEPARTMENTS AND OFFICES

(See Appendix I – Organizational Charts)

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 Student Services, Vice President of Human Resources and Employee Relations; Executive Director of Business Services; Executive Director of Information Technology Services, Executive Director of Facilities; Dean of Institutional Effectiveness, Research and Planning; Executive Director of Marketing and Public Information and Executive Director of the Foundation.

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.

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.

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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.

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 communication and operation.

Meetings shall be held at the discretion of the President.

PROCEDURE FOR CHANGING THE ORGANIZATIONAL STRUCTURE OF THE COLLEGE

This procedure describes the organizational units at Antelope Valley College, which persons or groups can initiate a review of the current organizational structure, the steps for reaching recommendations for proposed changes, and who has the authority to implement proposed changes. The goal of such reviews shall be to improve efficiency and/or cost effectiveness of services,—programs, learning outcomes or operational outcomes:

- A. Organizational Units: Antelope Valley College is organized into four structural levels.
 1. College
 2. Offices: Superintendent/President; Academic Affairs; Human Resources and Employee Relations; Business Services; Information Technology Services; Marketing & Public Information; Facilities; Institutional Effectiveness, Research and Planning; AVC Foundation.
 3. Areas/Divisions: {these synonymous terms for subdivisions of offices are used for instructional divisions and non-instructional areas, e.g. Health Sciences Division.
 4. Departments (subdivisions of areas/divisions)
- B. Initiation of a review
 1. The Superintendent/President may initiate a review of any of the organizational units.
 2. The College Coordinating Council (CCC) and Strategic Planning Committee may request a review of any organizational unit by sending a request for a review to the Superintendent/President.
 3. The administrative head of any office, area/division, or department may request a review for his/her own organizational unit by sending a request for a review to the Superintendent/President through the administrative structure.
 4. All requests for a review must be in writing and state the rationale and provide data that support the goals of such reviews.
 5. The Superintendent/President will inform the President's Executive Council and CCC of any requests for a review.
 6. The Superintendent/President has the final authority to initiate a review of an organizational unit.
 7. The Superintendent/President will initiate a review by sending a memo to notify all constituencies that a review is being implemented. This memo will appoint an administrator to oversee the

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review, set forth the rationale and data that justify the review, and establish a timeline for the formulation of proposed changes.

C. Process for proposing organizational changes

Intra-divisional changes

Intra-divisional Academic department re-organization will be completed within the division, with approval of the majority of the faculty in the division, the division dean, and the Vice President overseeing the division. Information of the change and the rationalization will be provided to the Academic Senate for information only.

Other organization changes

1. The administrator in charge of the review will solicit input from all employees in the organizational unit(s) affected by the review, including any not identified in the initial review that might be impacted as a result of proposed changes.
2. Based on this input, the administrator will formulate proposed changes through dialogue/discussion with the affected organizational units.
3. A written summary of the proposed changes will go out to the entire campus allowing two weeks for discussion. During that period, administrators and employees should evaluate any adverse impact that might arise from the proposed change.
4. The campus community will give input/feedback to the administrator overseeing the review.
5. The administrator overseeing the review will present the proposed changes and a summary of campus feedback to CCC for discussion.
6. The Superintendent/President will make the final decision on proposed changes based on feedback from the campus community and the discussion at CCC.
7. This final version of the proposed changes will go out to the entire campus for discussion/feedback for at least one week.
8. The Superintendent/President will take the final changes to the Board of Trustees for information.
9. The Superintendent/President will communicate the final changes to the appropriate vice presidents, deans, directors, and employees and follow up with implementation.

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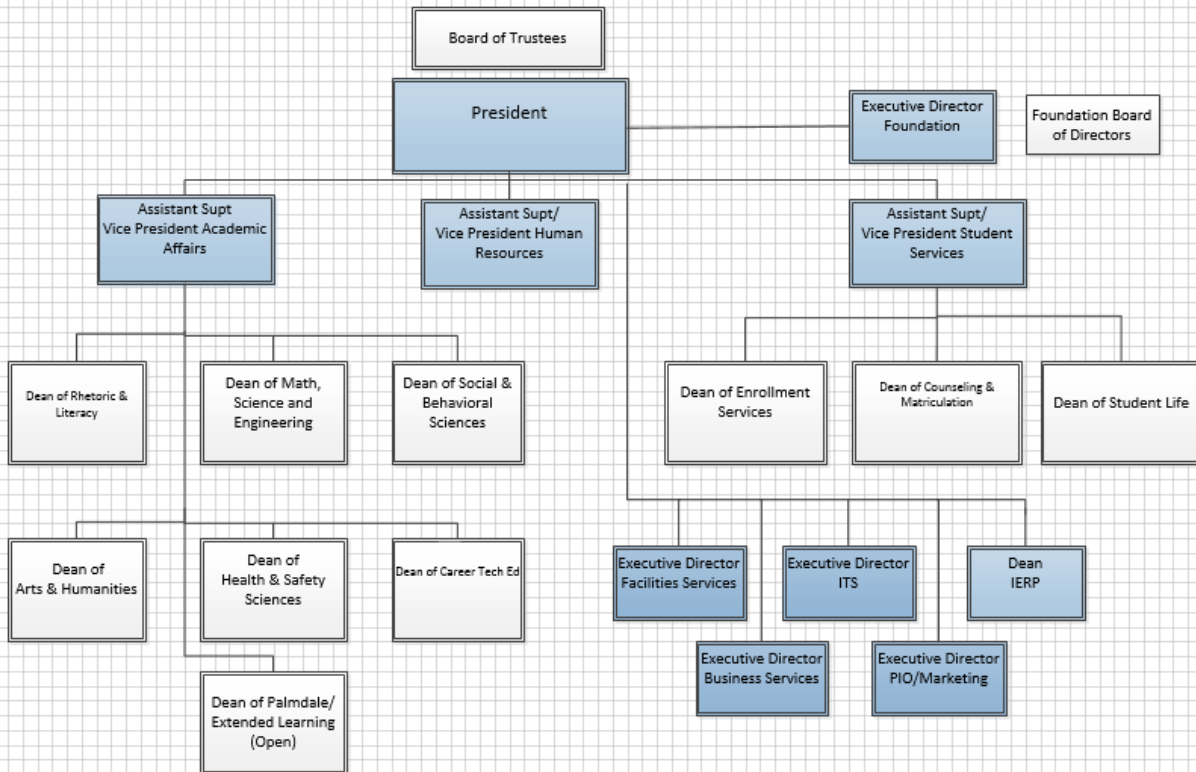
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Revised: 5/8/17

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Antelope Valley College General Organizational Chart



Effective May 2016

Shaded Indicates
Executive Council

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AP 3200 Accreditation

Reference:

Accreditation Eligibility Requirement 21, Standard IV.A.2.

Organizational Process for the Self Study

AVC Statement of Philosophy for the Self Study Process:

The Accreditation Committee consists of constituents from across the campus and collaborates to produce the Self Study Report and subsequent reports required by the Accrediting Commission for Community and Junior Colleges / Western Association of Schools and Colleges (ACCJC), as needed. The committee brings together a wide array of talent, skills, and knowledge from across the college to write the reports and collect the evidence, which demonstrate that the college continually reflects on its practices and follows the accreditation standards on a sustainable level.

Accreditation Committee Structure:

The superintendent/president shall appoint an Accreditation Liaison Officer (ALO) and the Academic Senate shall recruit a Faculty Accreditation Coordinator (FAC). The two shall serve as co-chairs of the Accreditation Committee. The committee consists of four sub-committees; one for each of the four standards.

Each standard committee will have a Team Leader. Each team has Experts, recruited based upon their expertise and knowledge of a particular sub-standard area. The Expert is the person with the most knowledge possible on campus to write to the particular standard. Each team also has a group of Collaborators who represent a broad spectrum of knowledge and skills across the campus. They will read, give feedback, and otherwise support and assist the experts and team leader.

The Accreditation Committee shall include members of the faculty, administration, classified staff, students, the board of trustees, the Academic Senate president, the Student Body president, community members, and the dean of Institutional Research and Effectiveness (IERP). Committee team leaders, experts, and collaborators shall be recruited by campus-wide calls as well as personal contacts. The ALO and FAC work together to ensure that the committees are well balanced with a variety of representatives from across the campus, as well as members who have specific expertise in the standard areas.

The FAC will serve a term of three years beginning after the self-study and the college will provide adequate administrative support and release time. For one year, the new FAC will “shadow” the current FAC to oversee the follow up report, at which time the new FAC’s term begins. Applicants must submit a letter of interest to the Executive Council of the Academic Senate, who interviews the candidate and makes the appointment.

Documenting Practices in the Self Study

Writing the self-study is a process of discovery for the college. It documents and makes visible the college’s success stories as well as its continual improvements, and at times its struggles. It is important that honesty prevails and claims are supported by concrete evidence. The self-study is data driven, both quantitatively and qualitatively. When gaps or problems are revealed, the teams communicate with the appropriate parties and constituencies, and all work together to resolve issues to meet the standards. In this sense,

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accreditation is a vehicle for recognizing AVC's many accomplishments and the processes in place to make improvements.

Campus Communication

The FAC, ALO, and DIERP will give workshops, conduct forums, and send out communications to keep the campus informed about the process and the progress of the accreditation reports as they develop and are finalized. Issues of concern will be addressed openly for the campus to give input and feedback. The FAC will report regularly to the Board of Trustees, the Academic Senate, the College Coordinating Council, and the Mutual Agreement Council to keep them informed. The ALO and the DIERP will assist the FAC with the information needed for communications to the campus. Team leaders, experts, and collaborators will also assist as needed in communicating matters of importance to the campus.

Visiting Team Findings

The findings of the visiting team, including recommendations, are viewed as an opportunity for growth and improvement. They will be posted on the AVC website publicly, and reviewed by all appropriate committees and constituents, including the Board of Trustees, the Academic Senate, the Administrative Council, and others. The FAC will work with the ALO, DIERP, and the Team Leaders to assure that the improvement plans and findings of the team are monitored and implemented in a timely manner.

11/7/05

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Revised: 3/9/15

Reviewed: 11/14/16

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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.

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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.

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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.

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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.

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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.

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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 or designee.

Any request shall identify with reasonable specificity the records that are sought. If additional information is needed, the Superintendent/President or designee 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 or designee 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)).

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- 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.
- Information security records, if disclosure of these records would reveal vulnerabilities to, or otherwise increase the potential for an attack on, the District's information technology system.

The Public Records Guidelines can be viewed at:

https://www.avc.edu/sites/default/files/information/Guidelines_Record_Request.pdf

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Revised: 10/10/11

Revised: 12/12/16

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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 or designee 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.

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Reviewed: 12/12/16

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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 Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements (formerly II.B.2.c)

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, gender, gender identity, gender expression, race, or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, 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 expression. “Gender expression” means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

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

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

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

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, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or status as a veteran.

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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.

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Revised: 1/8/07

Revised: 1/12/09

Revised: 7/9/12

Revised: 3/10/14

Reviewed: 9/12/16

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AP 3420 Equal Employment Opportunity

Reference:

**Education Code Section 87100 et seq.; Title 5, Section 53000, et seq.
ACCJC Accreditation Standard III.A.11**

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 receive, prior to their participation, training on the requirements of the applicable title 5 regulations and of state and federal nondiscrimination laws, the educational benefits of workforce diversity, the elimination of bias in hiring decisions, and best practices in serving on a screening or selection committee;
- 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(i), 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.

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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 the Office of Students with Disabilities, 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. The advisory committee shall receive training in all the following: applicable Title 5 regulations and of state and federal nondiscrimination laws; the educational benefits of workforce diversity, the identification and elimination of bias in hiring decisions; and the role of the advisory committee in carrying out of the District's EEO Plan.

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Employment Procedures

Job Analysis and Validation: The Assistant Superintendent/Vice President of Human Resources or designee shall assure that a proper job analysis is performed for every job filled by the District to determine and validate the knowledge, skills, abilities and characteristics an employee must possess to perform the job satisfactorily.

A statement of bona fide essential functions and minimum qualifications shall be developed for all positions.

Job Description: Every job description shall provide a general statement of job duties and responsibilities.

Job specifications shall include functions and tasks; knowledge; skills; ability; and job related personal characteristics, including but not limited to sensitivity to and understanding of the diverse academic, socioeconomic, cultural, linguistic, disability, and ethnic backgrounds of community college students.

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

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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.
- For faculty and administrative positions, candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position.
- 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;

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- 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.
- Consider the implementation of additional measures designed to promote diversity.

Delegation of Authority

The Board of Trustees delegates to the Assistant Superintendent/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.

Statements of nondiscrimination shall be posted at locations where applications for employment are distributed.

Such plans shall be reviewed at least every three years and, if necessary, revised and submitted to the California Community Colleges Chancellor's Office within 90 days of the effective date of the revision or amendment(s). If the California Community Colleges Chancellor's Office determines that the District's policies are not in compliance with Title 5 Sections 59300 et seq., the California Community Colleges Chancellor's Office may require the District to modify its policies.

Accountability and Corrective Action

The District shall certify annually to the State Chancellor that they have timely:

- Recorded, reviewed and reported the data required regarding qualified applicant pools;
- Reviewed and updated, as needed, the Strategies Component of the district's EEO Plan; and
- Investigated and appropriately responded to formal harassment or discrimination complaints filed pursuant to subchapter 5 (commencing with section 59300) of chapter 10 of this division.

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4/14/08
Revised: 5/9/16

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AP 3430 Prohibition of Harassment

References:

Education Code Sections 212.5; 44100; 66281.5;
Government Code Section 12940,
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, and sets forth a procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member or student within the District.

This policy protects students, employees, unpaid interns and volunteers in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, District bus, or at a class or training program sponsored by the District at another location.

Definitions

General Harassment. Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, military and veteran status, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Harassment shall be found where, in aggregate, the incidents are sufficiently pervasive, persistent, or severe that a reasonable person with the same characteristics as the victim of the harassing conduct would be adversely affected to a degree that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource.

Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment if it meets the definition above. 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 that could, depending on the circumstances, meet the definition above, or could contribute to a set of circumstances that meets the definition:

- 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.

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- **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. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.
- **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 may exist 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 verbal, visual, or physical conduct of a sexual nature made by someone from, or in, the work or educational setting when:

- submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, progress, internship, or volunteer activity;
- 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 (as more fully described below); 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:

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- **"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.
- **"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. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e., a sexual assault.

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.

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.

Academic Freedom

No provision of this Administrative Procedure shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. Freedom of speech and academic freedom are, however, not limitless and this procedure will not protect speech or expressive conduct that violates federal or California anti-discrimination laws.

11/7/05

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AP 3435 Discrimination and Harassment Complaints and Investigations

Reference:

***Education Code Section 212.5, 66281.5 and 67386; Government Code 12950.1
Title 5, Sections 59320, 59324, 59326, 59328, and 59300 et seq.; 34 C.F.R. Section 106.8(b);
Title 2 Section 11024***

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

Complaints

Any person who has suffered harassment, discrimination, or retaliation may file a formal or informal complaint of harassment, discrimination, or retaliation.

A formal complaint is a written and signed statement filed with the District or the State Chancellor's office that alleges harassment, discrimination, or retaliation in violation of the District's Board Policies, Administrative Procedures or in violation of state or federal law. An informal complaint is any of the following: (1) An unwritten allegation of harassment, discrimination, or retaliation; (2) a written allegation of harassment, discrimination, or retaliation that falls outside the timelines for a formal complaint; or (3) a written complaint alleging harassment, discrimination, or retaliation filed by an individual who expressly indicates that he or she does not want to file a formal complaint.

Informal Complaints

Any person may submit an informal complaint to the Vice President of Human Resources or any other District or college administrator. Administrators receiving an informal complaint shall immediately notify the Vice President of Human Resources in writing of all pertinent information and facts alleged in the informal complaint.

Upon receipt of an informal complaint, the Vice President of Human Resources or designee will notify the person bringing the informal complaint of his or her right to file a formal complaint, if the incident falls within the timeline for a formal complaint, and explain the procedure for doing so. The complainant may later decide to file a formal complaint, if within the timelines to do so. If the individual chooses not to file a formal complaint, or if the alleged conduct falls outside the timeline to file a formal complaint, the Vice President of Human Resources or designee shall consider the allegations contained in the informal complaint and determine the appropriate course of action. This may include efforts to informally resolve the matter, or a fact-finding investigation.

Investigation of an informal complaint will be appropriate if the Vice President of Human Resources or designee determines that the allegation(s), if proven true, would constitute a violation of the District policy prohibiting harassment, discrimination, or retaliation. The Vice President of Human Resources or designee will explain to any individual bringing an informal complaint that the Vice President of Human Resources or designee may decide to initiate an investigation, even if the individual does not wish the Vice President of Human Resources or designee to do so. The Vice President of Human Resources or designee shall not disregard any allegations of harassment, discrimination, or retaliation solely on the basis that the alleged conduct falls outside the deadline to file a formal complaint.

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Formal Complaints

Formal Complaints must be filed with the State Chancellor or the Vice President of Human Resources or designee unless the party submitting the Formal Complaint alleges discrimination, harassment, or retaliation against the responsible District officer, in which case it should be submitted directly to the Superintendent/President or the State Chancellor.

Formal Complaints should be submitted on the form prescribed by the State Chancellor. A copy of the form will be available at the Human Resources Office and on the college's/district's website.

If any party submits a written allegation of harassment, discrimination, or retaliation not on the form described above, the District will seek to have the individual complete and submit the form. However, if the individual chooses not to do so, the District will attach the written allegation(s) to the form and treat it as a Formal Complaint. In no instance will the District reject a written allegation of harassment, discrimination, or retaliation on the basis that it was not submitted on the proper form.

A Formal Complaint must meet each of the following criteria:

- It must allege facts with enough specificity to show that the allegations, if true, would constitute a violation of District policies or procedures prohibiting discrimination, harassment, or retaliation;
- The complainant must sign and date the Formal Complaint;
- The complainant must file any Formal Complaint not involving employment within one year of the date of the alleged discriminatory, harassing, or retaliatory conduct or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation(s) of discrimination, harassment, or retaliation.
- The complainant must file any Formal Complaint alleging discrimination, harassment, or retaliation in employment within 180 days of the date of the alleged discriminatory, harassing, or retaliatory conduct, except that this period shall be extended by no more than 90 days following the expiration of the 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.

If the Formal Complaint does not meet the requirements set forth above, the Vice President of Human Resources or designee will promptly return it to the complainant and specify the defect. If the sole defect is that the Formal Complaint was filed outside the applicable proscribed timeline, the Vice President of Human Resources or designee will handle the matter as an informal complaint.

Oversight of Complaint Procedure:

The Vice President of Human Resources is the "responsible District officer" charged with receiving complaints of discrimination or harassment, and coordinating their investigation.

The actual investigation of complaints may be assigned by the Vice President of Human Resources to other staff or to outside persons or organizations under contract with the District. This shall occur whenever the Vice President of Human Resources is named in the

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complaint or implicated by the allegations in the complaint or if it is deemed more appropriate to have an outside investigator involved.

Who May File a Complaint:

Any student, employee, or third party who believes he/she has been discriminated against or harassed by a student, employee, or third party in violation of this procedure and the related policy.

A student, employee, or third party who believes he/she has been discriminated against or harassed in violation of these policy and procedures may make a complaint orally or in writing

Where to File a Complaint:

If a complainant decides to file a formal written unlawful discrimination or harassment complaint against the District, he/she must file the complaint on a form prescribed by the State Chancellor's Office. These approved forms are available from the Human Resources Office and at the State Chancellor's website.

The completed form must be filed with any of the following:

- The Vice President of Human Resources or designee;
- The State Chancellor's Office.

Employment-Related Complaints

Complainants filing employment-related complaints shall be notified that they may file employment discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH).

Complaints filed with the EEOC and/or the DFEH should be forwarded to the State Chancellor's Office.

Any District employee who receives a harassment or discrimination complaint shall notify the Vice President of Human Resources immediately.

Filing a Timely Complaint:

Since failure to report harassment and discrimination impedes the District's ability to stop the behavior, the District strongly encourages anyone who believes they are being harassed or discriminated against, to file a complaint. The District also strongly encourages the filing of such complaints within 30 days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the District's ability to investigate and remediate.

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination; the existence of a hostile, offensive or intimidating work environment, and acts of retaliation.

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The District will investigate complaints involving acts that occur off campus if they are related to an academic or work activity.

Communicating that the Conduct is Unwelcome:

Although it is not required, the District encourages students and staff to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste or inappropriate.

Intake and Processing of the Complaint:

Upon receiving notification of a harassment or discrimination complaint, the Vice President of Human Resources or designee shall:

- Undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules; obtaining apologies; providing informal counseling, training, etc.
- Advise the complainant that he/she need not participate in an informal resolution of the complaint, as described above, and has the right to end the informal resolution process at any time. Mediation is not appropriate for resolving incidents involving sexual violence.
- Advise a student complainant that he/she may file a complaint with the Office of Civil Rights of the U.S. Department of Education and employee complainants may file a complaint with the Department of Fair Employment and Housing. All complainants should be advised that they have a right to file a complaint with local law enforcement, if the act complained of is also a criminal act. The District must investigate even if the complainant files a complaint with local law enforcement. In addition, the District should ensure that complainants are aware of any available resources, such as counseling, health, and mental health services. The Vice President of Human Resources or designee shall also notify the State Chancellor's Office of the complaint.
- Take interim steps to protect a complainant from coming into contact with an accused individual, especially if the complainant is a victim of sexual violence. The Vice President of Human Resources should notify the complainant of his or her options to avoid contact with the accused individual and allow students to change academic situations as appropriate. For instance, the District may prohibit the accused individual from having any contact with the complainant pending the results of the investigation. When taking steps to separate the complainant and accused individual, the District shall minimize the burden on the complainant. For example, it is not appropriate to remove complainants from classes or housing while allowing accused individuals to remain.

Investigation

The Vice President of Human Resources shall:

- Authorize the investigation of the complaint, and supervise and/or conduct a thorough, prompt and impartial investigation of the complaint, as set forth below. Where complainants opt for informal resolution, the designated officer will determine whether further investigation is necessary to ensure resolution of the matter and utilize the investigation process outlined below as appropriate. In the case of a formal complaint, the investigation will include interviews with the complainant, the accused, and any other persons who may have relevant knowledge concerning the complaint. This may include victims of similar conduct.

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- Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, or other unlawful discriminatory conduct, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.

Investigation of the Complaint:

The District shall promptly investigate every complaint of harassment or discrimination. No claim of workplace or academic harassment or discrimination shall remain unexamined. This includes complaints involving activities that occur off campus and in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, on a District bus, or at a class or training program sponsored by the District at another location.

As set forth above, where the complainant opts for an informal resolution, the Vice President of Human Resources or designee may limit the scope of the investigation, as appropriate. The District will keep the investigation confidential to the extent possible, but cannot guarantee absolute confidentiality because release of some information on a "need-to-know-basis" is essential to a thorough investigation. When determining whether to maintain confidentiality, the District may weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the complainant's age; whether there have been other harassment complaints about the same individual; and the accused individual's rights to receive information about the allegations if the information is maintained by the District as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S. Code Section 1232g; 34 Code Federal Regulations Part 99.15. The District will inform the complainant if it cannot maintain confidentiality.

Investigation Steps:

The District will fairly and objectively investigate harassment and discrimination complaints. Employees designated to serve as investigators under this policy shall have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the District's grievance procedures operate. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially.

Investigators will use the following steps:

- interviewing the complainant(s);
- interviewing the accused individual(s);
- identifying and interviewing witnesses and evidence identified by each party;
- identifying and interviewing any other witnesses,
- if needed; reminding all individuals interviewed of the District's no-retaliation policy;
- consider whether any involved person should be removed from the campus pending completion of the investigation;
- reviewing personnel/academic files of all involved parties; as warranted.
- reach a conclusion as to the allegations and any appropriate disciplinary and remedial action; and see that all recommended action is carried out in a timely fashion.
- When the District evaluates the complaint, it shall do so using a preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District

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will decide whether it is more likely than not that discrimination or harassment has occurred.

Timeline for Completion:

The District will undertake its investigation promptly and swiftly as possible. To that end, the investigator shall complete the above steps, and prepare a written report within 90 days of the District receiving the complaint.

Cooperation Encouraged:

All employees are expected to cooperate with a District investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a complainant or witnesses does not relieve the District of its obligation to investigate. The District will conduct an investigation if it is discovered that harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed.

Written Report:

The results of the investigation of a complaint shall be set forth in a written report that will include at least all of the following information:

- A description of the circumstances giving rise to the Formal Complaint;
- A summary of the testimony provided by each witness interviewed by the investigator;
- An analysis of relevant evidence collected during the course of the investigation;
- A specific finding as to whether there is probable cause to believe that discrimination, harassment, or retaliation occurred with respect to each allegation in the complaint; and
- Any other information deemed appropriate by the District.

Confidentiality of the Process

Investigations are best conducted within a confidential climate. Therefore, the District does not reveal information about ongoing investigations except as necessary to fulfill its legal obligations. The District will keep the investigation confidential to the extent possible, but it cannot guarantee absolute confidentiality because release of some information on a “need-to-know-basis” is essential to a thorough investigation and to protect the rights of Accused students and employees during the investigation process and any ensuing discipline.

Administrative Determination

- In any case not involving employment discrimination, within 90 days of receiving a complaint, the District shall complete its investigation and forward a copy of the investigative report to the State Chancellor, a copy or summary of the report to the complainant, and written notice setting forth all of the following to both the complainant and the Chancellor:
 - o The determination as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
 - o A description of actions taken, if any, to prevent similar problems from occurring in the future;
 - o The proposed resolution of the complaint; and
 - o The complainant's right to appeal to the district governing board and the Chancellor.

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- In any case involving employment discrimination, within 90 days of receiving a complaint, the District shall complete its investigation and forward a copy or summary of the report to the complainant, and written notice setting forth all the following to the complainant:
 - o The determination as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
 - o A description of actions taken, if any, to prevent similar problems from occurring in the future;
 - o The proposed resolution of the complaint; and
 - o The complainant's right to appeal to the District governing board and to file a complaint with Department of Fair Employment and Housing or the U.S Equal Employment Opportunity Commission.

Discipline and Corrective Action

If harassment, discrimination or retaliation occurred in violation of the policy or procedure, the District shall take disciplinary action against the accused and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense. Remedies for the complainant might include, but are not limited to:

- providing an escort to ensure that the complainant can move safely between classes and activities;
- ensuring that the complainant and alleged perpetrator do not attend the same classes or work in the same work area;
- preventing offending third parties from entering campus;
- providing counseling services or a referral to counseling services;
- providing medical services or a referral to medical services;
- providing academic support services, such as tutoring;
- arranging for a student-complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record; and
- reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the complainant being disciplined.

If the District imposes discipline, the nature of the discipline will not be communicated to the complainant. However, the District may disclose information about the sanction imposed on an individual who was found to have engaged in harassment when the sanction directly relates to the complainant; for example, the District may inform the complainant that the harasser must stay away from the complainant.

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Disciplinary actions against faculty, staff, and students will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.

The District shall also take reasonable steps to protect the complainant from further harassment, or discrimination, and to protect the complainant and witnesses from retaliation as a result of communicating the complaint or assisting in the investigation. The District will ensure that complainants and witnesses know how to report any subsequent problems, and should follow-up with complainants to determine whether any retaliation or new incidents of harassment have occurred. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties to the extent possible without impeding the District's ability to investigate and respond effectively to the complaint.

If the District cannot take disciplinary action against the accused individual because the complainant refuses to participate in the investigation, it should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence.

Appeals and District Final Decision

If the District imposes discipline against a student or employee as a result of the findings in its investigation, the student or employee may appeal the decision using the procedure for appealing a disciplinary decision.

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, harassment, or retaliation, the complainant shall have the right to file a 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 Section 59350.

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.

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

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Equal Employment Opportunity Commission
Roybal Federal Building
255 E. Temple Street, 4th Floor
Los Angeles, CA 90012
<http://www.eeoc.gov>

Office for Civil Rights (OCR)
United States Department of Education
50 Beale Street, Suite 7200
San Francisco, CA 94105
<http://www.ed.gov/offices/OCR>

Department of Fair Employment and Housing (DFEH)
611 West Sixth Street, Suite 1500
Los Angeles, CA 90017
<http://www.dfeh.ca.gov/default.asp>

Extension of Time

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

- the original complaint;
- the report describing the nature and extent of the investigation conducted by the district;
- a copy of the notice sent to the complainant (pursuant to Government Code 59336);
- 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
- a copy of the notice to the complainant (pursuant to Government Code 59338);
- such other information as the Chancellor may require.

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.

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File Retention

The District will retain on file for a period of at least three years after closing the case copies of:

- the original complaint;
- the investigatory report;
- the summary of the report if one is prepared;
- the notice provided to the complainant, of the District's administrative determination and his or her right to appeal;
- any appeal; and
- the District's final decision.

The District will make such documents available to the State Chancellor upon request.

Where the complaint allegation consists of Sexual Misconduct, as defined by Title IX, the following applies:

Sexual Misconduct:

Sexual misconduct includes sexual harassment and sexual violence.

- Sexual harassment may include unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or education setting.
- Sexual violence refers to physical sexual acts perpetrated against a person's will or when a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion.
- Affirmative consent means an affirmative, conscious, and voluntary agreement to engage in sexual activity.

Sexual misconduct creates a hostile environment if the conduct is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the District's program. A single or isolated incident may create a hostile environment if the incident is sufficiently severe.

Any person may make a complaint by contacting the Title IX Coordinator directly. The District's Title IX Coordinator is the Vice President of Human Resources. The Title IX Coordinator will receive all relevant details about the alleged sexual misconduct reported to the District responsible employee in order to determine what occurred and how to resolve the situation. This includes the names of alleged victim and alleged perpetrator (if known), and the date, time, and location of the alleged sexual misconduct.

Privileged or Confidential Reporting:

A responsible District employee should, whenever possible, before a student or employee reveals information that he or she may wish to keep confidential, ensure that the person making the report understands the employees obligations to report to the Title IX Coordinator, the victims option to request confidentiality, which the District will take into consideration, and the victims ability to share the information confidentially with designated District employees.

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Authority over Parties:

The District has authority over students, employees, and third parties for alleged violations of this policy that occur on District property. The District has authority over District employees and students for alleged violations of this policy that occur at District activities or events. The District may exercise authority over events that occur off-campus to determine if the conduct occurred in the context of an education program or activity or had continuing effects on campus or in an off-campus education program or activity.

Standard of Proof:

The District will use a “preponderance of the evidence” standard of proof in determining whether there has been a violation of this policy. This standard of proof is also known as “more likely than not” standard.

Upon Receiving the Complaint – Health and Safety:

The Title IX Coordinator or designee, will make an immediate assessment concerning the health and safety of the victim and campus community as a whole. The District will provide the victim with immediate, interim measures necessary to protect his or her health and safety.

Where the District determines that there is a substantial threat to the campus community, it will issue a timely warning. The District will issue the warning according to District Administrative Procedures. The District will not to disclose the victim’s name or other identifying information when issuing the warning.

Communicating that the Conduct is Unwelcome:

The employee or student may, but is not required to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste, or inappropriate.

Intake and Processing of the Complaint:

The Title IX Coordinator will not use mediation or any similar process to informally resolve a sexual misconduct complaint.

Confidentiality:

Where the victim requests confidentiality or that the District not conduct an investigation, the District will take all reasonable steps to investigate while honoring the request. Where the victim insists that the District not disclose his or her name or other identifiable information to the alleged perpetrator, the District will inform the victim that its ability to respond will be limited. The District will evaluate this request in the context of its responsibility to provide a safe and nondiscriminatory environment for all employees and students. When weighing a request for confidentiality against the seriousness of the alleged harassment, the Title IX Coordinator will take the factors listed above into consideration

Fact-Finding Investigation:

Where the victim has filed a criminal complaint with local law enforcement, the District will consider what information the District is able to share, pursuant to state and federal law, to ensure that victims are not unnecessarily required to give multiple statements about a traumatic event. The District will continue to conduct its own thorough, reliable, prompt, and impartial investigation. The District will normally complete its sexual misconduct investigation within 60 business days of receiving the complaint, unless extended by the Title IX

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Coordinator for good cause. The Title IX Coordinator will notify the victim and accused in writing of the reason for the extension and the projected new timeline.

The victim and accused will have equal opportunity to present relevant witnesses and other evidence to the District investigator. The District will provide the same opportunities to the victim and accused.

The results of the fact-finding investigation will be set out in a formal investigative report which will include the requirements listed above and a credibility determination of the victim, accused, and witnesses.

Reporting to State Chancellor's Office:

The District considers all sexual misconduct complaints to be formal complaints. The Vice President or designee must notify the State Chancellor's Office of any sexual misconduct complaints. Upon completing the investigation, the District shall forward to the Chancellor's Office a copy of the investigative report and administrative determination and to the complainant a copy or summary of the investigative report and administrative determination.

Dissemination of Policy and Procedures

District Policy and Procedures related to harassment will include information that specifically addresses sexual violence. District policy and procedures will be provided to all students, faculty members, members of the administrative staff and members of the support staff, and will be posted on campus and on the District's website.

Initial Hire

When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee's personnel file. In addition, these policies and procedures are incorporated into the District's course catalogs and orientation materials for new students.

Supervisory Employee Training

By January 1, 2006, the District shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees who are employed as of July 1, 2005. All new supervisory employees must be provided with the training and education within six months of their assumption of a supervisory position. After January 1, 2006, the District shall provide sexual harassment training and education to each supervisory employee once every two years.

The training and education required by this procedure shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and the remedies available to victims of sexual harassment in employment. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.

Supervisor's harassment training must also address potential exposure and liability for employers and individuals, supervisor's obligation to report sexual harassment,

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discrimination, and retaliation when they become aware of it, appropriate remedial measures to correct harassing behavior, and a review of “abusive conduct.”

The District will maintain appropriate records of the training provided, including the names of the supervisory employees trained, the date of training, sign in sheets, copies of all certificates of attendance or completion issued, the type of training provided, a copy of all written or recorded training materials, and the name of the training provider. The District will retain these records for at least three years.

Staff Training

Training of all staff will be conducted. This includes counselors, faculty, health personnel, law enforcement officers, coaches, and all staff who regularly interact with students. Training for academic staff should emphasize environmental harassment in the classroom. The District will also provide training to students who lead student organizations. The District should provide copies of the sexual harassment policies and training to all District law enforcement unit employees regarding the grievance procedures and any other procedures used for investigating reports of sexual violence.

In years in which a substantive policy or procedural change has occurred, all District employees will attend a training update and/or receive a copy of the revised policies and procedures.

Participants in training programs will be required to sign a statement that they have either understood the policies and procedures, their responsibilities, and their own and the District’s potential liability, or that they did not understand the policy and desire further training.

Education and Prevention for Students

In order to take proactive measures to prevent sexual harassment and violence toward students, the District will provide preventive education programs and make victim resources, including comprehensive victim services, available. The District will include such programs in their orientation programs for new students, and in training for student athletes and coaches. These programs will include discussion of what constitutes sexual harassment and sexual violence, the District’s policies and disciplinary procedures, and the consequences of violating these policies. A training program or informational services will be made available to all students at least once annually.

The education programs will also include information aimed at encouraging students to report incidents of sexual violence to the appropriate District and law enforcement authorities. Since victims or third parties may be deterred from reporting incidents if alcohol, drugs, or other violations of District or campus rules were involved, the District will inform students that the primary concern is for student safety and that use of alcohol or drugs never makes the victim at fault for sexual violence. If other rules are violated, the District will address such violations separately from an allegation of sexual violence.

4/14/08

Revised: 10/12/09

Revised: 3/10/14

Revised: 11/14/16

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AP 3440 Service Animals

References:

Civil Code sections 54 et seq. ; Penal Code Section 365.5; The Americans with Disabilities Act of 1990 -- 42 U.S.C. § 12101 et seq.; 28 CFR Part 35; 28 CFR Part 36; 34 CFR Part 104.44(b).

The District will allow an individual with a disability to use a service animal in District facilities and on District campuses in compliance with state and federal law.

The District will allow an individual with a disability to use a miniature horse as a service animal in District facilities and on District campuses if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability and the District has determined, based on the assessment factors provided in this procedure, that a reasonable accommodation can be made.

The District will allow an individual with a disability to be accompanied by his or her service animal in all areas of the District's facilities where members of the public, invitees, clients, customers, patrons, or participants in services, programs or activities, as relevant, are allowed to go.

These procedures shall also be applicable to an individual who is training a service animal.

Service Animal Defined

A "service animal" for purposes of this procedure means any dog (or miniature horse, as provided herein) that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

The work or tasks performed by a service animal must be directly related to the handler's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

Exceptions

The District may ask an individual with a disability to remove a service animal from the premises if:

- The animal is out of control and the animal's handler does not take effective action to control it; or
- The animal is not housebroken.

If a service animal is excluded under one of these exceptions, the District will give the individual with a disability the opportunity to obtain goods, services, and accommodations or

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to participate in the service, program, or activity without having the service animal on the premises.

Assessment Factors for Miniature Horses

The District shall consider the following factors:

- The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- Whether the handler has sufficient control of the miniature horse;
- Whether the miniature horse is housebroken; and
- Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Control

The service animal must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

Care or Supervision

The District is not responsible for the care or supervision of the animal.

Inquiries by the District

The District may make two inquiries to determine whether an animal qualifies as a service animal:

- Whether the animal is required because of a disability; and
- What work or task the animal has been trained to perform.

The District will not make either of these inquiries when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

An individual may choose to produce a county service dog license or identification tag as proof that the animal is a service animal. Licensure or certification is not required in order to meet the definition of service animal under this procedure. There are no licensing or certification requirements for miniature horses.

No Surcharge

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The District will not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If the District normally charges individuals for damage caused by pets, an individual with a disability may be charged for damage caused by his or her service animal.

11/14/11

Reviewed: 12/12/16

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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

A campus safety plan shall be developed and distributed to students annually at the start of the fall semester via email, student handbook, and college website.

The Antelope Valley College Police Department prepares and annually updates a report of all occurrences reported to Antelope Valley College Police Department 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.

Education Code Section 67380 defines “hate violence” as: “any act of intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons or the property of any person or group of persons because of the ethnicity, race, national origin, sex, sexual orientation, gender identity, gender expression, disability, or political or religious beliefs of that person or group.” Section 67380 requires reporting of both occurrences reported to Antelope Valley College Police Department or safety authorities of and arrests for crimes that involve hate violence (Section 67380(a)(1)(A)) and of “non-criminal acts of hate violence” (Education Code Section 67380(a)(1)(B)).

11/7/05

Revised: 1/8/07

Revised: 7/9/12

Revised: 4/11/16

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AP 3501 Campus Security and Access

Reference:

34 CFR 668.46(b)(3)

ACCJC Accreditation Standard III.B.1

During business hours, the District will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all District facilities is by key and/or access card, if issued, or by admittance via the Los Angeles County Sheriff's Department of Antelope Valley College. In the case of periods of extended closing, the District will admit only those with prior written approval to all facilities.

Keys or proximity cards are not issued to District hourly employees, volunteers, contractors, or students.

CAMPUS Sheriff's Department

1. Campus Access

- During business hours, the District will be open to students, parents, employees, contractors, guests and invitees. During non-business hours access to all District facilities is by key and access card, if issued, or by admittance via Antelope Valley College Sheriff's Department . In the cases of periods of extended or emergency campus closures, the District will admit only those with prior written approval from the College President to required facilities.

2. Campus Access During Emergencies

- Emergencies may necessitate changes or alterations to any posted facilities schedules. At the direction of the College President, Antelope Valley College Sheriff's Department may prohibit, or limit, campus access to all personnel as necessary to ensure the safety of all personnel and the Police of all facilities.

3. Campus Sheriff Reporting

The Campus Sheriff sits on the safety committee with risk management and provides monthly updates regarding safety issues associated with landscaping, locks, alarms, lighting, and communications.

ACCESS TO CAMPUS FACILITIES

1. Employee Responsibility

- Antelope Valley Community College District (AVCCD) employees granted access authorization to district facilities are responsible for exercising the provided access authorization only for district activities and responsibilities. District keys or proximity cards assigned to an employee may not be loaned, transferred or used by any other individual. California law states: Under Penal Code 469, 'unauthorized making, duplicating or possession of Key or Proximity Access Card to public building. Any person who knowingly makes, duplicates, causes to be duplicated, or use, or has in his possession any key to a building or other area owned, operated, or controlled by the State of California, any state agency, board, or commission, a county, city, or any public school or community college district without authorization from the person in charge of such building or area or his designated representative and with knowledge of the lack of such authorization is guilty of a misdemeanor.'

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2. Lost Keys/Access Cards
 - Lost keys and/or access cards must be reported immediately to the Antelope Valley College Sheriff's Office (722-6399). Campus Police will contact the Facilities Services Maintenance Supervisor to assess appropriate risk mitigation actions.
3. Lost Key/Access Card Replacement Charge
 - Loss of keys or proximity access cards can result in a serious breach of security potentially placing facilities, equipment, employees and students at risk. Required risk mitigation by management may require costly rekeying/reprogramming of district facilities. Monetary charges may be assessed by the district on employees and departments. The President has authorization to assess necessary charges. Charges for lost key/access cards:
 - Employee Charge: \$50 for first lost key/access card, \$50 for second lost key/access card, maximum charge \$100.
 - Department Charge: \$50 up to \$1,000 per lost key/access card. There is no maximum cost for loss of a Building or Grand Master key.
4. District Facility Access Authorization Requirements
 - The following personnel may be granted access authorization:
 - Permanent AVCCD employees
 - AVCCD Adjunct Faculty (Reauthorization required on regular basis as determined by district administration)
 - The following personnel are not granted access authorization:
 - Temporary or substitute AVCCD employees
 - Students (including student workers)
 - Vendors, contractors or consultants All non-AVCCD employees
 - Any exceptions require written justification and approval from the President
 - Note: For any personnel listed above who require key(s) and/or proximity access card to complete district assignments/responsibilities, the responsible AVCCD manager may check out the necessary Key(s)/Card(s) on a daily basis to the respective individual. The responsible manager will maintain a log for controlling keys/cards and is responsible for all actions taken by personnel when exercising access authorization.
5. District Facility Access Request Form
 - District facility access authorization is obtained with the approval of a district Facility Access Request form. The form can be found on the district website.
 - Facilities Services is responsible for maintaining the form and for maintaining all approved access request records.
 - All completed district Facility Access Request forms are submitted electronically via the Facilities Services request system.
6. Returning Keys/Access Cards
 - Employment Separation From District
 - All district keys and access cards assigned to an employee must be returned to the Human Resources office at the time of employee separation from the district.

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- Human Resources are to request and obtain a current facility access request record for the employee from Facilities Services prior to the employee exit interview.
 - During Employment
 - Keys/access cards, no longer required by the employee, are to be returned to the Facilities Services office.
 - Broken, worn or malfunctioning access cards are to be returned to the Student Development office for replacement.
7. Authorized Area Of Access
- Areas of access granted to any employee are authorized by employees responsible Dean/Director or responsible Administrator with concurrence from Facilities Services management. Written justification is required for all master keys, and 'Other' personnel access requests.
8. Authorized Level of Access
- Level of campus access for access cards is as follows:
 - Standard – All district employees; Monday through Sunday, 24/7
 - Non-Standard Hours Reporting Procedure
 - All district employees and non-district personnel with access authorization are required to check-in at the Campus Sheriff's office when entering or present on the campus at a non-standard time. Non-standard time is Monday through Sunday, 11:31 p.m. to 4:59 a.m. All individuals who sign-in at the Campus Sheriff's office must also sign-out at the Campus Sheriff's office, regardless of the day or time leaving the campus. This procedure is intended to provide a safety measure for all personnel and enhance the security of the campus. Exception: District personnel working regularly scheduled shifts between 11:30 p.m. and 5:00 a.m. are not required to check-in or check-out with Campus Sheriff's Office.

Facility Access Request form is available on line. Facility Access Request process is attached.

Adopted Date: 11/14/11

Revised: 7/8/13

Revised: 3/10/14

Revised: 5/9/16

Reviewed: 12/12/16

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AP 3504 Minors on Campus

References:

Welfare Institutions Code 625

The District is committed to providing a physical environment which enhances teaching and learning while supporting the personal safety of all members of the District community. District policy states that bringing minors on campus while attending classes is not permitted, unless minors are enrolled in the Child Development Center or other instructional programs in the District. Minors referenced in this procedure are defined as any individual under the age of 14 years old or not emancipated from the care of parents or legal guardians. Minors are allowed on District sites occasionally if participating in a District-authorized event, or while accompanying an adult who is receiving college or District services.

District policy also states that employees may not bring minors to their worksite. Occasional exceptions to this policy may be made for good cause and with the approval of the employee's supervisor or instructional Dean. The employee shall provide adequate continuous supervision for such minor(s) and ensure that there is no disruption of services as a result of their being on site.

Parents and guardians are responsible for the safety of the minors in their care. No liability will be accepted by the District, or any of its agents or staff, for the consequences of minors being on campus. Minors may at no time be left unattended or unsupervised. It is not appropriate to request that staff supervise the minors of students or co-workers except when their job assignment relates to a formal program designed for minors.

Under no circumstances are minors to be admitted where dangerous substances or equipment are in use.

Classroom Settings

Minors are not allowed to participate in activity classes, laboratory sessions, or studio work, except as follows:

- Minors enrolled in the Child Development Center or other instructional programs in the District
- Minors participating in classes (at the request or approval of the instructor)

Settings Outside the Classroom

- Minors may occasionally accompany a student or employee to the District or college site for a brief visit. They must remain under the continuous supervision of the adult responsible for them and their presence should in no way obstruct or diffuse services or work duties in the area.
- An employee may request that minors or visitors leave the area should it be deemed necessary or appropriate.
- Visitors to all District facilities and events are subject to all relevant District policies and regulations.

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AP 3505 Emergency Response Plan

References:

Education Code Sections 32280 et seq. and 71095; Government Code Sections 3100 and 8607(a); Homeland Security Act of 2002; National Fire Protection Association 1600; Homeland Security Presidential Directive-5; Executive Order S-2-05; California Code of Regulations Title 19, Sections 2400-2450; 34 CFR 668.46(b)(13) and (g)

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

General information about the emergency response and evacuation procedures for the District are publicized each year as part of the District's Clery Act compliance efforts and that information is available at www.avc.edu.

All members of the campus community are notified on an annual basis that they are required to notify the Antelope Valley College Police Department of any incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and employees on campus. The Antelope Valley College Police Department has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, Antelope Valley College Police Department personnel have a responsibility to respond to such incidents to determine if the situation does, in fact, pose a threat to the community. If so, federal law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation.

Upon confirmation or verification by the District that a legitimate emergency or dangerous situation involving an immediate threat to the health or safety of students or employees is occurring on campus, the District will determine the content of the message and will use some or all of the systems described below to communicate the threat to the campus community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. The District will, without delay, take into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to Antelope Valley College Police Department's personnel), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency

In the event of a serious incident that poses an immediate threat to members of the campus community, the District has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the campus community. These methods of communication include network e-mails, emergency text messages that can be sent to a phone or Personal Digital Assistant (individuals can sign up for this service on the District website), phone calling trees, and district website. The District will post updates during a critical incident on the District website at www.avc.edu. Individuals can call the District's recorded information telephone line at (661) 722-6600 for updates.

AlertU has the ability to send text messages to the cell phones of faculty, staff and students who opt in to the system via our Web site or by use of their phones. (The opt in process requires that a subscriber simply enter his or her mobile phone number in the spaces provided in the ALERTU area at the bottom of the Antelope Valley College website homepage

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at www.avc.edu. After entering this number, the person opting in clicks on the “Subscribe” button in the same area.) AlertU will be used in conjunction with broadcast phone messages, e-mails, Web postings and even news media alerts (when needed) to relay vital information to the campus.

The District’s Director of Public and Governmental Relations will be responsible for the dissemination of emergency information to the larger community through cell phone alerts, website announcements, radio, and TV alerts.

TESTING EMERGENCY RESPONSE AND EVACUATION PROCEDURES

An evacuation drill is coordinated by the Antelope Valley College Police Department two times per year for all facilities on campus. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation.

Evacuation drills are monitored by the Antelope Valley College Police Department and District administration to evaluate egress and behavioral patterns. Reports are prepared by participating departments which identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments and offices for consideration.

The District conducts numerous announced and unannounced drills and exercises each year and conducts follow-through activities designed for assessment and evaluation of emergency plans and capabilities. The Antelope Valley College Police Department and District administration coordinate announced and unannounced evacuation drills two times per year, as described above, to test the emergency response and evacuation procedures, and to assess and evaluate the emergency evacuation plans and capabilities. For each test conducted, the Antelope Valley College Police Department will document a description of the exercise, the date, time, and whether it was announced or unannounced. The District will publish a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year.

PURPOSE

The Emergency Procedures are the District’s planned responses to all hazards on or affecting the campus or surrounding community. The Emergency Procedures will be activated by the District superintendent/president or his/her delegated representative. The Emergency Procedures detail actions and responsibilities for all employees of the District.

RESPONSIBILITY

Government Code Sections 3100-3101 state that all employees of the District are declared civil defense workers during emergencies, subject to such defense activities as may be assigned to them. Federal and state regulations further state that all employees of the District must be trained and qualified in specified Federal Emergency Management Agency (FEMA) courses depending on an employee’s emergency response responsibilities.

EMERGENCY COMMAND POSTS (CIVILIAN AND LAW ENFORCEMENT)

The Emergency Command Posts will be activated during emergency situations. The *superintendent/president or his/her designated representative and the chief law enforcement officer on site* will activate their respective Emergency Command Posts and maintain effective communications between the two Command Posts. The Emergency Command Post staffs will direct the District’s response to the emergency situation, coordination with each other, coordination with outside agencies, and requests for outside

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support. The Emergency Command Post staffs will be aided in their duties by college and law enforcement staff personnel.

The Command Posts shall jointly:

- Declare a major emergency in the event of earthquake, explosion, flood, etc.
- Assess the overall disaster based on reports from area managers.
- Initiate the emergency notification chain (call back of employees) if necessary.
- Mobilize any additional staff to heavily damaged areas.
- Determine the —"All-Clear" when the disaster is over.

All press releases will be prepared by the Director of Public and Governmental Relations. In absence of this person, the key administrator will designate an individual responsible for this function.

PREPAREDNESS

The District's preparedness is based on pre-staged supplies, training and awareness, and emergency drills. All employees of the District will receive training in responding to and managing emergency situations according to federal and state laws and regulations. The best response to emergency situations is preparedness.

EMERGENCY TELEPHONE LIST

Please see the Confidential Administrative Staff Directory (i.e. confidential telephone list) with administrative personnel (including Executive and Senior Administrative Assistants) home phone numbers, cell phone numbers, and office phone numbers. This list is in the possession of all Administrative Staff personnel and is not published in a public document.

EMERGENCY ASSEMBLY AREAS

Emergency Designated Assembly areas are shown on the Area Evacuation Map. Assembly areas will be subject to change during the construction period.

LEGAL RESPONSIBILITIES & DUTY ASSIGNMENTS

Legal responsibilities and duty assignments are listed in the Emergency Procedures.

EMERGENCY PROCEDURES

EMERGENCY NUMBERS

CAMPUS SECURITY (on-campus phones).....4444

CAMPUS SECURITY (on-campus pay phones)....*80

MEDICAL, FIRE, POLICE.....911

POISON CONTROL.....1(800) 876-4766

NON-EMERGENCY NUMBERS

CAMPUS SECURITY.....722-6399

FACILITIES & MAINTENANCE...722-6300, ext. 6480

AVC OPERATOR.....0

ALARM SIGNAL

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Evacuate building: Proceed to the designated parking lot for your building. Keep walkways clear for emergency vehicles. Refer to the Area Evacuation Map to determine your designated parking lot. Remember that security personnel may order an event-specific change in evacuation route and destination in order to avoid a hazard.

DO NOT RETURN TO THE BUILDING UNTIL TOLD TO DO SO.

Fire

1. Know the location of fire extinguishers in your area and know how to use them.
2. Drop and roll if you and/or your clothes catch on fire.
3. Immediately call campus security at ext. 4444 or 6399 or use a campus pay phone and dial *80 or use a cell phone and dial (661) 722-6399. Give your name and describe the location and size of the fire.
4. If necessary, or if directed to do so by campus security personnel, activate the building alarm.
5. On large fires that are not immediately controllable, or after using the fire extinguisher, close all doors to confine the fire and reduce oxygen—but do not lock them.
6. Proceed to the designated parking lot for your building. Keep walkways clear for emergency vehicles. Refer to the Area Evacuation Map to determine your designated parking lot.
7. Do not return to the building until told to do so.

Medical & First Aid

1. In case a serious injury or illness occurs on campus, immediately call campus security at ext. 4444 or 6399 or use a campus pay phone and dial *80 or use a cell phone and dial (661) 722-6399. Give the campus location of the injured or ill person, describe the nature of the medical problem and provide your name.
2. Quickly perform these six steps if your first aid training is current:
 - a. Ask the injured or ill person “Are you okay?” and “What is wrong?”
 - b. Call campus security or send someone to call campus security.
 - c. Tell the person you are first aid trained and ask “May I help you?”
 - d. Check airway, breathing, and circulation.
 - e. Treat the injured or ill person to the level of care within your scope of training.
 - f. Remain with the injured or ill person until help arrives.

NOTE: The public telephone directory contains specific first aid instructions.

3. If you have not been trained in first aid or if your first aid training is not current, call campus security and continue to aid the injured or ill person until help arrives by the following three steps:
 - a. If possible, determine extent of injury or probable cause of illness without moving the person.
 - b. Protect from all disturbance, reassure the person, and do not move him or her unless absolutely necessary.

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- c. Look for emergency medical tags and bracelets, question witnesses, and give all information to campus security.
4. Campus security personnel will contact outside medical response services as necessary.
5. In case of a minor injury or illness, provide first aid care. Use the first aid materials that are available in the nearest department office.

Building Evacuation

1. Prior to any emergency, familiarize yourself with the evacuation route from your building and your building's evacuation assembly area by referring to the Area Evacuation Map.
2. Be aware of all marked exits from your area and building.
3. When you hear the evacuation alarm—leave the building immediately
4. Do not use elevators.
5. To activate the building alarm, pull the handle on one of the red fire alarm boxes.
6. When the building evacuation alarm is sounded or when you are ordered to leave by campus security personnel or college staff, walk quickly to the nearest marked exit and ask others to do the same.
7. Once outside, proceed to the designated parking lot for your building. Keep walkways clear for emergency vehicles. Refer to the Area Evacuation Map to determine your designated parking lot.
8. Remain in your designated assembly area until your Instructor, supervisor, or sponsor determines that all of the people in the class, office, or other function have evacuated or if one or more people may not have left the building. The Instructor, supervisor, or sponsor will report this information up the chain of command so that rescue personnel can begin searching for the missing at their last known location.
9. To the best of your ability, and without re-entering the building, assist campus emergency response personnel or college staff in their attempt to determine that everyone has evacuated safely.
10. An emergency command post may be set up near the emergency site. Keep clear of the command post unless you have important information to report.
11. Do not return to the building until told to do so.

Hazardous Materials Incident | Exposure

1. Report any campus spillage or release of a dangerous chemical or substance immediately to campus security at ext. 4444 or 6399 or use a campus pay phone and dial *80 or use a cell phone and dial (661) 722-6399. Report the incident to your supervisor.
2. When reporting, be as specific as you can about the nature of the involved material and the location and approximate size of the spill or release. Campus security personnel will contact the on-campus hazardous material personnel via the Maintenance Department (extension 6480). The hazardous material personnel will evaluate the spill or release and either properly contain it or clean it up or contact any necessary specialized authorities and/or outside clean up personnel.
3. Vacate the affected area at once and seal it off to prevent further contamination of others.
4. If you have come into contact with the spilled material or vapor emanating from it, you must avoid further contact, remain in the vicinity so that you do not spread the contaminant

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and you are readily available in the area to be helped, and notify campus security personnel of your contact with the contaminant.

5. If a room or an entire building is involved and either the building evacuation alarm is sounded or you are ordered to leave by campus security personnel, or college staff, evacuate the room or building by quickly walking to the nearest exit. Leave the elevators for the disabled and assist them as necessary.

6. Proceed to the designated parking lot for your building. Keep walkways clear for emergency vehicles. Refer to the Area Evacuation Map to determine your designated parking lot.

7. Do not return to the building until told to do so.

Violent or Criminal Behavior

Report all crimes and suspicious situations to campus security at ext. 4444 or 6399 or use a campus pay phone and dial *80 or use a cell phone and dial (661) 722-6399.

1. Assist in making the campus a safe place by being alert to suspicious situations and by reporting them as outlined below. Do not take any unnecessary chances.

2. If you are the victim or are involved in any on-campus violation of the law such as assault, robbery, theft, unwanted sexual behavior, etc.:

Call campus security as soon as possible and supply them with the following information:

a. Nature of the incident.

b. Campus location of incident.

c. Description of person(s) involved.

d. Description of property involved.

e. Your name.

f. Your current location.

g. Your contact telephone number.

h. Any injuries including how many and extent of injury (if known).

3. If you witness an on-campus violation of the law, immediately call campus security and give them the information outlined in number 2 above.

4. Report to your departmental office anyone loitering or soliciting on campus. These people may be asked to leave if they do not have permission or a proper reason for being on campus. Call campus security if they refuse to leave when asked.

5. Call campus security for an escort to and from class or your workstation if you are concerned about your safety.

6. If in a room or building and you hear gunfire, lock your door(s) from the inside if the door(s) can be locked, call campus security to describe what you heard and give them your building name and room number, turn off room lights (whether day or night), and then take shelter so that you are not visible through a window to anyone outside of the window. Remain sheltered in place until campus security notifies you to take other action.

Earthquake

1. When the earth begins shaking, remember to DROP, COVER, and HOLD ON.

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2. During an earthquake, remain calm and quickly follow the steps outlined below.
3. If indoors during an earthquake:
 - a. DROP to a position under a sturdy table or desk or, if there is no table or desk nearby, sit on the floor against an interior wall away from windows, bookcases, shelves, and heavy equipment.
 - b. COVER your eyes by pressing your face against your arm.
 - c. HOLD ON to a table, desk, or chair leg if one is near you to help brace yourself. Expect the table, desk, or chair to move.
4. If outdoors during an earthquake:
 - a. Move quickly away from buildings, trees, utility poles and power lines, and other structures.
 - b. DROP to the ground in a clear area.
5. After the shaking stops, evaluate the situation. If emergency help is necessary, call campus security at ext. 4444 or 6399 or use a campus pay phone and dial *80 or use a cell phone and dial (661) 722-6399. Expect aftershocks and react to them by following the same procedures as you did for the initial earthquake.
6. Coordinate with your supervisor and begin turning off all potentially hazardous equipment such as gas and electric appliances.
7. Evacuate the building by quickly walking to the nearest exit and alert people as you go. Be aware of structural damage and help both the disabled and the injured. DO NOT USE ELEVATORS.
8. Proceed to the designated parking lot for your building. Keep walkways clear for emergency vehicles. Refer to the Area Evacuation Map to determine your designated parking lot.
9. Additional information is available on the Emergency Broadcast System (EBS) which, for Los Angeles County, is comprised of the regular AM and FM radio frequencies including:

XTRA 610 AM KLKX 93.5 FM

KNX 1070 AM KKZQ 100.1 FM

KAVC 1340 AM KTPI 103.1 FM

KWJL (news/talk) 1380 AM, Lancaster KOSS (Oasis) 105.5 FM

KUTY (Spanish–LaMera Mera) 1470 AM, Palmdale KGMX 106.3 FM

KCEL (Spanish–Radio Lazer) 106.9 FM
- Additionally, AVC maintains an emergency message extension where employees can obtain recorded information related to campus closures or other emergency situations. The number is (661) 722-6600. One other possible means the College may employ to post messages is the “Campus Announcements” section of myAVC on the College Web site: www.avc.edu.
10. Do not return to the building until told to do so.

Explosion, Aircraft Crash or Similar Incident

If a volatile incident such as an explosion or aircraft crash occurs on campus and adversely affects your room or building, take the following actions:

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1. Guard yourself against secondary explosions by immediately taking cover under a table or a desk that will provide protection against breaking glass and falling debris. Close your eyes and cover your ears with your hands.
2. After the concussion of the explosion or crash has subsided, call campus security at ext. 4444 or 6399 or use a campus pay phone and dial *80 or use a cell phone and dial (661) 722-6399. Give your name and describe the location and nature of the emergency.
3. Activate the building alarm if necessary or if directed to do so by campus security personnel or college staff.
4. Evacuate the immediate area of the explosion or crash and notify your supervisor.
5. Do not touch or move any potentially volatile or suspicious object.
6. Help others, including the injured and the disabled, to evacuate the area. Remember that you can write a note to alert deaf or hard of hearing people to evacuate the area.
7. Proceed to the designated parking lot for your building. Keep walkways clear for emergency vehicles. Refer to the Area Evacuation Map to determine your designated parking lot.
8. An emergency command post may be set up near the emergency site. Keep clear of the command post unless you have important information to report.
9. Do not return to the room or building until told to do so.

Utility Failure

1. If a major utility failure occurs (such as an electrical outage) during regular working hours, immediately call the Maintenance Department at (661) 722-6300, ext. 6480.
2. If there is potential danger to the building occupants or if the utility failure occurs after hours or on a weekend or holiday, call campus security at ext. 4444 or 6399 or use a campus pay phone and dial *80 or use a cell phone and dial (661) 722-6399.
3. If an evacuation is ordered by campus security personnel or college staff, walk quickly to the nearest marked exit and ask others to do the same.
4. Once outside, proceed to the designated parking lot for your building. Keep walkways clear for emergency vehicles. Refer to the Area Evacuation Map to determine your designated parking lot.
5. Without re-entering the building, assist campus security personnel or college staff in their attempt to determine that everyone has evacuated safely.
6. An emergency command post will be set-up near the emergency site. Keep clear of the command post unless you have important information to report.
7. Do not return to the building until told to do so.

ADDITIONAL INFORMATION & PROCEDURES FOR SPECIFIC FAILURES

Electrical/Light Failure: All major campus buildings have an emergency light system that will provide enough illumination in corridors and stairs for safe exiting. It may also be advisable for your department to have some flashlights available.

Elevator Failure: All campus elevators have emergency alarms. If you discover an elevator failure, call campus security at ext. 4444 or 6399 or use a campus pay phone and dial *80 or use a cell phone and dial (661) 722-6399. Do not attempt to open elevator doors.

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Plumbing Failure/Flooding: Cease using all electrical equipment, vacate the area, and call campus security at ext. 4444 or 6399 or use a campus pay phone and dial *80 or use a cell phone and dial (661) 722-6399.

Serious Gas Leak: Cease all operations, immediately vacate the area, and call campus security at ext. 4444 or 6399 or use a campus pay phone and dial *80 or use a cell phone and dial (661) 722-6399.

Ventilation: If smoke or the odor of burning materials comes from the ventilation system, call campus security at ext. 4444 or 6399 or use a campus pay phone and dial *80 or use a cell phone and dial (661) 722-6399.

Evacuation of Disabled

If there is an emergency that affects occupants of wheelchairs and other disabled persons, the following evacuation procedures should be adhered to:

1. All persons shall move toward the nearest marked exit. Remember the following:
 - a. Do not use elevators.
 - b. When a wheelchair occupant or other person with mobility impairment reaches an obstruction, such as a staircase, he/she should request help from others in the area. Yellow Evac-Chairs are located near the top of each stairwell and are to be used in assisting mobility-impaired persons down the stairs.
 - c. If help is not immediately available, the wheelchair occupant or other person with mobility impairment should stay in the area in front of the elevator or on the exit stairwells. He/she should continue to call for help until rescued.

Rescue personnel, campus security personnel, or the emergency response team will first check elevator lobby areas and exit stairwells for trapped persons. Once they have evacuated any trapped persons, they will then check restrooms, classrooms, offices, and all common use areas. They will flash lights in addition to doing visual and verbal checks to alert deaf/hard of hearing persons.

2. Assist a hearing impaired person in an emergency as follows:
 - a. FLASH LIGHTS ON and OFF, wave, or tap the shoulder of a deaf or hard of hearing person to alert him/her to an emergency.
 - b. Face a deaf person directly and speak clearly and naturally. He/she may be trying to read your lips.
 - c. Have a pad and pencil available so that you can attempt to communicate in writing. Print clearly.

3. Assist a blind person in an emergency as follows:

Assign a "buddy" to help the blind person evacuate according to the regular procedures.

Bomb Threat

1. Any person receiving a phone call that an explosive device has been placed on campus should ask the caller the following questions and write down the answers:
 - a. When is the bomb going to explode?
 - b. Where is the bomb located?
 - c. What kind of bomb is it?

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- d. What does it look like?
 - e. Why did you place the bomb?
 - f. What is your name? Many times, the caller wants recognition for himself/herself or his/her organization and will provide this and other useful information.
 - g. Who do you represent?
2. Keep talking to the caller as long as possible while you write down the following:
 - a. Time of call.
 - b. Estimated age and gender of caller.
 - c. Speech pattern or accent of caller.
 - d. Emotional state of caller.
 - e. Background noises of caller's location.
 3. Immediately call campus security at ext. 4444 or 6399 from the nearest land line telephone or use a campus pay phone and dial *80 and supply them with the information outlined above. Do not use a cell phone or 2-way radio to make the call. Report to your supervisor as soon as it is practical to do so.
 4. If the bomb threat or suspicious object is received by mail, do not further handle the letter, envelope, or package. Immediately proceed to the nearest land line telephone and call campus security at ext. 4444 or 6399 or use a campus pay phone and dial *80. Do not use a cell phone or 2-way radio to make the call. Report to your supervisor as soon as it is practical to do so.
 5. If you see a suspicious object on campus that could contain or be an explosive device, do not handle the object. Immediately proceed to the nearest land line telephone and call campus security at ext. 4444 or 6399 or use a campus pay phone and dial *80. Do not use a cell phone or 2-way radio to make the call. Report to your supervisor as soon as it is practical to do so.
 6. Campus security personnel will conduct a detailed bomb search. Employees in the area(s) affected may be requested to make a brief inspection of their area(s) for out of place or suspicious objects that could contain or be an explosive device. Do not touch the object and remember to turn off cell phones and 2-way radios BEFORE beginning the inspection.
 7. Campus security will assess the situation and determine if evacuation procedures are warranted.
 8. If an evacuation is ordered, walk quickly to the nearest marked exit and, once outside, proceed to the OUTERMOST AREA of the designated parking lot for your building. Refer to the Area Evacuation Map to determine your designated parking lot.
 9. An emergency command post will be set up a minimum of 300 feet from the emergency site. Keep clear of the command post unless you have important information to report.
 10. Do not return to the building until told to do so.

Legal Responsibilities & Duty Assignments

Legal Responsibilities of Public Employees During an Emergency

The Government Code of the State of California (Title 1, Division 4, Chapter 8, Section 3101) has defined the term "public employees" to include all persons employed by the state or any

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county, city, city and county, state agency or public district, excluding aliens legally employed. It also defines the term “disaster service worker” to include all public employees.

State of California, Government Code Title 1, Division 4, Chapter 8, Section 3100:

It is hereby declared that the protection of the health and safety and preservation of the lives and property of the people of the state from the effects of natural, man-made, or war-caused emergencies which result in conditions of disaster or in extreme peril of life, property, and resources is of paramount state importance requiring the responsible efforts of public and private agencies and individual citizens. In furtherance of the exercise of the police power of the state in protection of its citizens and resources, all public employees are hereby declared to be disaster service workers subject to such disaster service activities as may be assigned to them by superiors or by law.

CIVILIAN EMERGENCYCOMMAND POST

The Civilian Emergency Command Post, from which the superintendent /president will direct operations, will be dictated by safety considerations and the superintendent’s/president’s choice as any one of the following: Administration Building, Campus Public Safety Office, Library Plaza, or other location necessitated by the emergency situation.

LAW ENFORCEMENT EMERGENCYCOMMAND POST

The Law Enforcement Emergency Command Post, from which the director of security (or designee in the absence of the director of security) will direct law enforcement operations, will be dictated by safety considerations and the superintendent’s/president’s choice as any one of the following: Administration Building, Campus Public Safety Office, Library Plaza, or other location necessitated by the emergency situation.

ASSIGNMENT OF DUTIES

Every staff member has a responsibility for performing certain duties in times of emergency. Specific assignments are outlined and additional assignments may be given via the chain of command.

The Superintendent/President of the Antelope Valley Community College District is responsible for the control and welfare of its students. The Superintendent/President (or designee in the absence of the Superintendent/President) directs the college staff in the implementation of EMERGENCY PROCEDURES and the assignment of duties as outlined. The Superintendent/President is the overall commander of any and all operations on the campus during normal and emergency operations. After the people present on campus have evacuated to an appropriate evacuation assembly area, the Superintendent/President will instruct the assistant superintendents/vice presidents, Director of Security and Director of Public and Governmental Relations (public information officer) to meet him/her at the location of the Civilian Command Post where he/she will be briefed by them on their findings from their personnel after which he/she will give them direction for further activities. He/she will brief the Board of Trustees as necessary and to the extent possible on the state of affairs as the situation permits.

The administrator on duty will direct the college staff in the implementation of Emergency Procedures and the assignment of duties as outlined until the superintendent/president or his or her designee assumes control of the emergency situation. The administrator on duty will be contacted immediately and apprised of the emergency situation by Campus Security and will, in turn, report this information directly to the Superintendent/President or his or her designee and to the Director of Public and Governmental Relations (public information officer).

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The assistant superintendents/vice presidents will instruct the deans and directors to meet them at the location of the Civilian Emergency Command Post where the assistant superintendents/vice presidents will be briefed by their respective deans and directors of any students, staff members, and/or visitors whose presence was not accounted for at their evacuation assembly area and the names of students, staff members, and visitors whose presence was noted at other than their evacuation assembly area. The main objective will be to determine who may be trapped or injured so severely that they cannot reach an evacuation assembly area and require rescue. The assistant superintendents/vice presidents will give the deans and directors instructions for further activities.

Deans and directors will proceed to the evacuation assembly areas designated for their personnel and confer with them to determine who may need rescue and the last known location(s) of the missing. The deans and directors will assign their personnel further activities which may include providing assistance to the injured, relocating groups of people, or responding to the Civilian Emergency Command Post to assist as necessary.

Faculty members, managers, and supervisors will escort their students, personnel, and visitors to their designated evacuation assembly areas and determine who did not arrive as well as seek medical attention for the injured and note any additional people who may be present in their evacuation assembly area. They will report this information and the last known location of the missing to their deans and directors. They will also report to their deans and directors other information they deem important such as hazards noted in their areas during their egress.

Community Emergency Response Team (CERT) trained personnel will report to the Law Enforcement Emergency Command Post after completing any other duties outlined herein. They may then be directed to perform a variety of activities including, but not limited to, the following:

1. Conduct search and rescue operations.
2. Evacuate and escort any remaining personnel from affected building(s).
3. Survey buildings for damage and re-entry.
4. Perform first aid.
5. Establish long-term care priorities.

Facilities Department personnel will be responsible for the use of emergency equipment, the handling of emergency supplies, and the safe use of available utilities. They will:

1. Survey the campus and report damage through their chain of command.
2. Assist in rescue operations as directed (examples: rig and operate lifting equipment and cutting torches to liberate victims trapped by or beneath structural components).
3. Assist in disaster fire suppression activities if trained and directed to do so.
4. Assist in controlling main shut-off valves for gas, water, and electricity.
5. Disburse emergency equipment as needed.

Clerical staff will help provide for the safety of essential school records and documents, operate telephones, and act as messengers and couriers when directed.

Cafeteria staff will make food stock and water available to campus emergency service providers whenever feeding becomes necessary during a disaster.

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REPORTING EMERGENCIES NOT PREVIOUSLY COVERED:

- The quickest and easiest way to obtain professional help for any type of emergency not specifically covered by these procedures is to phone Campus Security for assistance. Dial extension 4444 or 6399 from on-campus phones or *80 from on-campus pay phones or (661) 722-6399 from your cell phone.
- When calling, stay calm and carefully explain the problem and location to the Dispatcher.
- Quickly notify the dean or immediate supervisor of the emergency and begin to take the appropriate action warranted by the situation.

REMAIN CALM – HELP OTHERS REMAIN CALM.

11/14/11

Revised: 4/11/16

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AP 3506 Campus and Site Closures and Re-Openings

Reference:

The Maintenance & Operations (M&O) Director will confer via telephone or in person with the Director of Risk Management, and a recommendation regarding closure or re-opening will be formulated. The M&O Director will communicate the recommendation to the Vice President of Business Services.

The Vice President of Business Services will contact the Superintendent/President immediately or by 10:00 PM the night prior to any day for which a foreseeable closure/re-opening decision needs to be made, and the recommendation and its rationale will be provided. The final decision will be made by the Superintendent/President. If a closure decision is made after the Administrator on Duty has begun his or her assignment, the Superintendent/President will contact the Administrator(s) on Duty.

Closed means closed with the ONLY exception being the emergency services personnel necessary to keep on site or to return on site for any given inclement weather induced closure. These emergency services personnel consist of all personnel necessary to ensure safety for people and property and can vary from situation to situation (e.g. M&O personnel to maintain heat to various buildings to preclude freezing and broken pipes with resultant water flooding when the water thaws in the broken pipes; M&O personnel necessary to bring the campus to a state of readiness for re-opening; security personnel to safeguard the campus after closure from vandals and thieves who may take advantage of the situation, etc.) No faculty, students, staff, or administrators, including athletic teams or those involved in activities of any kind, will be exempt from the closure.

After a directive has been given by the Superintendent/President to re-open the campus, the M & O Director will assign appropriate M&O personnel to restore the campus to safe/useable condition. Once restored, the M & O Director will contract the Superintendent/President who will initiate various methods of disseminating this information, including a communication tree which cascades down from supervisor (beginning at the Superintendent/President's level) to direct report(s) on each appropriate level.

All campus and site closure and re-opening directives will be communicated using one or more of the following methods: the communication tree method whereby supervisors will call the individuals who report directly to them in a cascading fashion, beginning with the Superintendent/President or designee at the top of the communication tree; radio stations; Antelope Valley College website; AlertU; Antelope Valley College emergency telephone message extension - 661-722-6600.

In the event the Superintendent/President is not available a designee will be assigned.

12/14/09

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AP 3510 Workplace Violence

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, and 626.10;**

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.

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Referrals to the Antelope Valley College Campus Sheriff's Department or emergency services can be made in the following ways:

Antelope Valley College Campus Sheriff's Office:	(661) 722-6399 (Outside Line)
Antelope Valley College Campus Sheriff's Office:	6399 (Non Emergency On-Campus Line)
Antelope Valley College Campus Sheriff's Office:	4444 (Emergency On-Campus Line)
Campus Sheriff; Team Lead:	(661) 722-6300 Extension: 6889)
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 Campus Sheriff's Office will call the appropriate law enforcement officials.

11/7/05

Revised: 4/15

Revised 5/9/16

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AP 3515 Reporting of Crimes

Reference:

Penal Code Sections 245 and 422.55

Education Code Section 212, 67380, 67383, and 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 Campus Sheriff's Office when and if that criminal act is committed within the jurisdiction of the College Campus Sheriff's Office. 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 Sheriff's Office, 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 Campus Sheriff's Office. The supervisor himself or herself shall make the report if the employee is unable or unwilling to do so. Reporting a complaint to local law enforcement will not relieve the District of its obligation to investigate all complaints of harassment.

The District will instruct members of the Antelope Valley Community College Campus Sheriff's Office to notify students and employees complaining of sexual violence of their right to file a sex discrimination complaint with the District in addition to filing a criminal complaint, and to report incidents of sexual violence to Human Resources if the complainant consents.

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 publish warnings to the campus community about the following crimes:

- Criminal homicide – murder and non-negligent manslaughter;
- Criminal homicide – negligent manslaughter;
- Sex offenses – forcible and non-forcible sex offenses;
- Domestic violence, dating violence and stalking;
- Robbery;
- Aggravated assault;
- Burglary;
- Motor vehicle theft;
- Arson;
- Arrests for liquor law violations, drug law violations, and illegal weapons possession;

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- Persons who were not arrested for liquor law violations, drug law violations, and illegal weapons possession, but who were referred for campus disciplinary action for same;
- Crimes that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability and involve larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property, or any other crime involving bodily injury;
- Those reported to Antelope Valley Sheriff Department and
- Those that are considered to represent a continuing threat to other students and employees.

In the event that a situation arises, either on or off campus, that, in the judgment of the Antelope Valley College Deputy and the College Superintendent/President or designee, constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The warning will be issued through the college office of media and public information, e-mail system to students, faculty, staff. The information shall be disseminated by the Director of Public Information in a manner that aids the prevention of similar crimes.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the Executive Director of Marketing and Public Information may also post a notice on the campus-wide electronic bulletin board on the Antelope Valley College Web Site, providing the community with more immediate notification. The electronic bulletin board is immediately accessible via computer by all faculty, staff, and students. Anyone with information warranting a timely warning should report the circumstances to the Antelope Valley College Campus Sheriff's Office, by phone extension 6399 or in person.

The District shall not be required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

If there is an immediate threat to the health or safety of students or employees occurring on campus, the District shall follow its emergency notification procedures.

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.

If you are the victim of a crime and do not want to pursue action within the District's System or the criminal justice system, you may still want to consider making a confidential report. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the District can keep an accurate record of the number of incidents involving

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students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

The campus sheriff encourage anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the campus sheriff's office cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other campus security authorities as identified below.

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.

To Report a Crime:

Contact sheriff's department at 661-722-6300 ext 6399 and dial 4-4-4 (emergencies only). Any suspicious activity or person seen in the parking lots or loitering around vehicles or inside buildings should be reported to the police department. In addition you may report a crime to the following areas:

Vice President of Student Services – 661-722-6300 ext 6303

Vice President of Human Resources – 661-722-6300 ext 6120

Student Life – 661-722-6300 ext 6354

Required Reports to Local Law Enforcement Agency

Any report of willful homicide, forcible rape, robbery, aggravated assault, sexual assault, or hate crime, committed on or off campus, that is received by a campus security authority and made by the victim for the purposes of notifying the institution or law enforcement must be immediately, or as soon as practicably possible, disclosed to the local law enforcement

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agency. The report shall not identify the victim, unless the victim consents to being identified after the victim has been informed of his/her right to have his/her personally identifying information withheld. If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency unless the institution determines that both of the following apply, in which case the institution shall disclose the identity of the alleged assailant to the local law enforcement agency and notify the victim of the disclosure:

- The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution; and
- The immediate assistance of the local law enforcement agency is necessary to contact or detain the assailant.

11/7/05

Revised: 8/8/16

Revised: 12/12/16

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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 College 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 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 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

Revised: 4/11/16

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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 Antelope Valley Community College Campus Sheriff’s Office in the T800.

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

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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

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Revised: 1/8/07

Revised: 4/14/08

Revised: 4/11/16

Reviewed: 12/12/16

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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 the Antelope Valley College Campus Sheriff's Office.

The Antelope Valley College Campus Sheriff's Office maintains a close working relationship with all other the law enforcement authorities as needed. Meetings may be held between the leaders of these agencies on both a formal and informal basis. The Antelope Valley College Campus Sheriff's Office communicates regularly on the scene of incidents that occur in and around the campus area. When incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information, the Antelope Valley College Campus Sheriff's Office will work closely with all other law enforcement authorities. There is no written memorandum of understanding between the Antelope Valley College Campus Sheriff's Office and other law enforcement authorities.

In response to a call, the other law enforcement authorities will take the required action, dispatching an officer or asking the victim to file an incident report. All incident reports received by the other law enforcement authorities are forwarded to the Assistant Superintendent/Vice President Student Services for review and potential action. The Antelope Valley College Campus Sheriff's Office may investigate a report when it is deemed appropriate.

Crimes should be reported to the Antelope Valley College Campus Sheriff's Office to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the Antelope Valley College Campus Sheriff's Office in a timely manner. To report a crime or an emergency on the Lancaster campus, Palmdale Center, Foxfield, and any other locations where courses are taught, call the Antelope Valley College Campus Sheriff's Office at (661) 722-6399. To report a non-emergency security or public safety related matter, call the Antelope Valley College Campus Sheriff's Office at (661) 722-6339.

The Antelope Valley College Campus Sheriff's Office have complete authority to apprehend and arrest anyone involved in illegal acts on-campus and areas immediately adjacent to the campus. If minor offenses involving District rules and regulations are committed by a student, the Antelope Valley College Campus Sheriff's Office may also refer the individual to the Assistant Superintendent/Vice President of Student Services. Major offenses such as rape, murder, aggravated assault, robbery, and auto theft are reported to the Antelope Valley

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College Campus Sheriff's Office to solve these serious felony crimes. Antelope Valley College Campus Sheriff's Office personnel work closely with local, state, and federal police agencies. The Antelope Valley College Campus Sheriff's Office is also a part of the local 911 Emergency System. Through coordination with local law enforcement agencies, any criminal activity engaged in by students at off-campus locations of student organizations, is monitored and recorded. This information is provided to the Assistant Superintendent/Vice President of Student Services for any action or follow-up that may be required.

Campus "Pastoral Counselors" and Campus "Professional Counselors," when acting as such, are not considered to be a campus security officers and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

A Pastoral Counselor is a person who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

A Professional Counselor representative of the District whose official responsibilities include providing psychological counseling to members of the District's community and who is functioning within the scope of his or her license or certification.

11/7/05

Revised: 4/11/16

Revised: 12/12/16

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AP 3530 Weapons on Campus

Reference:

Penal Code Section 626.9 and 626.10

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 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 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

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Revised: 4/11/16

Reviewed: 12/12/16

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AP 3540 Sexual and Other Assaults on Campus

Reference:

Education Code Section 67385, 67385.7, and 67386;

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, domestic violence, sexual assault, or stalking as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, in connection with all academic educational, extra-curricular, athletic, and other programs of the district, whether those programs take place in the district facilities or at another location 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 5500 titled Standards of Student 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.

“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

“Domestic violence” includes felony or misdemeanor crimes of violence committed by:

- a current or former spouse of the victim;
- a person with whom the victim shares a child in common;
- a person who is cohabitating with or has cohabitated with the victim as a spouse;
- a person similarly situated to a spouse of the victim under California law; or
- any other person against an adult or youth victim who is protected from that person’s acts under California law.

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.

It is the responsibility of each person involved in sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

“Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity.

These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, see also AP 3500, 3510, and 3515.)

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All students, faculty members or staff members who allege they are the victims of domestic violence, dating violence, sexual assault or stalking 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.

Sheriff personnel shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with the following, upon request:

- A copy of the District's policy and procedure regarding domestic violence, dating violence, sexual assault or stalking;
- 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;
- Information about the importance of preserving evidence and the identification and location of witnesses;
- A description of available services, and the persons on campus available to provide those services if requested;
 - 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 Sheriff's Department for transportation to a hospital, if necessary, and all other law enforcement matters.

The victim's option to:

- notify proper law enforcement authorities, including on-campus and local police;
- be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
- decline to notify such authorities;
- The rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court;
- Information about how the district will protect the confidentiality of victims; and
- Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

A description of each of the following procedures:

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- Criminal prosecution
- Civil prosecution (i.e., lawsuit):
- District disciplinary procedures, both student and employee:
- Modification of class schedules:
- Tutoring, if necessary.

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

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 3435, regardless of whether a complaint is filed with local law enforcement. All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the Campus Sheriff's 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 Marketing and Public Information Office, which shall work with the campus Police Sheriff Department and the Vice President of Student Services office to assure that all confidentiality rights are maintained.

A complainant or witness who participates in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District's student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic honesty.

In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to allege lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:

- The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused.
- The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

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- The complainant was asleep or unconscious.
- The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
- The complainant was unable to communicate due to a mental or physical condition.

The District shall maintain the identity of any alleged victim, witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence unless the alleged victim, witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on District property shall be referred to the District's Marketing and **Public Information Office**, which shall work with the **Human Resources 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 sexual assault, domestic violence, dating violence, and stalking and procedures that should be followed after an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any in any district proceeding arising from such a report. 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, domestic violence, dating violence, or stalking;
- Procedures to follow if a domestic violence, dating violence, sex offense, or stalking 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, and the right to decline to notify these authorities;
- Information about how the district will protect the confidentiality of victims, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law;
- Information for students about existing on- and off-campus counseling, mental health, victim advocacy, legal assistance or other services for victims;
- Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sexual assault or stalking including a clear statement that:
 - Such proceedings shall provide a prompt, fair, and impartial resolution;

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- Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
- 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 domestic violence, dating violence, sexual assault or stalking, the procedures for the accused and victim to appeal the results of the disciplinary proceeding, of any changes to the results that occurs prior to the time that such results become final, and when such results become final. 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 non-forcible sex offenses, domestic violence, dating violence, or stalking.

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 and stalking. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations, and shall include the District's sexual assault policy and prevention strategies including empowerment programming for victim prevention, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction.
- Post sexual violence prevention and education information on the campus internet website regarding domestic violence, dating violence, sexual assault and stalking.

11/7/05

Revised: 1/8/07

Revised: 5/9/16

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AP 3550 Drug Free Environment and Drug Prevention Program

Reference:

Drug Free Schools and Communities Act Amendment, 1989; 20 U.S. Code Section 1145g and 34 C.F.R.86.1 et seq.; Federal Drug-Free Workplace Act, 1988; 41 U.S. Code Section 702

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.

Antelope Valley College Police Department may make recommendations to the District Attorney's office for a "Drug Diversion" program for any offender of the District's "Drug Free" policy.

The following are summaries of the major health risks of and common symptoms associated with alcohol and other drug use and abuse. This is not a complete listing but an overview. Each individual will experience the effects of alcohol and other drugs in a slightly different way given his or her tolerance, body size, family history, gender, and other physical and psychological factors. Abuse of alcohol and other drugs can lead to chemical dependency and can be harmful during pregnancy.

Alcohol

Health Risks: Alcohol in moderate amounts causes dizziness, dulling of the senses, impairment of coordination, reflexes, memory and judgment. Increased amounts of alcohol produce staggering, slurred speech, double vision, mood changes and, possibly, unconsciousness. Larger amounts result in death. Alcohol causes damage to the liver, heart and pancreas. It also may lead to malnutrition, stomach irritation, lowered resistance to disease and irreversible brain or nervous system damage.

Symptoms: Glazed eyes, obvious odor, pale and dry skin, broken blood vessels in facial area, slowed motor coordination and enlarged stomach.

Marijuana

Health Risks: Marijuana use leads to a substantial increase in heart rate. It impairs or reduces short-term memory and comprehension, and motivation and cognition are altered. With extended use it can produce paranoia and psychosis. Smoking marijuana damages the lungs and pulmonary system. Marijuana contains more cancer causing agents than tobacco. It also lowers male sex hormones, suppresses ovulation, and causes changes in the menstrual cycle and possibly causes birth defects.

Symptoms: Someone who uses marijuana may laugh inappropriately and have bloodshot eyes, dry mouth and throat, and a tell-tale odor of the drug, a poor sense of timing and increased appetite.

Cocaine and Crack

Health Risks: Cocaine and its derivative crack produce dilated pupils and elevated blood pressure, heart rate, respiratory rate and body temperature. They may also cause insomnia, loss of appetite, tactile hallucinations, paranoia, seizure and death.

Symptoms: Someone using cocaine may experience muscle twitching, panic reactions, anxiety, numbness in hands and feet, loss of weight, a period of hyperactivity followed by a depression, a running or bleeding nose and sustained depression.

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Barbiturates

Health Risks: In small doses, barbiturates produce calmness, relaxed muscles and lowered anxiety. Larger doses cause slurred speech, staggering gait and altered perception. Very large doses taken in combination with other central nervous system depressants (e.g., alcohol) cause respiratory depression, coma and sometimes death.

Symptoms: A person who uses barbiturates may have poor muscle control, appear drowsy or drunk, become confused, irritable, inattentive or have slowed reactions.

Amphetamines

Health Risks: Amphetamine use causes increased heart and respiratory rates, elevated blood pressure, and dilated pupils. Larger doses cause rapid or irregular heartbeat, tremors and physical collapse. An amphetamine injection creates a sudden increase in blood pressure that can result in stroke, high fever and heart failure.

Symptoms: An individual using amphetamines might begin to lose weight, have periods of excessive sweating, and appear restless, anxious, moody and unable to focus. Extended use may produce psychosis, including hallucinations, delusions and paranoia.

Hallucinogens (including PCP, LSD, Mescaline, Peyote, Psilocybin)

Health Risks: PCP, or angel dust, interrupts the part of the brain that controls the intellect and impulsive behavior. PCP blocks pain receptors. Violent episodes, including self-inflicted injuries, are not uncommon. Chronic users report memory loss and speech difficulty. Very large doses produce convulsions, coma, heart and lung failure, or ruptured blood vessels in the brain. LSD, mescaline, peyote, etc. cause dilated pupils, elevated body temperature, increased heart rate and blood pressure, and tremors.

Symptoms: Someone using PCP might appear moody, aggressive or violent. Such an individual may become paranoid and experience hallucinations and have time and body movements slowed. LSD users may experience loss of appetite, sleeplessness, confusion, anxiety and panic. Flashbacks may also occur.

Narcotics (including Heroin, Codeine, Morphine, Opium, Percodan)

Health Risks: Because these narcotics are generally injected, the use of contaminated needles may result in AIDS and hepatitis. Symptoms of overdose include shallow breathing, clammy skin and convulsions. An overdose may result in a coma or even death.

Symptoms: Some signs of narcotic use are euphoria, drowsiness, constricted pupils and nausea. Other symptoms include itchy skin, needle or "track" marks on the arms and legs, nodding, loss of sex drive and appetite. When withdrawing from the drug, sweating, cramps and nausea occur.

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. As a condition of employment, employees must notify the District within five 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.

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Revised: 12/14/09

Revised: 4/11/16

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AP 3560 Alcoholic Beverages

Reference:

Business and Professions Code Sections 24045.4, 24045.6, 25608, and 25658; 34 CFR 668.46(b)

The possession, sale or the furnishing of alcohol on campus is governed by California state law and these procedures. The possession, sale, consumption or furnishing of alcohol is controlled by the California Department of Alcohol and Beverage Control. However, the enforcement of alcohol laws on-campus is the primary responsibility of the Antelope Valley College Campus Sheriff's Office. The campus has been designated "Drug free" and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by Antelope Valley College Campus Sheriff's Office. Violators are subject to disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of this policy for anyone to consume or possess alcohol in any public or private area of campus without prior District approval. Organizations or groups violating alcohol or substance policies or laws may be subject to sanctions by the District.

Alcoholic beverages on campus are permitted if:

- The alcoholic beverage is beer and/or wine for use in connection with a course of instruction, 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.
- The alcoholic beverage is possessed, consumed, or sold, pursuant to a license or permit obtained under this division for special events held at the facilities of a public community college during the special event. "Special event" means events that are held with the permission of the governing board of the community college district that are festivals, shows, private parties, concerts, theatrical productions, and other events held on the premises of the public community college and for which the principal attendees are members of the general public or invited guests and not students of the public community college.
- The alcoholic beverage is acquired, possessed, or used during an event sponsored by the district or the Antelope Valley College Foundation at a community college-owned facility in which any grade from kindergarten to grade 12, inclusive, is taught, if the event is held at a time when students in any grades from kindergarten to grade 12, inclusive, are not present at the facility.
- The alcoholic beverage is for use during a fundraiser held to benefit the Antelope Valley College Foundation that has obtained a license under the Business and Professions Code to do so provided that no alcoholic beverage can be acquired, possessed or used at a football game or other athletic contest sponsored by the District.

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- The alcoholic beverage is acquired, possessed, or consumed pursuant to a license or permit obtained for special events held at facilities of a community college district at a time when pupils are not on the grounds. "Facilities" includes, but are not limited to, office complexes, conference centers, or retreat facilities.

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Revised: 5/14/12

Revised: 7/9/12

Revised: 4/11/16

Revised: 12/12/16

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AP 3570 Tobacco Use on Campus

Reference:

Government Code Section 7596, 7597, 7597.1, 7598; Labor Code 6404.5; Title 5, Section 5148

Smoking, **including the use of electronic cigarettes**, is prohibited everywhere on the main campus, Palmdale Center, and Fox Field Site with the exception of the parking lots.

Chewing tobacco shall be prohibited any place on campus.

The sale of tobacco products or tobacco paraphernalia is prohibited on all property owned, leased, licensed, or otherwise controlled by Antelope Valley Community College District.

Smoking (**including the use of electronic cigarettes**) and chewing of tobacco shall be prohibited when riding or driving a college-owned vehicle.

Smoking, **including the use of electronic cigarettes**, is prohibited inside any indoor area of any campus building, except for covered parking lots.

“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, restrooms, and aircraft hangars that are a structural part of the parking lot or a building to which it is attached.

Signs stating “NO SMOKING ON CAMPUS EXCEPT IN PARKING LOTS” shall be posted at major campus entry points (e.g. parking lot entrances and walkway leading into campus at corner of 30th Street West and Avenue K).

Disciplinary measures to be taken against violators are listed here:

Enforcement of this policy will be the responsibility of Antelope Valley College Police Department personnel. All violators, including students, staff, faculty, and visitors, will be given a warning upon the first offense and will be directed to the parking lots.. A Field Investigation card will be completed with the violator’s contact information and filed for future reference. **Students will be referred to the Vice President of Student Services’ office upon the second offense (please refer to AP 5520 for the discipline process).** Upon the second offense for faculty and staff, refer to the appropriate collective bargaining agreement. Non-student, non-staff, non-faculty visitors will be directed to leave the campus and not return upon the second offense.

Smoking **and the use of electronic cigarettes** will be permitted in the parking lots. All employees and students are encouraged to reinforce the policy by asking violators to be courteous and use the parking lots for smoking.

11/7/05

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Revised: 2/8/10

Revised: 9/10/12

Revised: 4/11/16

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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.

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- 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

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- 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.

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- 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.

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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.

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- 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:

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- 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

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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

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- 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.

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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

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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

Reviewed: 4/10/17

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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.

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"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

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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.

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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.

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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.

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- 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.

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- 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

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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.

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Revised: 1/8/07

Revised: 9/10/07

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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.

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AP 3722 Acceptable Use Agreement

Reference:

Antelope Valley College (AVC) provides access to its computing, communications and information resources. These resources are the property of AVC and support the delivery of the college's academic mission and accordingly, they should be used responsibly. These resources include the physical data communications network and all computers, printers, scanners and other hardware attached to that network, as well as all system software, telephone systems, and means of access to the Internet.

With regard to the computing, communications and information technology resources of Antelope Valley College, all users understand and agree to the following provisions:

- The district's computing, communication and information resources are provided for the support of its educational and service goals and the use of such resources for other purposes is prohibited. However, incidental personal use is permissible so long as: (a) it does not violate state or federal law or AVC policy, (b) it does not consume more than a trivial amount of system resources, (c) it does not interfere with productivity of students or district employees, and (d) it does not preempt any district activity. All users of district information technology resources and services shall abide by this policy along with any local, state, and federal law that may apply. All users are subject to both the provisions of this policy, as well as any policies specific to the individual systems they use.
- To protect the integrity of computing resources, passwords, access codes, or account names must not be shared with others. Additionally, passwords will be subject to complexity requirements and users will be required to change their passwords periodically.
- Most educational materials (both commercial and district employee created, including software) are protected under copyright. Any violation of the rights of a person or entity protected by copyright law is prohibited. The unauthorized duplication, installation, or distribution of computer software utilizing the district's computing, communications and information resources is specifically prohibited. Unauthorized software installed on district owned computers will not be supported and may be removed if deemed necessary.
- Users may not connect any system/equipment or install software which could allow any user to gain access to the district's system and information without coordinating with Information Technology Services (ITS).
- Users may not use district resources for conducting a private business or for personal financial gain.
- Intentionally sending or accessing pornography or patently obscene material other than for authorized research or instructional purposes is prohibited. The definition of "pornography" and "obscene" shall be as determined by law.
- Computer and information technology users should consider the open nature of information transferred electronically, and should not assume an absolute degree of privacy or restricted access to such information. The district provides the highest degree of security possible when transferring data, but disclaims responsibility if these security measures are circumvented and the information is compromised.

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- The district is not responsible for loss of data, time delay, system performance, software performance, or any other damages arising from the use of district computing resources.
- Authorized district personnel may, while performing routine or investigative operations have access to data, including electronic mail, web browser information, and any other personal data stored on district computers. Student workstations are subject to routine monitoring. Computer screens attached to student workstations, particularly those accessing the Internet, may be periodically viewed by district personnel to monitor compliance with district policy. However, the district shall not routinely or arbitrarily monitor incidental personal use of district resources by employees. Neither the district nor any employee shall disclose the contents of any observed personal data to any other person or entity except as required by law or Board Policy.
- Activities that place excessive strain on network resources should be avoided. Conducting activities such as Peer-to-peer (P2P) file sharing or use of any other similar technologies is prohibited and subject to disciplinary action.
- The confidentiality of student and employee information is protected under federal and state law and/or regulations. Any information regarding students or employees that might be accessed in the course of using an AVC computer may only be shared with those who are authorized to have such information. Employees and students may not change, alter, copy, or divulge any such information unless it is required to carry out an assignment.
- Employees and students should ensure that their workstation is logged off or locked before stepping away from the computer.

Users found in violation of the district's computer and information technology use policies, are subject to disciplinary action, as described in the enforcement section of this document.

Selected Examples of Unacceptable Use:

- Revealing passwords to others, allowing someone else to use your account.
- Using someone else's account. Utilizing network or system id numbers/names that are not assigned for one's specific use on the designated system.
- Attempting to authorize, delete, or alter files or systems not created by oneself without proper authorization as described in the Computer Use and Electronic Mail Guidelines.
- Not complying with requests from AVC personnel to discontinue activities that threaten the integrity of computing resources.
- Attempting to defeat data protection schemes or to uncover security vulnerabilities.
- Connecting unauthorized wireless access points and other computer equipment to the campus network without coordinating with ITS. (Devices such as PDAs, printers, and USB drives that connect to a computer and not directly to the network are acceptable.)
- Registering an Antelope Valley College IP address with any other domain name.
- Unauthorized network scanning or attempts to intercept network traffic.
- Malicious disruptions such as introducing a computer virus to the campus network.
- Harassing or threatening other users of the campus network.
- Using district resources for partisan political activities where prohibited by federal, state or other applicable laws.

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To ensure the integrity and reliability of computer and communications resources, all users are encouraged to report improper use and violations of this agreement. Individuals may report suspected violations of this agreement to an AVC faculty member, supervisor or administrator as appropriate.

Enforcement¹

Individuals may report suspected violations of these guidelines to an AVC supervisor, faculty member or administrator as appropriate. Reports of violations that are received by ITS will be forwarded to the appropriate supervisor or administrator.

Disciplinary action may be taken in accordance with one or more of the following: AVC policies, California law or the laws of the United States.

Minor infractions of these guidelines or those that appear accidental in nature are typically handled internally by the appropriate supervisor or administrator, in consultation with ITS. In some situations it may be necessary, however, to suspend account or computer access to prevent ongoing misuse while the situation is under investigation.

More serious infractions, such as unauthorized use, attempts to steal passwords or data, unauthorized use or copying of licensed software, violations of college policies or repeated violations of minor infractions may result in the temporary or permanent loss of access to computing facilities.

Offenses that are clearly in violation of local, state or federal laws will result in the immediate loss of access to computing resources and will be reported to the appropriate law enforcement authorities. In addition, disciplinary action, up to and including dismissal, may be applicable under other AVC policies, guidelines or collective bargaining agreements.

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¹ This section is taken directly from the Computer Use and Electronic Mail Guidelines document.

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.

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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

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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

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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.

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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.

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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 Superintendent/President or designee.

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 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 Superintendent/President.

The Superintendent/President, 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

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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, to determine the appropriate procedures and necessary forms. Exceptions for gifting directly to the District must be approved by the Superintendent/President.

11/7/05

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References:

Education Code Sections 76120 and 66301

The students and employees of the District and members of the public shall be permitted to exercise their rights of free expression subject to the time, place and manner policies and procedures contained in Board Policy 3900 and these procedures.

The college of the District is a non-public forum, except for the following areas, which are reserved for expressive activities which do not violate District policy and which are lawful. The locations include Library Plaza, Gym Circle, Bookstore Hallway, Applied Arts Courtyard, Health Science Courtyard: These areas are chosen so as to provide visibility and allow communication to a large number of students, administrators, faculty, and others walking or traveling on campus but also so as not to disrupt educational and other activities of the District on behalf of students:

- The areas are designated public forums. The District reserves the right to revoke that designation and apply a non-public forum designation.
- The District reserves the right to designate areas as non-public forums as necessary to prevent the substantial disruption of the orderly operation of the college. Areas of the college that are non-public forums specifically include campus offices, classrooms, warehouses, maintenance yards, or locker rooms, and any other area not specified above.

The use of these areas reserved and open for expressive activities is subject to the following:

- No person using the areas shall touch, strike or physically impede the progress of passersby, except for incidental or accidental contact, or contact initiated by a passerby.
- Persons using areas shall not use any means of amplification that creates a noise or diversion that disturbs or tends to disturb the orderly conduct of the campus or classes taking place at that time.
- Persons using the areas reserved for expressive activities shall not disrupt the orderly operation of the college.

Non-student, community groups wishing to engage in speech or expressive activities on campus, in the areas designated as public forums, must provide notification to the District through the Office of Campus Events three (3) business days in advance of the activities and must describe the nature of the planned activities. No illegal activities will be permitted, no activities which violate District or campus rules, including rules and laws on illegal harassment and discrimination, and none that will substantially interfere with or disrupt activities already scheduled for that day and time in the designated areas, as described below. In the event the area sought to be used for expressive activities has already been reserved for another activity so that there will be substantial interference or disruption based on noise, overcrowding, or other considerations unrelated to content, the District will offer alternative available areas or if none are available offer alternative dates. Students, outside organizations, and others are encouraged to make reservations in advance to use the areas for their expressive activities through the use of optional reservation forms.

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All persons using the areas that are designated public forums shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within those areas. Those persons distributing printed material must, prior to their departure from the areas that day, make reasonable efforts to retrieve, remove or properly discard material that is discarded or dropped in or around the areas other than in an appropriate receptacle.

Posting:

Bulletin boards shall be provided for use in posting materials at campus locations convenient for use by students, staff, and members of the public. All materials displayed on a bulletin board shall clearly indicate the author or agency responsible for its production and shall be dated with the date of posting by the Student Life and College Activities Office. Materials displayed shall be removed after the passage of 30 days.

2/6/06

Revised: 9/10/07

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Revised: 4/11/16

Reviewed: 3/13/17

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