

College Coordinating Council Meeting

Wednesday, February 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:

- Irit Gat, Academic Senate
- Kimbirly Dolatowski, 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
STANDING ITEMS:			
I. Approval of Previous Minutes of January 11, 2017.	All		
II. Constituent Reports	All		
INFORMATION/DISCUSSION/ACTION ITEMS:			
III. AP 3600 – Auxiliary Organizations	Ed	2 minutes	
IV. BP & AP 3710 – Securing of Copyright of District Materials	Ed	2 minutes	
V. BP & AP 3810 – Claims Against the District	Ed	2 minutes	
VI. BP & AP 3820 – Gifts	Ed	2 minutes	
VII. BP & AP 3900 – Speech: Time, Place and Manner	Ed	2 minutes	
VIII. AP 3100 – Organizational Structure	Bonnie	15 minutes	
IX.			
FUTURE AGENDA ITEMS:			
NEXT MEETING DATE: February 22, 2017			

College Coordinating Council Minutes

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9:30 a.m. – 10:30 a.m.

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Please Review/Bring: Agenda, Minutes

Committee Members:

Irit Gat, Academic Senate
Kimbirly Dolatowski, Associated Student Organization
Ed Knudson, President
Pamela Ford, Classified Union – **Kim Fite in as Proxy**
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
STANDING ITEMS:			
I. Approval of Previous Minutes of November 9, 2016.	All		Minutes were approved as presented.
II. Constituent Reports	All		<p>Dr. Irit Gat stated that the Senate Exec would be meeting to review English Equivalencies.</p> <p>Michelle Hernandez stated that the CMS group met and are working on reviving the CMS scholarship and working on Professional Development for the Spring. She stated that they are working on the by-laws and reviewing by-laws from other schools.</p> <p>Kimbirly Dolatowski stated that they have 5 open positions and that she will be stepping down from CCC and that Roderick Mendoza would be her replacement.</p>
INFORMATION/DISCUSSION/ACTION ITEMS:			
III. AP 7348 Accommodations	Mark	5 minutes	The AP was reviewed, will go out to the constituent groups and will return to the March 8, 2017 CCC Meeting.
FUTURE AGENDA ITEMS:			
<p>NEXT MEETING DATE: January 25, 2017 February 8, 2017</p>			

AP 3600 Auxiliary

Reference:

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

Definitions

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

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

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

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

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

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

Recognition and Establishment of Auxiliary Organizations

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

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

The process of recognition shall be as follows:

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

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

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

Recognized Services, Programs and Functions

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

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

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

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

Authority and Responsibility of Auxiliary Organizations

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

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

- To provide the fiscal means and the management procedures that allow the District to carry on educationally related activities not normally funded by State apportionment;
- To eliminate the undue difficulty that would otherwise arise under the usual governmental budgetary, purchasing and other fiscal controls except as expressly prohibited by the Education Code or Title 5, or the District's procedures; or

- To provide fiscal procedures and management systems that allow effective coordination of the auxiliary activities with the District in accordance with sound business practices.

Composition of Boards of Directors

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

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

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

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

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

Conduct of Boards of Directors

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

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

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

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

- The contract or transaction is between an auxiliary organization and a member of the Board of directors of that auxiliary organization.
- The contract or transaction is between an auxiliary organization and a partnership or unincorporated association of which any member of the governing board of that auxiliary organization is a partner or in which he or she is the owner or holder, directly or indirectly, of a proprietorship interest.

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

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

Bylaws

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

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

Master Agreement between District and Auxiliary Organizations

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

Should an auxiliary organization provide more than one service, program or function, such service, program or function may be authorized in one of more written contracts with the District. Such services, programs and functions thereby performed by an auxiliary organization may also be part of a joint powers agreement in accordance with Education Code Section 72671 and Government Code Section 6500 *et seq.*

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

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

- The services, programs, or functions the auxiliary organization is to manage, operate or administer.
- A statement of the reasons for administration of the functions by the auxiliary organization instead of by the District under usual District procedures.
- The areas of authority and responsibility of the auxiliary organization and the District or College.
- The facilities and services to be made available by the District to permit the auxiliary organization to perform the services, programs or functions specified in the written agreement.
- The charge or rental to be paid to the District by the auxiliary organization for the facilities used or services provided in connection with the performance of its function. The charge or rental specified shall be identified in sufficient time before it is incurred so that the organization may determine to what extent it is liable.
- Full reimbursement to the District for services performed by the District or by District employees in support of the auxiliary organization. No more than 50% of the reimbursement may be made in the form of non-monetary benefits that the auxiliary organization provides to the District, such as increased community awareness or other such benefits that are agreed upon by authorized District officials and the auxiliary organization. The District shall assign a good-faith reimbursement value to such non-monetary benefits. This does not preclude financial support for operational functions of the district in support of the college. Student body auxiliary organizations may be exempt from reimbursing all or any portion of the costs for such services. Methods of proration where services are performed by District employees for the organization shall be as mutually determined.
- A mutually agreed upon method of determining in advance to what extent the organization shall be liable for indirect costs relating to specially funded programs (including federally sponsored programs.).
- The responsibility for maintenance and payment of operating expenses.
- Proposed expenditures for public relations or other purposes which would serve to augment District appropriations for operation of the District. With respect to these expenditures, the auxiliary organization may expend funds in such amount and for such purposes as are approved by the Board of directors of the auxiliary organization. The Board of directors shall file with the Superintendent/President a statement of such policy on accumulation and use of public relations funds. The statement shall include the policy and procedure on solicitation of funds, source of funds, amounts, and purpose for which the funds will be used, allowable expenditures, and procedures of control.
- The disposition to be made of net earnings derived from the operation of the auxiliary organization, including earnings derived from facilities owned or leased by the auxiliary organization, and provisions for reserves.
- The disposition to be made of net assets and liabilities on dissolution of the auxiliary organization or cessation of the operations under the agreement.
- The covenant of the auxiliary organization to maintain its organization and to operate in accordance with Sections 72670 through 72682 of the Education Code and with the regulations contained in Title 5, Section 59250 *et seq.*, as well as District Board Policy.
- The understanding that the auxiliary organization shall obtain the services and counsel of an attorney admitted to practice in the State of California whenever the need arises.

- The understanding that the auxiliary organization shall not enter into any contract or other business arrangement involving real property either by lease involving payments of more than \$25,000 per annum and duration terms of more than one year, or by purchase without prior notification and consultation with the Superintendent/President.

Personnel

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

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

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

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

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

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

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

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

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

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

Accounting and Reporting for Auxiliary Organizations

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

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

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

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

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

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

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

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

- Include in its bylaws an audit committee appointed by the board of directors. The audit committee may include persons who are not members of the board of directors, but the member or members of the audit committee shall not include any members of the staff, including the president or chief executive officer and the treasurer or chief financial officer. If the auxiliary committee has a finance committee, it must be separate from the audit committee. Members of the audit committee shall not receive any compensation from the corporation in excess of the compensation, if any, received by members of the board of directors for service on the board and shall not have a material financial interest in any entity doing business with the corporation. Subject to the supervision of the board of directors, the audit committee shall be responsible for recommending to the board of directors the retention and termination of the independent auditor and may negotiate the independent auditor's compensation, on behalf of the board of directors.
- The audited financial statements shall be available for inspection by the Attorney General and shall be made available to members of the public.
- The board of directors, or an authorized committee of the board, shall review and approve the compensation, including benefits, of the President or Chief Executive Officer and the Treasurer or

Chief Financial Officer to assure that it is just and reasonable. This review and approval shall occur initially upon the hiring of the officer, whenever the term of employment, if any, of the officer is renewed or extended, and whenever the officer's compensation is modified. Separate review and approval shall not be required if a modification of compensation extends to substantially all employees.

Records and Annual Report of Auxiliary Organizations

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

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

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

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

Annual Audit

Each auxiliary organization shall have an annual fiscal audit of any and all funds. The audit shall be performed by a certified public accountant in accordance with procedures prescribed by the Chancellor. Copies of the annual audit report shall be submitted to the Board of Trustees and to the state Chancellor's Office within 30 days after it is received by the auxiliary organization. Thereafter, it shall be a public record, except as otherwise provided by law. Such audits may be conducted as part of a fiscal audit of the District itself.

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

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

Insurance

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

- Comprehensive liability;
- Property and extended coverage, when applicable;
- All risks, money and securities;

- Fidelity and performance bonds covering its chief fiscal officer;
- Automotive liability when applicable; and
- Workers' Compensation

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

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

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

Auxiliary Organizations: Use of Facilities

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

- The auxiliary organization may occupy, operate and use such District facilities as are mutually identified as appropriate for the functions and/or activities that have been undertaken by the auxiliary organization.
- Unless otherwise defined by the master agreement between the auxiliary organization and the district, the auxiliary organization shall pay to the District a charge or rental for the District facilities to be used by it in connection with the performance of its function or functions.
- The charge or rental to be paid by the auxiliary organization shall not require involved methods of computation, and shall be identified by the District and the auxiliary organization in sufficient time before it is incurred so that the auxiliary organization may determine to what extent it shall be liable.
- The charge or rental to be incurred by an auxiliary organization for use of District facilities in excess of five days shall be incorporated into the agreement between the parties.
- An auxiliary organization shall provide full reimbursement to the District for any services performed by District employees under the direction of the auxiliary organization. Methods of proration where services are performed by District employees for the auxiliary organization shall be simple and equitable.

List of Auxiliary Organizations in Good Standing

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

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

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

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

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

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

Limitation on Transfer of Funds to Auxiliary Organizations

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

Compliance Review by Superintendent/President

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

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

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

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

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

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

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

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

11/7/05

Revised: 5/8/06

Revised: 4/14/08

Reviewed: 3/13/17

BP 3710 Securing of Copyright for District Materials

Reference:

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

The Superintendent/President is directed to develop appropriate administrative procedures to implement the provisions of the Education Code that authorize the securing of copyright protection for works, including but not limited to registering copyrights and policing infringements, on behalf of the District. The procedures developed by the Superintendent/President shall assure that the District may use, sell, give or exchange published materials and may license materials prepared by the District in connection with its curricular and special services.

These procedures shall not infringe upon the rights established through collective bargaining as described in Article XIX of the Faculty Collective Bargaining Agreement titled "Intellectual Property Rights."

See Administrative Procedure #3710

Adopted: 11/7/05

Reviewed: 3/13/17

AP 3710 Securing of Copyright for District Materials

Reference:

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

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

Copyright Issues in the Library (17USC108)

Interlibrary Loan

Lending

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

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

Interlibrary Loan/Reserve Photocopy Notice

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

Borrowing

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

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

"Warning of Copyright" Notice

Notice

Warning Concerning Copyright Restrictions

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

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

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

Photocopy Machines

Photocopy Machine Liability

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

Photocopy Machine Notice

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

Other Library Copyright Issues (17UCS108)

Replacement of Damaged Copy

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

Out-of-Print Works

Subsection (e) authorizes the reproduction and distribution of a copy or phonorecord of an entire work under certain circumstances, if it has been established that a copy cannot be obtained at a fair price. The copy may be made by the library where the user makes his request or by another library pursuant to an interlibrary loan. The scope and nature of a reasonable investigation to determine that an unused copy cannot be obtained will vary according to the circumstances of a particular situation. It will always require recourse to commonly-known trade sources in the United States, and in the normal situation also to the publisher or other copyright owner (if the owner can be located at the address listed in the copyright registration), or an authorized reproducing service. It is further required that the copy become

the property of the user, that the library or archives have no notice that the copy would be used for any purpose other than private study, scholarship, or research, and that the library or archives display prominently at the place where reproduction requests are accepted, and include on its order form, a warning of copyright in accordance with requirements that the Register of Copyrights shall prescribe by regulation.

Multiple Copies and Systematic Reproduction

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

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

11/7/05

Reviewed: 3/13/17

BP 3810 Claims Against the District

Reference:

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

Any claims against the District for money or damages, which are not governed by any other statutes or regulations expressly relating thereto, shall be presented and acted upon in accordance with Title I, Division 3.6, Part 3, Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of the California Government Code.

Claims must be presented according to this policy and related procedures as a prerequisite to filing suit against the District.

Claims that are subject to the requirements of this policy include, but are not limited to, the following:

- Claims by public entities: claims by the state or by a state department or agency or by another public entity.
- Claims for fees, wages and allowances: claims for fees, salaries or wages, mileage, or other expenses and allowances.

The designated place[s] for service of claims, lawsuits or other types of legal process upon the District are:

- Vice President of Student Services for claims, legal services or notices regarding student records
- Vice President of Human Resources Services for claims, legal services or notices regarding employee records
- Superintendent/President or Vice President of Business Services for claims, legal services or notices regarding any other claim against Antelope Valley College District.

See Administrative Procedure #3810

Adopted: 11/7/05

Reviewed: 3/13/17

AP 3810 Claims for Damages

Reference:

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

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

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

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

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

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

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

4/14/08

Revised: 3/13/17

BP 3820 Gifts

Reference:

Education Code Section 72122

The Internal Revenue Code 170(c)(1) includes within its list of qualified donees for charitable deduction purposes "a state, a possession of the United States, or any of the political subdivisions thereof." Therefore, the Antelope Valley Community College District qualifies as a donee because it is a subdivision of the state. Consequently, a gift can be donated directly to the District rather than the Antelope Valley College Foundation.

The Board requires that gifts, donations and bequests be made to the Antelope Valley College Foundation and that the Foundation's policies and procedures be followed, except gifts that the Superintendent/President determines should be accepted directly by the District. The Board reserves the right to refuse to accept any gift which does not contribute toward the goals of the District, or the ownership of which would have the potential to deplete resources of the District.

The District and the Antelope Valley College Foundation shall assume no responsibility for appraising the value of gifts made to the District.

All fundraising activities shall be coordinated by the Antelope Valley College Foundation and approved by the Superintendent/President.

Solicitation of gifts, funds or property shall not be made by anyone in the name of or for any benefit for Antelope Valley College without communication with and approval of the Foundation.

In the case of fundraising activities sponsored by the Associate Students Organization or by other student groups, prior approval of the Dean of Student Services is required as well as notification to the Foundation.

Acceptance of a gift shall not be considered endorsement by the District of a product, enterprise or entity.

In no event shall the District accept a donation from any donor who engages in practices or policies which discriminate against any person on the basis of nationality, religion, age, veteran status, gender identity, gender expression, race or ethnicity, medical condition, genetic information, ancestry, sexual orientation, marital status, or physical or mental disability; or when the stated purposes of the donation are to facilitate such discrimination in providing educational opportunity.

See Administrative Procedure #3820

Adopted: 11/7/05

Revised: 8/13/12

Revised: 5/9/16

Reviewed: 3/13/17

AP 3820 Gifts

Reference:

Education Code Section 72122

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

11/7/05

Revised: 3/13/17

BP 3900 Speech: Time, Place and Manner

References:

Education Code Sections 76120 and 66301

Students, employees, and members of the public shall be free to exercise their rights of free expression, subject to the requirements of this policy.

The college of the District is open to the public. However, the college is a non-public forum and designated public forums available for the exercise of expression by students, employees, and members of the public are subject to limits by the District and must be reserved.

The Superintendent/President shall enact such administrative procedures, as are necessary to reasonably regulate the time, place and manner of the exercise of free expression in the designated public forums.

The administrative procedures promulgated by the Superintendent/President shall not prohibit the right of students to exercise free expression, including but not limited to the use of bulletin boards; the distribution of printed materials or petitions in those parts of the college designated as areas generally available to students and the community; and, the wearing of buttons, badges, or other insignia. ~~except~~ **W**hen that speech is defamatory, obscene, libelous or slanderous according to current legal standards, or which incites others as to create a clear and present danger of the commission of unlawful acts on district property or the violation of district policies or procedures, or the substantial disruption of the orderly operation of the District, **t**he District can prohibit **these** forms of speech, **as it may** ~~which~~ violates this section. (Educational Code 76120)

Nothing in this policy shall prohibit the regulation of hate violence directed at students in a manner that denies their full participation in the educational process (Education Code Section 66301(e)), so long as the regulation conforms to the requirements of the First Amendment to the United States Constitution, and of Section 2 of Article 1 of the California Constitution. Students may be disciplined for harassment, threats, or intimidation unless such speech is constitutionally protected.

See Administrative Procedure #3900

Adopted: 2/6/06

Revised: 9/10/07

Revised: 5/14/12

Reviewed: 3/13/17

AP 3900 Speech: Time, Place, and Manner

References:

Education Code Sections 76120 and 66301

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

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

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

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

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

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

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

Posting:

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

2/6/06

Revised: 9/10/07

Revised: 5/14/12

Revised: 4/11/16

Reviewed: 3/13/17

AP 3100 Organizational Structure

Reference:

Education Code Section 72400; Title 5, Section 53200

The District's organizational structure shall be:

ORGANIZATIONAL DIVISIONS, DEPARTMENTS AND OFFICES (See
Appendix I – Organizational Charts)

President's Executive Council-Level Administration

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

In the Antelope Valley Community College District, President's Executive Council-level administration shall consist of the President; Vice President Academic Affairs; Vice President Student Services, Vice President of Human Resources and Employee Relations; Executive Director of Business Services; Executive Director of Information Technology Services, Executive Director of Facilities; Dean of Institutional Effectiveness, Research and Planning; Executive Director of Marketing and Public Information and Executive Director of the Foundation.

Line of Responsibility (EC 70902)

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

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

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

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

President's Executive Council

Purpose

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

Meetings

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

Responsibilities

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

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

Administrative Council

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

The responsibilities of the Administrative Council shall be communication and operation. Meetings shall be held at the discretion of the President.

PROCEDURE FOR CHANGING THE ORGANIZATIONAL STRUCTURE OF THE COLLEGE

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

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

constituencies that a review is being implemented. This memo will appoint an administrator to oversee the review, set forth the rationale and data that justify the review, and establish a timeline for the formulation of proposed changes.

C. Process for organizational changes

Intra-divisional changes

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

Other organizational changes

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

11/7/05

Revised: 10/9/06

Revised: 4/9/07

Revised: 6/11/07

Revised: 6/14/10

Revised: 11/14/16

Revised: 3/17/17