



# College Coordinating Council Meeting

**Wednesday, December 13, 2017**

A124 – President’s Conference Room  
9:30 a.m. – 10:30 a.m.

**Type of Meeting:** Regular  
**Note Taker:** Patty McClure  
**Please Review/Bring:** Agenda, Minutes

**Committee Members:**  
Dr. Susan Lowry, Academic Senate  
Michelle Arvizu Garcia, Associated Student Organization  
Ed Knudson, President  
Pamela Ford, Classified Union  
Michelle Hernandez, Confidential/Management/Supervisory  
LaDonna Trimble, Deans  
Dr. Scott Lee, Faculty Union  
Dr. Bonnie Suderman, Vice President of Academic Affairs  
Mark Bryant, Vice President of Human Resources  
Dr. Erin Vines, Vice President of Student Services

## AGENDA

Items	Person(s) Responsible	Time	Action
<b>STANDING ITEMS:</b>			
I. Approval of Previous Minutes of November 8, 2017.	All		
II. Constituent Reports	All		
<b>INFORMATION/DISCUSSION/ACTION ITEMS:</b>			
III. ITS Reorg	Rick	30 minutes	Returned from October 25, 2017 Meeting.
IV. AP 5013 – Students in the Military	Erin	5 minutes	Returned from September 13, 2017 CCC Meeting and constituent groups.
V. AP 3435 - Complaint Procedure for Discrimination or harassment	Mark	2 minutes	
VI. BP 7250 – Educational Administrators	Mark	2 minutes	
VII. BP & AP 7330 – Communicable Disease	Mark	2 minutes	Returned from the September 13, 2017 CCC Meeting and constituent groups.
VIII. AP 7336 – Certification of Freedom from Tuberculosis	Mark	2 minutes	Returned from the September 13, 2017 CCC Meeting and constituent groups.
IX. AP 7500- Volunteers	Mark	2 minutes	
X. BP & AP 6400 – Audits	Ed	2 minutes	Returned from the September 13, 2017 CCC Meeting and constituent groups.
XI. BP 7310 - Nepotism	Ed	2 minutes	

### FUTURE AGENDA ITEMS:

<b>NEXT MEETING DATE:</b>			
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<b>January 10, 2018</b>			
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# College Coordinating Council Minutes

**Wednesday, November 8, 2017**  
A124 – President’s Conference Room  
9:30 a.m. – 10:30 a.m.

**Type of Meeting:** Regular  
**Note Taker:** Patty McClure  
**Please Review/Bring:** Agenda, Minutes

**Committee Members:**  
Dr. Susan Lowry, Academic Senate  
Michelle Arvizu Garcia, Associated Student Organization  
Ed Knudson, President  
Pamela Ford, Classified Union and Kim Fite  
Michelle Hernandez, Confidential/Management/Supervisory  
LaDonna Trimble, Deans  
Dr. Scott Lee, Faculty Union  
Dr. Bonnie Suderman, Vice President of Academic Affairs  
Mark Bryant, Vice President of Human Resources  
Dr. Erin Vines, Vice President of Student Services

## MINUTES

Items	Person(s) Responsible	Time	Action
<b>STANDING ITEMS:</b>			
I. Approval of Previous Minutes of September 27, 2017 and October 25, 2017.	All		The minutes were approved as presented.
II. Constituent Reports	All		<b>Pamela Ford</b> stated that the classified is hosting the Craft Fair be on Saturday, November 11, 2017 from 9-3 p.m. <b>Dr. Susan Lowry</b> stated that the Academic Senate is looking at fundraising like the classified unit does and possibly starting up a faculty scholarship.
<b>INFORMATION/DISCUSSION/ACTION ITEMS:</b>			
III. Business Reorg	Diana	30 minutes	Diana Keelen handed out a Fiscal Independence Checklist. The list was comprised of services that the Business Office is now providing and that the skills required are more than just data entry. There were some discussion on pay averages and following the process to fill the positions. Pamela stated that she will have a one-on-one meeting with Diana to review. Dr. Susan Lowry inquired about the cost of the new positions vs the cost of LACOE’s service to the college. Diana stated that the

			district is saving at least \$35 K. Some discussion as to the process, the upcoming townhall meeting and that salary impact will be presented to the budget committee. Pamela stated that the positions of the reorg were presented at reclassification, but were denied and stated that she felt that this was a way to get around the reclassification process.	
IV.	AP 3280 – Grants	Ed	1 minute	Returned from 6/28/17 Meeting & constituent groups.
V.	SPC Membership – Add Exec Dir or Designee – Marketing Exec Dir or Designee - Foundation	Ed	1 minute	It was agreed to add the memberships.
VI.	AP 4021 – Program Discontinuance	Bonnie	5 minutes	It was agreed to go forward to the December 11, 2017 board meeting.
VII.	AP 6700 – Civic Center	Bonnie	1 minute	It was agreed to go forward to the December 11, 2017 board meeting.
VIII.	BP & AP 4100 – Graduation Requirements for Degrees and Certificates	Bonnie	1 minute	The AP was agreed to go forward to the December 11, 2017 board meeting. The BP needed a few revisions and upon everyone’s approval (via email) will go to the December 11,2017 board meeting.
IX.	AP 3570 – Tobacco Use on Campus	Erin	1 minute	It was agreed to go forward to the December 11, 2017 board meeting with an implementation for 2018-2019 academic year. Dr. Scott Lee opposed.
X.	AP 5015 – Residence Determination	Erin	1 minute	It was agreed to go forward to the December 11, 2017 board meeting.
XI.	BP 6800 – Safety	Erin	1 minute	It was agreed to go forward to the December 11, 2017 board meeting. Dr. Scott Lee opposed.
XII.	AP 3435 - Discrimination and Harassment Complaints and Investigations	Mark	2 minutes	Tabled for the December 13, 2017 meeting.
XIII.	BP 7250 – Educational Administrators	Mark	2 minutes	Tabled for the December 13, 2017 meeting.
XIV.	AP 7500 - Volunteers	Mark	2 minutes	Tabled for the December 13, 2017 meeting.

**FUTURE AGENDA ITEMS:**

**NEXT MEETING DATE:  
December 13, 2017**

MEMO

4 December 2017

From: Rick Shaw - Executive Director, Technology

To: CCC

Re: Response to re-org questions from October CCC Meeting

At the October CCC meeting I came away with a collection of tasks; a corrected org chart, source position description for the Director of Technical Operations for comparison, and draft position descriptions for the Help Desk Coordinator and the Instructional Designer.

The updated org chart includes the following changes: spelling and position title corrections; removal of projected position at Palmdale Center; and the addition of Systems Administrator. These are done to reflect position prioritization narrative from program review and put forward for the 18-19 position requests. The addition of the third Systems Administrator was part of last year's position requests and program review update, but had not been added as a projected position with the org chart presented earlier.

The source position descriptions and the revision are attached for the Director of Technology Operations.

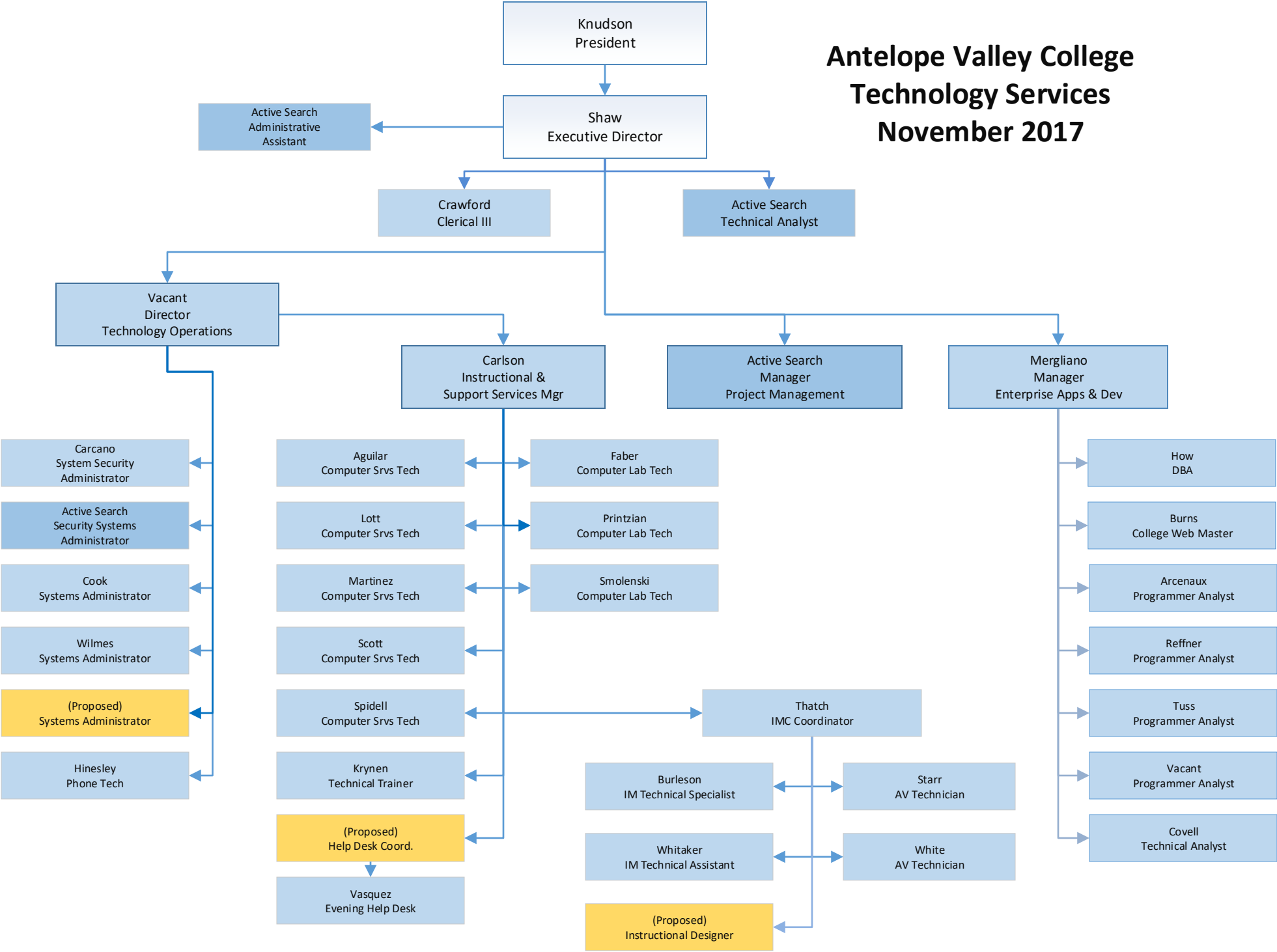
The requested drafts for the Help Desk Coordinator is still being worked internally, and will be submitted to the Classification committee during the annual cycle.

The Instructional Designer position description is still in draft, and I would prefer to keep it internal, given the concerns raised at the last meeting, until I've had an opportunity to present it and get input from the Distance Education Technology Committee.

I look forward to continuing our conversation on 13 December



# Antelope Valley College Technology Services November 2017





ANTELOPE VALLEY COLLEGE  
Office of Human Resources & Employee Relations

**ANNOUNCEMENT OF CONFIDENTIAL, MANAGEMENT, SUPERVISORY POSITION**

**POSITION:** Director, Information Technology Services Full time, 12 months

**WORK SCHEDULE:** Monday – Friday: 8:00am – 4:30pm

**SALARY:** Range 38, \$7,855.43/mo. + benefits

**DEADLINE:** October 16, 2012

**BASIC FUNCTION:**

Under the direction of the Vice President of Administrative Services, the Director of Information Technology Services manages activities related to administrative and academic computing including a comprehensive college-wide management information system; network coordination and implementation activities; activities related to academic computing including design, installation, and hardware/software maintenance in computer classroom/labs and maintenance of faculty computing and resource centers; activities related to strategic planning and direction for assigned organizational units; activities related to telecommunications including maintaining a fully functional campus telephone system.

**REPRESENTATIVE DUTIES:**

- Articulates, formulates, and implements the short and long-term technological needs and strategies of the college as a partner in institutional planning processes, balancing academic and administrative needs.
- Approves all college purchases of computer hardware and software, and related technology in order to ensure lower costs, quality of merchandise and uniformity of equipment.
- Communicates, collaborates and cooperates with faculty, support staff, administration and students to plan, develop, and support the information technology functions of the college.
- Assists departments in addressing functional needs, purchasing equipment, networking/integration, providing appropriate hardware and software upgrades, managing installation, storage and retrieval of data.
- Coordinates the availability of automated library services, ensuring effective incorporation of networks, Internet access, CD-Rom applications and other appropriate technologies.
- Assists faculty, support staff, and administration in evaluating emerging technologies, maintaining technology literacy and creative application of technology resources.
- Makes recommendations for administrative computing, telecommunications and instructional computing personnel needs and, as appropriate, participates in the hiring process.
- Develops and manages the information technology operating budget and associated capital budgets in consultation with department heads and administration.
- Manages, directs, supervises and evaluates the information technology staff, effectively integrating part-time, student and support personnel.
- Oversees prioritization of user requests.
- Secures and administers leases, licenses and maintenance agreements and verifies/confirms that they may be legally used for administrative and instructional hardware, software and peripherals.
- Facilitates the academic computing function of the college by supporting Internet, distance learning and other media sources.
- Develops, recommends, maintains and documents information technology policies, procedures and security strategies, audits their effective use and monitors compliance.
- Plans and manages the telecommunications services of the college (maintains telecommunication lines and phones; manages and maintains long distance services).

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**Annual Security Report** is provided by Antelope Valley College for prospective students and employees. A copy of this report is available at <http://www.avc.edu/administration/police/>

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**REPRESENTATIVE DUTIES (Continued):**

- Manages the information technology help desk function for electronic mail, standard desktop applications, printing services, and voice mail.
- Maintains, improves and reports on the college technology resources inventory.
- Oversees and participates in software and hardware upgrades.
- Sets standards for campus-wide software and hardware procurement and support.
- Performs other managerial duties as assigned.

**EDUCATION AND EXPERIENCE:**

- Bachelor's degree from a college or university accredited by the U.S. Department of Education in one of the following: information systems, computer science or a closely related field.
- Five years of recent management experience in the field of computer information systems with emphasis on systems analysis and design, systems development, installation of networks, programming, computer operations and maintenance, and management of computer systems.
- Sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability and ethnic backgrounds of community college students.

**DESIRABLE QUALIFICATIONS:**

- Experience in an educational environment.

**KNOWLEDGE OF:**

- Multi-user, mainframe and/or personal computer client/server-based, networked environment.
- Mainframe, personal computing, LAN and WAN network technology.
- Other common computing hardware platforms, operating and networking systems including high level computer programming and developmental languages.
- Current electronic communications technologies, informational systems and instructional technology systems including electronic audio, data, video transmission systems including the Internet, and wireless network support infrastructure.
- Principles and practices of program administration and planning, developing, implementation, and evaluation, budget preparation and control.

**ABILITY TO:**

- Work well in a collaborative environment.
- Communicate effectively, both verbally and in writing.
- Demonstrate a commitment to the philosophy of the community college.



## APPLICATION PROCEDURE

To be considered an applicant for a classified position in the Antelope Valley Community College District, all of the following documents must be submitted no later than 4:30 p.m. on the deadline date.

**If any of the listed materials are missing or incomplete, the application will not be considered.**

1. A completed and signed Antelope Valley College *Confidential, Management, Supervisory Application*
2. Cover letter addressing your interest and qualifications
3. Résumé
4. College-Level Coursework is required – Submit as follows:  
Please submit the following with your application package:
  - a. Transcripts: Submit transcripts of all college-level coursework (unofficial transcripts or photocopies will be accepted to establish the application file).
    - i. No copies of degree/diplomas will be accepted as proof of college education.
    - ii. Official documents will be required if the candidate is offered the position.
  - OR
  - b. If “coursework” requirement is satisfied from a non-traditional college setting, submit photocopies of certificates earned that apply to the position only.

The application must be filled out completely and signed. **Do not** indicate “See Résumé” on any part of the application. Blank spaces, illegible entries or failure to sign the application may be cause for rejection. The District will not return application materials submitted.

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Application forms are available on the AVC web site [www.avc.edu](http://www.avc.edu) or from the Human Resources Office and must be returned to:



**ANTELOPE VALLEY COLLEGE**

Office of Human Resources  
3041 West Avenue K  
Lancaster CA 93536  
(661) 722-6311

Faxed or emailed materials cannot be accepted.  
Unsolicited materials will not be included. Postmarks will not be accepted

A selection committee will screen applications of candidates meeting minimum requirements. **Meeting minimum requirements does not assure the applicant of an interview.** Selection for an interview will be based on your training and experience as outlined in your application. Applicants selected for interviews will be notified by phone. Applicants should not expect notification of the status of their candidacy until the Board of Trustees has acted upon the district’s recommendation for employment.

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Candidates selected for employment will be required to provide verification of work authorization pursuant to INS regulations.

Antelope Valley College offers an extensive benefit package that includes full-family medical, dental, and vision plans and employee life insurance and income protection policies and eligibility to enroll in the Public Employees' Retirement System.

*Antelope Valley College prohibits discrimination and harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation. Upon request, we will consider reasonable accommodations to permit individuals with protected disabilities to (a) complete the employment or admission process, (b) perform essential job functions, (c) enjoy benefits and privileges of similarly-situated individuals without disabilities, and (d) participate in instruction, programs, services, activities, or events.*

***AVC is an equal opportunity employer.***

**VENTURA COUNTY COMMUNITY COLLEGE DISTRICT**

**CLASS TITLE: DIRECTOR, COLLEGE TECHNOLOGY SERVICES**

**BASIC FUNCTION:**

Under the direction of the Associate Vice Chancellor of Information Technology & Telecommunications, manage college information technology departments to plan, organize, coordinate and participate in analysis, design, programming, installation and maintenance of college computer equipment, applications, network resources and voice communications systems.

**REPRESENTATIVES DUTIES:**

Manage college IT supervisors that oversee the technical staff engaged in design, implementation and maintenance of complex information technology systems including voice, video, data networks and applications at a college. *E*

Working with the Associate Vice Chancellor of Information Technology, provide college leadership and consult with administrators, faculty and staff to determine information technology requirements, specifications and priorities. *E*

Plan, organize and coordinate a wide variety of program development and information technology activities to meet the needs of the college. *E*

Consult with administrators, campus committees, and end users on the development of comprehensive information technology plans for the college. *E*

Coordinate and participate in training classes and workshops in computer related technical subjects and identifies employee groups to participate in end user training. Evaluate end user training programs to determine their quality and effectiveness. *E*

Develop and manage designated college information technology budget; oversees all related purchasing for the college information technology department. *E*

Analyze technology support demands, level of work and staff work assignments to determine and recommend appropriate organizational alignment and college information technology department staffing. *E*

Plan, coordinate and organize help desk services and end user support at the college. *E*

Develop, implement, and monitor service level agreements. *E*

Work with the IT supervisors to set priorities for all work related to the installation, selection and maintenance of PCs, peripheral devices, telecommunications equipment, controls and specifications. *E*

Direct the IT supervisors in assisting and supporting all campus technology users – hardware, applications, Internet, e-mail and network resources. *E*

Analyze college-wide technology needs to determine appropriate hardware and software within the current standard offers; recommend technology implementation plans as appropriate. *E*

Ensure consistent use of the district-wide help desk systems to record and assign service calls. *E*

Work with District IT technical support on the evaluation of hardware, computers, servers, network components, switches, wireless access points and other network items for the college. *E*

Ensure implementation and enforcement of district-wide information security standards. *E*

Coordinate activities with equipment and repair vendors; assist purchasing in securing the best pricing on Information Systems equipment and services. *E*

Review recommendations and suggestions for overall improvement of systems, hardware, and department standards for documentation. *E*

Work on infrastructure planning and design for capital construction projects with the college Vice President of Business Services and Director of Facilities, as well as construction managers, consultants, architects, general contractors, and subcontractors. *E*

Perform related duties as assigned.

**KNOWLEDGE AND ABILITIES:**

**KNOWLEDGE OF:**

State-of-the-art theories, applications, techniques and methods of information technology management as well as educational information technology

Principles and techniques of budgeting, budget reporting and financial management

Principles of employee evaluation, employee relations; concepts of progressive discipline

Principles of staff and end user training including documentation, on-line and classroom instruction

Modern office procedures and equipment

Telecommunications equipment and protocols

Information networking standards and best practices

Information security best practices

**ABILITY TO:**

Provide leadership and direction for the information technology services of the colleges; make decisions and be held accountable for the results

Analyze complex technical, instructional and administrative information to identify relevant concerns and recognize alternatives and to formulate logical and objective conclusions

Develop and recommend modifications to hardware/software, staffing, budget, program dimensions and boundaries

Prepare concise, understandable technology presentations to college management, faculty and staff as required

Manage a technical staff engaged in implementation and support of complex information technology systems, networks and applications at the college

October 2007

Write and orally express difficult and complex concepts clearly and concisely  
Analyze problems in computer operations and communications techniques  
Train, supervise, and evaluate personnel  
Maintain current knowledge of technological advances in the field  
Plan and organize work  
Establish and maintain cooperative and effective working relationships with others

### **EDUCATION AND EXPERIENCE:**

Any combination equivalent to: Bachelor's degree in information systems, computer science, management information systems, computer engineering or a closely related field. Four years of recent, full-time experience in systems analysis, information systems design, information systems development, network administration and computer applications training; including two years experience in a management or supervisory capacity. Specific experience with current technology related to instruction is highly desirable.

### **WORKING CONDITIONS:**

#### **ENVIRONMENT:**

Office/college campus environment

#### **PHYSICAL ABILITIES:**

Hearing and speaking to exchange information and to provide work direction

Seeing to assure accuracy of work

Dexterity of hands and fingers to operate a computer keyboard

#### **HAZARDS:**

Extended viewing of a computer monitor



## ANTELOPE VALLEY COMMUNITY COLLEGE DISTRICT

### DIRECTOR, TECHNOLOGY OPERATIONS

**RANGE: 38**

#### **BASIC FUNCTION:**

Under the general direction of the Executive Director of Technology, the Director of Technology Operations functions deputy to Executive Director and manages day-to-day operational activities of the department. These areas include; systems and infrastructure, telecommunications, and general supervision of the Manager of Instructional Support Services who has oversight of help desk, academic computing including design, desktop hardware/software maintenance, computer classroom/labs, and the Instructional Multimedia Center.

#### **REPRESENTATIVE DUTIES:**

- Actively collaborates with peers to ensure appropriate application of services to support Enterprise Applications and Planning Office
- Manages, directs, supervises and evaluates the staff, effectively integrating part-time, student and support personnel.
- Communicates, collaborates and cooperates with faculty, support staff, administration and students to plan, develop, and support the information technology functions of the college.
- Approves purchases of computer hardware and software, and related technology in order to ensure lower costs, quality of merchandise and uniformity of equipment.
- Assists departments in addressing functional needs, purchasing equipment, networking/integration, providing appropriate hardware and software upgrades, managing installation, storage and data integrity.
- Directs staff in assisting faculty, support staff, and administration in evaluating emerging technologies, maintaining technology literacy and creative application of technology resources.
- Makes recommendations for administrative computing, telecommunications and instructional computing personnel needs and, as appropriate, participates in the hiring process.
- Facilitates the academic computing function of the college by supporting, distance learning and other media resources.
- Develops, recommends, maintains and documentation on policies, procedures and security strategies, audits their effective use, and monitors compliance.
- Plans and manages the telecommunications services of the college (maintains telecommunication lines and phones; manages and maintains long distance services).
- Oversees the information technology help desk function for consolidated helpdesk services, standard desktops, applications, printing, and telco/voice mail.



#### REPRESENTATIVE DUTIES (Continued):

- Maintains, improves and reports on the college technology resources inventory.
- Oversees and participates in software and hardware upgrades.
- Collaborates with Executive Director, Peers, and participatory governance groups to establish campus-wide software and hardware standards for procurement and support.
- Performs other managerial duties as assigned.

#### **EDUCATION AND EXPERIENCE:**

- Any combination equivalent to: Bachelor's degree in information systems, computer science, management information systems, computer engineering or a related field. Four years of recent, full-time experience in any combination of systems analysis, information systems design, information systems development, network design or administration or computer applications training; including three years recent experience in a management or supervisory capacity.
- Specific experience with current technology related to institutions of higher education is highly desirable.
- Sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability and ethnic backgrounds of community college students.

#### **DESIRABLE QUALIFICATIONS:**

- Experience in an educational environment.

#### **KNOWLEDGE OF:**

- Best practices, applications, techniques and methods of information technology management.
- Current knowledge of major hardware platforms, operating systems, and networking standards
- Management of complex network services architecture, infrastructure and networking security, telecommunications, maintenance, operation and/or programming within a multi-site enterprise.
- Principles of employee evaluation, staff development, employee relations, and concepts of progressive discipline
- Principles and techniques of budgeting, budget reporting and financial management
- Knowledge of accessible technologies, including requirements of ADA Sections 504 & 508 and WCAG 2.0 AA.
- Modern office procedures and equipment

#### **ABILITY TO:**

- Work well in a collaborative environment.
- Communicate effectively, both verbally and in writing.
- Demonstrate a commitment to the philosophy of the community college.

## AP 5013 \_\_\_\_\_ Students in the Military

Reference:

**Education Code Sections 68074, 68075, 68075.5 and 68075.7;**  
**Title 5, Section 55023, 55024,**  
**54041, 54042, 54050, and 58620**  
**Military and Veterans Code Section 824;**  
**38 U.S. Code Section 3670**

### Residence Determinations for Military Personnel and Dependents

A student who is a member of the armed forces of the United States stationed in California on active duty, except a member of the armed forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification. Such student shall retain resident classification in the event that the member of the armed forces is thereafter transferred on military orders to a place outside of California or thereafter retires from active duty, so long as the student remains continuously enrolled in the District.

An undergraduate student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty shall be entitled to resident classification. Such student shall retain resident classification if he/she is thereafter transferred on military orders to a place outside of California, so long as the student remains continuously enrolled in the District.

A veteran who was discharged or released from at least 90 days of active service less than three years before the date of enrollment in a course commencing on or after July 1, 2015, and his/her dependents, regardless of the veteran's state of residence is entitled to resident classification.

An individual who is the child or spouse of a person who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces who resides in California and enrolls in the community college within three years of the Service Member's death in the line of duty following a period of active duty service of 90 days or more is entitled to resident classification.

~~A student who was a member of the armed forces of the United States stationed in California on active duty for more than one year immediately prior to being discharged from the armed forces is entitled to resident classification for the length of time he or she lives in California after being discharged up to the minimum time necessary to become a resident.~~

A parent who is a federal civil service employee and his or her natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. -This classification shall continue until the student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.

A student claiming the residence classifications provided for in this procedure must provide a statement from the student's commanding officer or personnel officer providing evidence of the date of the assignment to California, and that the assignment to active duty in California is not for educational purposes. A student claiming the residence classifications provided for here for the

dependent of military personnel shall provide a statement from the military person's commanding officer or personnel officer that the military person's duty station is in California on active duty as of the residence determination date, or has been transferred outside of California on active duty after the residence determination date, or that the military person has retired from active duty after the residence determination date. *(Title 5, Sections 54041; 54042)*

#### Withdrawal Policies for Members of the Military

A student who is a member of an active or reserve United States military service and who receives orders compelling a withdrawal from courses shall be permitted to withdraw upon verification of such orders. A withdrawal symbol may be assigned which may be a "W" or a "MW." Military withdrawal shall not be counted in progress probation, dismissal calculations, or in calculating the permitted number of withdrawals. In no case may a military withdrawal result in a student being assigned an "FW" grade. In no case may a college require a student who is required to report for military duty to withdraw from a course by a specified date in order to receive a full refund of the tuition and fees the student paid to the college for the academic term in which the student was required to report for military service.

2/6/06

Revised: 1/8/07

Revised: 12/10/07

~~Revised 10/15: 5/14/12~~



## AP 3435 Discrimination and Harassment Complaints and Investigations

Reference:

[20 U.S.C. Section 1681 et seq.:](#)  
[Education Code Section 212.5, 231.5, 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 Sections 11023 and 11024](#)

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

#### **Complaints**

[The law prohibits coworkers, supervisors, managers, and third parties with whom an employee comes into contact from engaging in harassment, discrimination, or retaliation.](#) 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 Complaint**

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.

### **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~~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~~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 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 Vice President of Student Services and Superintendent/President
- 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 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.

The District will investigate complaints involving acts that occur off campus if they are related to an academic or work activity or if the harassing conduct interferes with or limits a student's or employee's ability to participate in or benefit from the school's programs or activities.

### **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. Mediation in all cases is permitted as long as all parties agree.
- 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 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.

- 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 and claim 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. The District shall promptly investigate complaints of harassment or discrimination that occur off campus if the alleged conduct creates a hostile environment on campus.

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:

- Interview the complainant(s)
- Interview the accused individual(s)
- Identify and interview witnesses and evidence identified by each party
- Identify and interview any other witnesses
- If needed; remind 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
- Review 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 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. No employee will be retaliated against as a result of lodging a complaint or participating in any workplace investigation.

#### **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 formal 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:
  - The determination of the Vice President of Human Resources or designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;

- A description of actions taken, if any, to prevent similar problems from occurring in the future;
  - The proposed resolution of the complaint; and
  - The complainant's right to appeal to the district governing board and the Chancellor.
- In any case involving employment discrimination, within 90 days of receiving a formal 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:
    - The determination of the Vice President of Human Resources or designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
    - A description of actions taken, if any, to prevent similar problems from occurring in the future;
    - The proposed resolution of the complaint; and
    - 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.

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)

Equal Employment Opportunity Commission  
Roybal Federal Building  
255 E. Temple Street, 4<sup>th</sup> 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.

### **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.

**Complaint Procedure**

Where the complaint involves a minor, the District will comply with California mandated reporting requirements.

All responsible employees are required to report all actual or suspected sexual misconduct to the Title IX Coordinator immediately. A responsible employee is any employee who has the authority to take action to redress sexual misconduct, who has been given the duty of reporting incidents of sexual misconduct to the Title IX Coordinator or Vice President of Human Resources or designee, or whom a student or employee could reasonable believe has this authority or duty. The District is on notice if a responsible employee knew, or in the exercise of reasonable care should have known, about the sexual misconduct.

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.

**Professional, licensed, mental health counselors, and pastoral counselors, who provide mental-health counseling to members of the District community, or interns, graduate students, and others**

supervised by professional licensed counselors, are not required to report any information to the title IX Coordinator.

Non-professional counselors who work or volunteer in health center, victim advocacy office, women's center, etc., including front desk personnel and student employees in the course of their duties, may maintain confidentiality. They are not required to report actual or suspected sexual misconduct to the Title IX Coordinator in a way that identifies the student without the victims consent.

#### **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 reporting party and responding party victim with immediate, interim measures necessary to protect his or her health and safety. These immediate interim measures may include:

- Providing an escort
- Ensuring that the victim and perpetrator do not attend the same classes or work in the same area
- Preventing offending third parties from entering campus
- Providing counseling services or a referral to counseling services
- Providing academic support services

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.

If the District determines that a sexual misconduct complaint is appropriate for informal resolution, it may permit an informal resolution, including mediation. All parties, including the complainant and

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respondent, must receive full disclosure of the allegations and information about options for formal resolution before voluntarily agreeing to participate in an informal resolution. If parties agree to an informal resolution, the District does not have to complete a full investigation and adjudication of a report of sexual misconduct.

#### **Confidentiality**

Where the victim requests confidentiality regarding a reportable incident or that the District not conduct an investigation, the District will take all reasonable steps to comply with the victim's request or inform the victim when it cannot ensure confidentiality, investigate while honoring the request. ~~The District will not disclose the name of the victim unless the victim provides written consent after being informed of his/her right to have the information withheld.~~ 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 960 business days of receiving the complaint, unless extended by the Title IX 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, for example if the District permits the victim or accused to have a lawyer or other advisor present, it must do so for the other party. Any District imposed restrictions on the ability of a lawyer or other advisor to speak or participate in the interview must also apply equally.

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**

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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.~~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, 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. If the training is provided by webinar, the District will maintain a copy of the webinar, all written materials used by the training and all written questions submitted during the webinar, and document all written response or guidance the trainer provided during the webinar. 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.

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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: 2016

Revised: 10/16

Revised: 11/17

## BP 7250 Educational Administrators

Reference:

***Education Code Sections 72411 et seq., 87002(b), 87457-87460;  
Government Code Section 3540.1(g) and (m)***

An administrator is a person employed by the Board in a supervisory or management position as defined in Government Code Sections 3540, et seq.

Educational administrators are those who exercise direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services programs of the District.

An educational administrator who has not previously acquired tenure as a faculty member in the District shall have the right to become a first year probationary faculty member once his or her administrative assignment expires or is terminated, if the following criteria are met:

- The administrator meets the criteria established by the District for minimum qualifications for a faculty position, in accordance with procedures developed jointly by the Superintendent/President and the Academic Senate and approved by the Board. The Board shall rely primarily on the advice and judgment of the Academic Senate to determine that an administrator possesses minimum qualifications for employment as a faculty member.
- The requirements of Education Code Section 87458(c) and (d), or any successor statute, are met with respect to prior satisfactory service and reason for termination of the administrative assignment.
- The District has a vacancy for which the administrator meets minimum qualifications.

Educational administrators shall be compensated in the manner provided for by the appointment or contract of employment. Compensation shall be set by the Board upon recommendation by the Superintendent/President. Educational Administrators shall further be entitled to health and welfare benefits made available by action of the Board upon recommendation by the Superintendent/President.

Educational administrators shall be entitled to vacation leave, sick leave, and other leaves as provided by law, these policies, and administrative procedures adopted by the Superintendent/President.

Every educational administrator shall be employed by an appointment or contract of up to four years in duration.

The Board may, with the consent of the administrator concerned, terminate, effective on the next succeeding first day of July, the terms of employment and any contract of employment with the administrator, and reemploy the administrator on any terms and conditions as may be mutually agreed upon by the Board and the administrator, for a new term to commence on the effective date of the termination of the existing term of employment.

If the Board determines that the administrator is not to be reemployed when his or her appointment or contract expires, notice to an administrator shall be in accordance with the terms of the existing contract. If the contract is silent, notice shall be in accordance with Education Code Section 72411.

An Educational Administrator's duties and responsibilities are determined by the job announcements for the position.

Educational Administrators are entitled to *Administrative Reassignment Rights* as specified in AP 7250.

**See Administrative Procedure #7250**

**Adopted: 5/8/06**

Reviewed: 4/17

Revised: 10/17



## BP 7330 Communicable Disease

Reference:

***Education Code Sections 87408; 87408.6; 88021***

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

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

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

If the Board determines by resolution that student health would not be jeopardized thereby, the requirements relative to the examination shall not apply to any employee who files an affidavit stating that he/she adheres to the faith or teachings of any well recognized religious sect and in accordance with its creed depends for healing upon prayer in the practice of religion and to the best of his/her knowledge is free from active tuberculosis.

If at any time there should be probable cause to believe that the affiant is afflicted with active tuberculosis, he or she may be excluded from service until the governing board of the employing district is satisfied that he or she is not so afflicted.

Cafeteria employees shall be required to submit to an annual tuberculosis examination.

At the discretion of the Board, such examinations shall not apply to classified personnel on a temporary basis (less than one year) whose functions do not require frequent or prolonged contact with students.

**See Administrative Procedures #7330**

**Adopted: 5/8/06**

**Revised ~~10/15~~11/13/17**

## AP 7330 Communicable Disease

Reference:

***Education Code Section 87408; 87408.6; 88021***

For successful applicants for academic and classified positions:

- A medical certificate is required showing that the applicant is free from any communicable disease, including, but not limited to, hepatitis, active tuberculosis, unfitting the applicant to instruct or associate with students.
- The medical certificate shall be submitted by a physician as authorized by code.
- The medical examination is conducted not more than six months before the submission of the certificate and is at the expense of the applicant.
- A contract of employment may be offered to an applicant subject to the submission of the required medical certificate.
- The medical certificate becomes a part of the personnel record of the employee and is open to the employee or his or her designee.
- Results of the examination showing the employee was examined and found free from active tuberculosis shall become a part of the personnel record of the employee and filed with the Office of Human Resources.
- Failure to comply with the compulsory requirement of the tuberculosis examination may result in the employee being placed on an unpaid leave status until results of the examination have been received.

**5/8/06**

**Revised 10/15**

## AP 7336 Certification of Freedom from Tuberculosis

### Reference:

Education Code Section 87408.6

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

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

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

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

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

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

This procedure shall not apply to any employee of the District who files an affidavit stating that he/she adheres to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles

depends for healing upon prayer in the practice of religion and that to the best of his/her knowledge and belief he/she is free from active tuberculosis. If at any time there should be probable cause to believe that the applicant is afflicted with active tuberculosis, he/she may be excluded from service until the Vice President of Human Resources or designee is satisfied that he/she is not so afflicted.

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

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

**Revised 4/17**

# AP 7500 Volunteers

References: Education Code Sections 72401, 87010, 87011, [and 88249](#)  
Government Code Section 3119.5

## Purpose and Scope

The purpose of this procedure is to outline the District policy on volunteers. Each volunteer is subject to the screening process set forth in this policy, with the following exceptions:

- volunteers serving in single day college events.
- individuals serving as volunteers in Associated Student Organization officer positions at the colleges. ASO officers are not entitled to defense and indemnity by the District.

**The Vice President of Human Resources or designee may authorize suspension of the screening process when he/she believes that this process is not necessary for the volunteers serving in the particular event.**

## General

The District may enter into agreements with outside organizations to provide volunteers to the District to work at college locations. Such agreements will contain appropriate defense and indemnification language to protect the district from liability in connection with the volunteer services.

Volunteers serve the District in an "at will" capacity. The District may terminate a volunteer's services for any reason or no reason at all.

Pursuant to Government Code section 3119.5, no person aged 60 years or older may be excluded from volunteer service if the person is physically, mentally and professionally capable of performing the services involved. A person shall be deemed "professionally capable" if he/she can demonstrate reasonable proficiency or relevant certification and performs his/her professional duties in accordance with laws, regulations or the technical standards that govern his/her area of volunteer responsibility.

Volunteers may not be used in lieu of classified employees. The District may not refuse to employ a person in a vacant classified position and use volunteers instead, nor may it abolish any classified positions and use volunteers instead.

## Screening

The District shall use a written application form that requires, at a minimum, the volunteer's name, address and phone number.

A volunteer's service record shall be maintained by the district.

Subject to the limitations of this policy, employees assigned to other positions within the District may serve as volunteers during off-hours.

Fingerprints of each volunteer may be required. Volunteers with on-going assignments and volunteers who interact with minors shall be required to provide a complete set of fingerprints for the purpose of running a criminal background check.

No person may serve as a volunteer in the District if:

- He/she has been convicted of or if he or she has charges pending which pertains to any sex offense (as defined in Education Code section 87010), or controlled substance offense (as defined in Education Code section 87011).
- He/she has been convicted of a crime and the Vice President of Human Resources or designee determines that: the nature of the crime is too serious to serve as a volunteer; the crime was too recent; and/or the crime is inconsistent with obligations in performing assigned duties as a volunteer. In making this determination the Vice President of Human Resources may consult with other Vice Presidents as necessary.
- He/she has a health condition that would preclude him/her from satisfactorily performing essential duties of the position.
- He/she makes a false statement or omits a statement as to any material fact on the application form.

### **Incidental Expenses**

Persons serving without pay as volunteers may receive reimbursement for incidental expenses.

### **Benefits**

Volunteers are employees of the District only for the purpose of worker's compensation benefits for injuries sustained while engaged in the performance of any service under the direction and control of the district. With the exception of worker's compensation (Education Code Section 72401), volunteers shall serve without any type of compensation or any other benefits granted to district employees. Volunteers shall not be entitled to defense and indemnity from the district.

**5/8/06**

**Revised: 3/11/13**

**Revised: 4/16**

**Revised: 10/17**

## **BP 6400 Audits**

References:

***Education Code Section 84040(b); CCR Title 5 Sections 59100 through 59116  
ACCJC Accreditation Standard III.D.7***

There shall be an annual outside audit of all funds, books and accounts of the District in accordance with the regulations of Title 5. The Superintendent/President shall assure that an annual outside audit is completed. The Superintendent/President shall recommend a certified public accountancy firm to the Board with which to contract for the annual audit.

An Internal Audit Department shall be established and maintained to perform independent, objective audits, advisory services, internal control & compliance reviews, and other related assignments.

The Board recognizes the need to protect the independence and objectivity of the District's audit functions and to ensure auditors are free from influence, interference, and coercion.

Adopted: 5/8/06

Revised: update

## AP 6400 Audits

References:

*Education Code Section 84040(b); CCR Title 5 Sections 59100 through 59116  
ACCJC Accreditation Standard III D.7*

On or before April 1 of the fiscal year, the Board shall approve the selection of an auditor who shall be a certified public accountant licensed by the California State Board of Accountancy. The length of an auditing firm's contract shall be determined by the District but shall be for *no longer than 5 years*. The audit shall include all funds under the control or jurisdiction of the District. The audit shall identify all expenditures by source of funds and shall contain:

- A statement that the audit was conducted pursuant to standards and procedures developed in accordance with Education Code Section 84040.5, and
- A summary of audit exceptions and management recommendations.

Audit reports for the preceding fiscal year must be submitted to the state Chancellor's Office by

December 31.

Internal Audit is an independent, objective assurance and consulting activity designed to add value to the institution's operations through a systematic approach to evaluate and improve the effectiveness of the District's governance, risk management and control processes. The Internal Audit Department should operate in a manner consistent with the Standards for Professional Practice Of Internal Auditors & Code of Ethics adopted by the Institute of Internal Auditors. The Internal Audit Department reports to the Board of Trustees with direction provided by the Disbursing Officer for the pre-audit of disbursements. The Internal Auditor does not have direct responsibility or authority over any of the operations reviewed. Nor does the Internal Auditor develop or implement policies or procedures, prepare records, or engage in activities which would normally be reviewed as part of the audit function. Internal audit recommendations related to a specific activity under audit may be communicated in a written report or as appropriate, verbally to operating management to review and implement at their discretion or direction of their direct report.

Both the external and internal auditors are authorized complete access to all District records, properties and personnel relevant to the performance of audits and investigations.

Adopted: 5/8/06

Revised: update



## BP 7310 Nepotism

Reference:

***Government Code Section 12940 et seq., 1090 et seq.***

The District does not prohibit the employment of relatives [*or domestic partners as defined by Family Code Section 297 et seq.*] in the same department or division, with the exception that they shall not be assigned to a regular position within the same department, division or site that has an immediate family member who is in a position to recommend or influence personnel decisions.

Personnel decisions include appointment, retention, evaluation, tenure, work assignment, promotion, discipline, demotion, or salary of the relative [*or domestic partner as defined by Family Code Section 297 et seq.*].

Immediate family means spouse, parents, grandparents, siblings, children, grandchildren, **step-children**, and in-laws or any other relative living in the employee's home.

The District will make reasonable efforts to assign job duties to minimize the potential for creating an adverse impact on supervision, safety, security, or morale, or creating other potential conflicts of interest.

Notwithstanding the above, the District retains the right where such placement has the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest, to refuse to place spouses in the same department, division or facility. The District retains the right to reassign or transfer any person to eliminate the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest.

Relatives in the same department hired prior to the effective date of this policy may remain in their current positions, but not supervised by a relative.

Adopted" 5/8/06

Revised: 7/11/11

Revised: 12/12/16

**Revised: 12/11/17**