



BP 3280 Grants

Reference:

Education Code Section 70902

The Board **of Trustees** will be informed about all grant applications made and grants received by the District.

The Superintendent/President shall establish procedures to assure timely application and processing of grant applications and funds, and ensure that the grants that are applied for directly support the purposes of the District. Those procedures shall include, but not be limited to, coordination with the Executive Council.

~~See Administrative Procedure #3280~~

Also see AP 3280 Grants.

Adopted: 11/7/05
Revised: 11/14/16
Revised: 10/14/19



AP 3280 Grants

Reference:

Education Code Section 70902

Prior to applying for any grant, the grant submission initiator must prepare a Grant Application Form describing the problem or need that the grant would address; a description of the project; the mission and goals of the project; how the grant supports the District mission; the funding source and whether it is federal, state, local, or private; the amount being requested; matching funds and resource requirements and source; performance period; name of Project Director; name of Project Administrator; and any other relevant characteristics or requirements that may impact the decision to submit the grant application. The Grant Application Form must be submitted to the President's Executive Council.

Following approval by the President's Executive Council, within one (1) month, the grant application is to be forwarded to the appropriate Vice-President. Once completed, the grant application shall be submitted to the funding agency.

When notification of a grant award is received, the appropriate Vice-President shall prepare a board agenda item requesting acceptance of funding. The agenda item must include background information in support of the grant, a detailed activity budget, project management and evaluation budget, and a Board resolution establishing the grant budgets from District funding sources, as applicable.

Adopted: 11/11/19



BP 3410 Nondiscrimination

References:

Education Code Sections 66250 et seq., 72010 et seq. and 87100 et seq.;
Title 5 Sections 53000 et seq.; and 59300 et seq.;
Penal Code Section 422.55;
Government Code 12926.1 and 12940 et seq
Title 2 Sections 10500 et seq.;
Labor Code Section 1197.5;
ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard
Catalog Requirements

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, religion, age, gender, gender identity, gender expression, race, or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because he/ ~~or~~ she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The Superintendent/President shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, gender, gender identity, gender expression, race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because he/ ~~or~~ she is perceived to have one or more of the foregoing characteristics, or because of his/ ~~or~~ her association with a person or group with one or more of these actual or perceived characteristics.

Notice of this policy will be circulated to all units of the District on an annual basis and incorporated into teacher and student handbooks. It will also be distributed to all organizations in the community having cooperative agreements with the college district. Failure to comply with this policy may result in termination of the cooperative agreement.



~~See Administrative Procedure #3410~~ Also see AP 3410 Nondiscrimination, BP/AP 3420 Equal Employment Opportunity, BP/AP 3430 Prohibition of Harassment, AP 3435 Discrimination and Harassment Complaints and Investigations, and BP/AP 5140 Disabled Student Programs and Services.

Adopted: 11/7/05
Revised: 5/8/06
Revised: 1/8/07
Revised: 2/9/09
Revised: 8/13/12
Revised: 10/10/16
Revised: 8/13/18
Revised: 12/9/19



AP 3410 Nondiscrimination

Nondiscrimination References for Education Programs:

Education Code Sections 200 et seq 66250 et seq. and 72010 et seq.;
Penal Code Section 422.55 et seq.; Title 5 Section 59300 et seq.,
Accreditation Eligibility Requirement 20 and **AGCJG** Accreditation Standard
Catalog Requirements (~~formerly H.B.2.e~~)

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

Education Programs

The District shall provide access to its services, classes and programs without regard to, national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, **Vietnam Military** Veteran status, or because he/~~or~~ she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, “gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression” means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

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

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

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

Nondiscrimination References for Employment:

Education Code Sections 87100 et seq.,
Title 5 Sections 53000 et seq.;
Government Code Sections 11135 et seq. and 12940 et seq.
Title 2 Sections 10500 et seq.;
Labor Code Section 1197.5



Employment

The District shall provide equal employment opportunities to all applicants and employees regardless of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or ~~status as a military and veteran~~ status.

All employment decisions, including but not limited to hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all position classifications shall be based on job-related criteria as well as be responsive to the District's needs.

The District shall from time to time as necessary provide professional and staff development activities and training to promote understanding of diversity.

It is unlawful to discriminate against a person who serves in an unpaid internship or any other limited-duration program to provide unpaid work experience in the selection, termination, training, or other terms and treatment of that person on any the basis of their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

Any person who alleges discrimination by any employee or student in the college district may file a grievance under the discrimination complaint procedures contained in the Antelope Valley College Complaint Procedure for Allegations of Discrimination or Sexual Harassment document that can be obtained in the Human Resources Office.

Also see BP 3410 Nondiscrimination, BP/AP 3420 Equal Employment Opportunity, BP/AP 3430 Prohibition of Harassment, AP 3435 Discrimination and Harassment Complaints and Investigations, BP 4030 Academic Freedom, and BP/AP 5140 Disabled Student Programs and Services.

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Revised: 12/9/19



BP 3420 Equal Employment Opportunity

References:

Education Code Sections 87100 et seq.

Title 5 Sections 53000 et seq.

~~AGCJC~~ Accreditation Standard III.A. ~~11~~ 12

The Board of Trustees supports the intent set forth by the California Legislature to assure that effort is made to build a community in which opportunity is equalized, and community colleges foster a climate of acceptance, with the inclusion of faculty and staff from a wide variety of backgrounds. It agrees that diversity in the academic environment fosters cultural awareness, mutual understanding and respect, harmony, and suitable role models for all students. The Board of Trustees therefore commits itself to promote the total realization of equal employment through a continuing equal employment opportunity program.

The Superintendent/President shall develop, for review and adoption by the Board of Trustees, a plan for equal employment opportunity that complies with the Education Code and Title 5 requirements as from time to time modified or clarified by judicial interpretation.

Also see AP 3420 Equal Employment Opportunity, BP/AP 3410 Nondiscrimination, and BP/AP 7100 Commitment to Diversity.

Adopted: 11/7/05

Revised: 6/13/16

Revised: 11/12/19



AP 3420 Equal Employment Opportunity

References:

Education Code Sections 87100 et seq.;
Title 5 Sections 53000 et seq. and 59300 et seq.
~~ACCJC~~ Accreditation Standard III.A.11 12
20 U.S. Code Sections 1681 et seq.;

The **Equal Employment Opportunity (EEO) P**lan shall be a **D**istrict-wide, written plan that implements the District's EEO program, includes the definitions contained in Title 5 Section 53001 and addresses the following:

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



- Additional steps to address any significant under-representation of monitored groups identified in the Pplan.
- The Pplan shall be a public record.

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

Annual Evaluation

The Office of Human Resources will annually survey the District's workforce composition and shall monitor applicants for employment on an ongoing basis to evaluate the District's progress in implementing the EEO Plan, to provide data needed for the reports required by the Plan and to determine whether any monitored group is underrepresented. The District will annually report to the California Community Colleges Chancellor the results of its annual survey of employees. At least every three (3) years the Plan will be reviewed and, if necessary, revised based on an analysis of the ethnic group identification, gender, and disability composition of existing staff and of those who have applied for employment in each of the following identified job categories:

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

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

The District shall review the annually collected demographic data to determine if significant underrepresentation of a monitored group may be the result of non-job-related factors in the employment process. For the purposes of this subdivision, the phases of the employment process include but are not limited to recruitment, hiring, retention, and promotion. The information to be reviewed shall include, but need not be limited to:

- longitudinal analysis of data regarding job applicants to identify whether over multiple job searches, a monitored group is disproportionately failing to move from the initial applicant pool, to the qualified applicant pool; and analysis of data regarding potential job applicants, to the extent provided by the Chancellor of the



California Community Colleges, which may indicate significant underrepresentation of a monitored group.

EEO Advisory Committee

The District has established an Equal Employment Opportunity Advisory Committee to assist the District in implementing its EEO Plan. The committee may also assist in promoting an understanding and support of equal opportunity and nondiscrimination policies and procedures. The committee may sponsor events, training, or other activities that promote equal employment opportunity, nondiscrimination, retention and diversity. The committee shall include a diverse membership whenever possible. The committee will be composed of the EEO Officer, Human Resources Director, two (2) members from the Academic Senate, one administrative council member, two (2) ASO representatives, two (2) classified union representatives, one member of the confidential/management/supervisory unit, one (1) member from the Office of Students with Disabilities, and one (1) member from the faculty union. Ex-officio members shall include the Human Resources Vice President and the EEO Officer, if different from the Human Resources Vice President. The Equal Employment Opportunity Advisory Committee shall hold a minimum of four (4) meetings per fiscal year, with additional meetings if needed to review EEO and diversity efforts, programs, policies, and progress. When appropriate, the advisory committee shall make recommendations to the Board of Trustees, the Superintendent/President, and EEO Officer. The advisory committee shall receive training in all the following: applicable Title 5 regulations and of state and federal nondiscrimination laws; the educational benefits of workforce diversity, the identification and elimination of bias in hiring decisions; and the role of the advisory committee in carrying out of the District's EEO Plan.

Employment Procedures

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

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

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

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



Recruitment

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

Applicant Pools

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

Screening and Selection



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

- Hiring procedures will be provided to the ~~state~~ California Community Colleges Chancellor's Office on request.
- All tests conform to generally applicable legal standards for uniformity.
- A reasonable number of candidates are identified for interview.
- Screening and selection committees are developed that are representative of the District community and campus; include a diverse membership when possible; and exclude applicants, persons who have written letters of recommendation, family members, and relatives.
- Every screening and selection committee includes an EEO representative trained to monitor conformance with EEO requirements. The Vice President of Human Resources assures that the screening and selection process conforms to accepted principles and practices, including preparation of job-related questions in advance; maintains records of screening checklists and rating scales, which shall be signed and kept on file; maintains notes for all interviews and records relevant factual reasons stating why a candidate was not hired or was not invited to interview; and monitors the hiring process for adverse impact.
- Selection shall be based solely on the stated job criteria.
- For faculty and administrative positions, candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position.

If the District determines that a particular monitored group is significantly underrepresented with respect to one or more job categories, the District shall take the following additional steps:

- review its recruitment procedures;
- consult with counsel to determine whether there are other, additional measures that may be undertaken that are required and/or permitted by law;
- consider various other means of reducing the under-representation which do not involve taking monitored group status into account and implement any such techniques that are feasible;
- If significant under-representation persists:
 - monitor on an on-going basis;
 - review each locally-established job qualification to determine if it is job related and consistent with business necessity;
 - discontinue the use of any non-job-related local qualification;
 - and continue using job-related local qualifications only if no alternative standard is reasonably available.
 - Consider the implementation of additional measures designed to promote diversity.



Delegation of Authority

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

Complaint Procedure

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

The District must identify to the public and to the California Community Colleges Chancellor's Office an individual described in Title 5 as the "responsible District officer," responsible for receiving complaints. Informal charges of unlawful discrimination should be brought to the attention of the responsible District officer. The responsible District officer shall oversee the informal resolution process. The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract. An outside investigator must be used when the responsible District officer is named in the complaint or implicated by the allegations in the complaint.

When a person brings charges of unlawful discrimination the officer must:

- Undertake efforts to resolve the charge informally;
- Advise the complainant that he/she need not participate in an informal resolution of the complaint;
- Notify the complainant of the procedures for filing a formal complaint;
- Notify the complainant that he/she may file a complaint with the Office of Civil Rights of the U.S. Department of Education.
- If the complainant, a student or an employee, files a formal complaint, the responsible District officer must also forward a copy of the complaint to the California Community Colleges Chancellor's Office.

A formal complaint not involving employment, must be processed if it is filed within one (1) year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation.

A formal complaint alleging discrimination in employment must be filed within one hundred-eighty (180) days of the date of the alleged unlawful discrimination, unless the complainant



first obtained knowledge of the facts of the alleged violation after the expiration of the initial one hundred-eighty (180) days.

The complaint must be filed by someone who alleges that he/she has personally suffered unlawful discrimination, or by someone who has learned about unlawful discrimination in his/her official capacity.

When a proper complaint is received, the District will begin an impartial fact-finding investigation, and notify the complainant and the California Community Colleges Chancellor's Office that it is doing so.

When the investigation is done, the results must be set forth in a written report. The written report must include a description of the circumstances giving rise to the complaint, a summary of the testimony of each witness, an analysis of any relevant data or other evidence collected during the investigation, a specific finding as to whether discrimination did or did not occur with respect to each allegation in the complaint, and any other appropriate information.

In any case that does not involve employment discrimination, the District must provide the California Community Colleges Chancellor's Office with a copy of the investigative report within ninety (90) days from the date the District received the complaint. The District must also provide the complainant with a copy or summary of the investigative report within ninety (90) days from the date the District received the complaint. The California Community Colleges Chancellor's Office and the complainant must also be provided with a written notice setting forth the determination of the Assistant Superintendent/Vice-President of Human Resources as to whether discrimination did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and notice of the complainant's right to appeal to the District's Board of Trustees and the California Community Colleges Chancellor's Office.

In any case that involves employment discrimination, the District must provide the complainant with a copy or summary of the report, and with written notice setting forth the determination of the Assistant Superintendent/Vice-President of Human Resources as to whether discrimination did or did not occur with respect to each allegation in the complaint; a description of action 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's Board of Trustees and to file a complaint with the Department of Fair Employment and Housing (DFEH).

If the complainant is not satisfied with the results of the administrative determination, the complainant must be given the opportunity to submit a written appeal to the Board of Trustees within fifteen (15) days from the date of the notice of the administrative determination. The Board of Trustees must review the original complaint, the investigative



report, the administrative determination, and the appeal and must issue a final District decision within forty-five (45) days of receiving the appeal.

In any case not involving employment discrimination, a copy of the final District decision must be promptly forwarded to the complainant and the California Community Colleges Chancellor's Office. The complainant must be notified of his/her right to appeal. In any case involving employment discrimination, a copy of the final District decision must be promptly forwarded to the complainant. The complainant must be notified of his/her right to file a complaint with the DFEH.

Where the Board does not act within forty-five (45) days the administrative determination must be deemed approved and must become the final District decision. The District shall promptly notify the complainant and in cases not involving employment discrimination, the California Community Colleges Chancellor's Office, that the Board of Trustees took no action and the administrative determination becomes the final District decision. In cases not involving employment discrimination, the complainant must be informed of his/her right to appeal the District's decision to the California Community Colleges Chancellor's Office. In cases involving employment discrimination, the complainant shall be notified of his/her right to file a complaint with the DFEH.

In cases not involving employment discrimination, the complainant must be given the right to file a written appeal with the California Community Colleges Chancellor's Office within thirty (30) days after the Board of Trustees issues the final District decision, permits the administrative decision to become final or from the date that notice of the District's final decision was provided to the complainant pursuant to Title 5 Section 59338 subdivisions (b) or (d), whichever is later.

The District should retain and make available the original complaint, and copies of the final decision or a statement indicating the date on which the administrative determination became final, the notice given to complainant, the complainant's appeal of the District's administrative determination, the investigative report and any other information the California Community Colleges Chancellor's Office may require.

Job Announcements

All job announcements shall contain a statement in substantially the following form: The District is an equal opportunity employer. The policy of the District is to encourage applications from ethnic and racial minorities, women, persons with disabilities, and Vietnam-era veterans. No person shall be denied employment because of ethnicity or race, color, sex or gender, gender identity, age, religion, marital status, disability, sexual orientation, national origin, medical conditions, status as a Vietnam-era veteran, ancestry, or political or organizational affiliation.

Dissemination and Revision of the Plan



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

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

Such plans shall be reviewed at least every three (3) years and, if necessary, revised and submitted to the California Community Colleges Chancellor's Office within ninety (90) days of the effective date of the revision or amendment(s). If the California Community Colleges Chancellor's Office determines that the District's policies are not in compliance with Title 5 Sections 59300 et seq., the California Community Colleges Chancellor's Office may require the District to modify its policies.

Accountability and Corrective Action

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

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

Also see BP 3420 Equal Employment Opportunity, BP/AP 3410 Nondiscrimination, and BP/AP 7100 Commitment to Diversity.

Approved: 4/14/08
Revised: 5/9/16
Revised: 12/9/19



BP 3520 Local Law Enforcement

References:

Education Code Sections 67381 [and 67381.1](#);
34 Code of Federal Regulations Section 668.46 [subdivision \(b\)\(4\)](#)

The District, on behalf of each campus or center, shall enter into a written agreement with local law enforcement agencies. The agreement shall clarify operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault; [sexual assaults, including, but not limited to rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of any of these; and hate crimes as defined by law](#), occurring at each location.

The written agreement ~~shall~~ designates which law enforcement agency ~~shall have~~ has operational responsibility for violent crimes, [sexual assaults, and hate crimes](#), and delineates the specific geographical boundaries of each agency's operational responsibility, including maps as necessary.

The written agreements required by this policy shall be public records and shall be made available for inspection by members of the public upon request [to Office of Superintendent/President. Written agreements shall be reviewed and updated, if necessary, every five \(5\) years.](#)

The Antelope Valley Community College District encourages accurate and prompt reporting of all crimes to the Antelope Valley College Campus Sheriff's Office and/or the appropriate police agencies. The Superintendent/President shall establish procedures that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Antelope Valley has a contract with the Los Angeles County Sheriff's Department for services and referred to as the Antelope Valley College Campus Sheriff's Office.

[See Administrative Procedure #3520](#) Also see AP 3520 Local Law Enforcement.

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Reviewed: 12/12/16
[Revised: 11/12/19](#)



AP 3520 Local Law Enforcement

References:

Education Code Sections 67381 and 67381.1;
34 Code of Federal Regulations Part 668.46

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

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

The written agreements required by the Board policy are public records and are made available for inspection by members of the public upon request to the Antelope Valley College Campus Sheriff's Office.

The District, on behalf of each campus or center, has a written agreement with local law enforcement agencies. The agreement clarifies operational responsibilities for investigations of: Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault; sexual assaults, including, but not limited to rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of any of these; and hate crimes as defined by law, occurring at each location.

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

The written agreements required by the board policy are public records and are made available for inspection by members of the public upon request to Office of the Superintendent/President. Written agreements shall be reviewed and updated, if necessary, every five (5) years.

The Antelope Valley College Campus Sheriff's Office maintains a close working relationship with all other the law enforcement authorities as needed. Meetings may be held between the leaders of these agencies on both a formal and informal basis. The Antelope Valley College Campus Sheriff's Office communicates regularly on the scene of incidents that occur in and around the campus area. When incidents arise that require



joint investigative efforts, resources, crime related reports and exchanges of information, the Antelope Valley College Campus Sheriff's Office will work closely with all other law enforcement authorities. There is no written memorandum of understanding between the Antelope Valley College Campus Sheriff's Office and other law enforcement authorities.

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

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

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

The Antelope Valley College Campus Sheriff's Office have complete authority to apprehend and arrest anyone involved in illegal acts on-campus and areas immediately adjacent to the campus. If minor offenses involving District rules and regulations are committed by a student, the Antelope Valley College Campus Sheriff's Office may also refer the individual to the Assistant Superintendent/Vice President of Student Services. Major offenses such as rape, murder, aggravated assault, robbery, and auto theft are reported to the Antelope Valley College Campus Sheriff's Office to solve these serious felony crimes. Antelope Valley College Campus Sheriff's Office personnel work closely with local, state, and federal police agencies. The Antelope Valley College Campus Sheriff's Office is also a part of the local 911 Emergency System. Through coordination with local law enforcement agencies, any criminal activity engaged in by students at off-campus locations of student organizations, is monitored and recorded. This information is provided to the Assistant Superintendent/Vice President of Student Services for any action or follow-up that may be required.

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



counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

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

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

Also see BP 3520 Local Law Enforcement.

Approved: 11/7/05
Revised: 4/11/16
Revised: 12/12/16
Revised: 11/12/19



BP 3530 Weapons on Campus

References:

Penal Code Sections 626.9 and 626.10

In reference to California Penal Code Section 626.9, the Antelope Valley Community College District is hereby known as a “Gun Free Zone”. Firearms or other weapons shall be prohibited on any college or District center or in any facility of the District except for activities conducted under the direction of District officials or as authorized by an official law enforcement agency.

~~See Administrative Procedure #3530~~ Also see [AP 3530 Weapons on Campus](#).

Adopted: 11/7/05
Revised: 11/9/09
Reviewed: 12/12/16
Revised: 11/12/19



AP 3530 Weapons on Campus

References:

Penal Code Section 626.9 and 626.10

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

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

Firearms, knives, explosives or other dangerous objects, including but not limited to any facsimile firearm, knife or explosive, are prohibited on any District campus or at any District center, or in any facility of the District. **The prohibition of firearms on any District campus, District center, or in in any District facility includes both loaded and unloaded firearms, and applies to persons holding a valid license to carry a concealed firearm.**

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

Any person who believes that he/ ~~or~~ she may properly possess a firearm or other weapon on campus or in a District center or other facility of the District must promptly notify the Antelope Valley College’s **Sheriff’s Department, and obtain written permission from Los Angeles Sheriff Department to possess a firearm or other weapon on campus.**

Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2-1/2 inches upon the grounds, unless the person is authorized to possess such a weapon in the course of his/ ~~or~~ her employment, has been authorized by a District employee to have the knife, or is a duly appointed peace officer, who is engaged in the performance of his/ ~~or~~ her duties, **is prohibited on any District campus or at any District Center, or in any facility of the District. Any student or employee who Los Angeles Sheriff Department has authorized to have a knife, including kitchen knives, must exercise caution in using and storing the knife.**

Also see BP 3530 Weapons on Campus.

Approved: 11/7/05
Revised: 10/12/09
Revised: 4/11/16



Reviewed: 12/12/16
Revised: 11/12/19



BP 3540 Sexual and Other Assaults on Campus

References:

- Education Code Sections 67382, 67385, and 67386;
- 20 ~~U.S.C.~~ § U.S. Code Section 1092 subdivision (f);
- 34 ~~C.F.R.~~ § Code of Federal Regulations Part 668.46 subdivision (b)(11)

Any sexual assault or physical abuse, including, but not limited to, rape, as defined by California law, whether committed by an employee, student, or member of the public that occurs on District property is a violation of District policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

The Superintendent/President shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational information about preventing sexual violence is provided and publicized as required by law.

The procedures shall meet the criteria contained in ~~EG~~ Education Code Sections 67385, 67385.7, 67386, and 34 ~~C.F.R.~~ § Code of Federal Regulations Part 668.46. The Antelope Valley Community College District shall adopt a “Zero” tolerance policy in regard to sexual assaults while upon ~~D~~istrict property.

~~See Administrative Procedure #3540~~ Also see AP 3540 Sexual and Other Assaults on Campus, BP/AP 3410 Nondiscrimination, and BP/AP 3430 Prohibition of Harassment.

Adopted: 11/7/05
Revised: 5/8/06
Revised: 1/8/07
Revised: 6/13/16
Revised: 11/12/19



AP 3540 Sexual and Other Assaults on Campus

References:

Education Code Section 67385, 67385.7, and 67386;

20 ~~U.S.C.~~ § U.S. Code Section 1092 subdivision (f);

34 ~~C.F.R.~~ § Code of Federal Regulations Part 668.46 subdivision (b)(11)

Any sexual assault or physical abuse, including, but not limited to: rape, domestic violence, **dating violence**, sexual assault, or stalking as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, in connection with all academic, educational, extra-curricular, athletic, and other programs of the District, whether those programs take place in the District facilities or at another location or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (See also AP 5500 ~~titled~~ Standards of Student Conduct)

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

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

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

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

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

It is the responsibility of each person involved in sexual activity to ensure that he/ ~~or~~ she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent.



Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

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

These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, see also AP 3500 [Campus Safety](#), AP 3510 [Workforce Violence](#), and AP 3515 [Reporting of Crimes](#).)

All students, faculty members, or staff members who allege they are the victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the campus Police Department, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the campus Police Department is authorized to release such information by court order.

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

- A copy of the District's policy and procedure regarding domestic violence, dating violence, sexual assault, or stalking;
- A list of personnel on campus who should be notified of the assault (see list below), and procedures for such notification, if the alleged victim consents;
- Information about the importance of preserving evidence and the identification and location of witnesses;
- A description of available services, and the persons on campus available to provide those services if requested;
 - The Vice President of Student Services for referral to a counseling center and other on or off-campus resources, student disciplinary procedures, modification of class schedules, and tutoring, if necessary.
 - The Vice President of Human Resources for employee disciplinary procedures



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

A description of each of the following procedures:

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

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

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

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 3435 **Discrimination and**



Harassment Complaints and Investigations, regardless of whether a complaint is filed with local law enforcement.

All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the Campus Sheriff's Department, or the Vice President of Student Services of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of **domestic violence, dating violence,** sexual assault, **or stalking** are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

The District shall maintain the identity of any alleged victim, ~~or~~ witness, **or third-party reporter of domestic violence, dating violence,** ~~or~~ sexual assault, **or stalking** on District property, as defined above, in confidence unless the alleged victim, ~~or~~ witness, **or third-party reporter** specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged **domestic violence, dating violence,** sexual assaults, **or stalking** on District property shall be referred to the District's ~~Marketing and~~ Public Information Office, which shall work with the campus Police Sheriff Department and the Vice President of Student Services ~~Office~~ to assure that all confidentiality rights are maintained.

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

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

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

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



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

The District shall maintain the identity of any alleged victim, witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence unless the alleged victim, witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on District property shall be referred to the District's ~~Marketing and~~ Public Information Office, which shall work with the Human Resources Office to assure that all confidentiality rights are maintained.

Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent sexual assault, domestic violence, dating violence, and stalking and procedures that should be followed after an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any ~~in any~~ District proceeding arising from such a report.

The statement must include the following:

- A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;
- Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
- Information on a student's ~~option~~ right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests, and the right to decline to notify these authorities;
- Information about how the ~~D~~istrict will protect the confidentiality of victims, ~~including how publicly available recordkeeping will be accomplished without the~~



~~inclusion of identifying information about the victim, to the extent permissible by law;~~

- Information for students about existing on- and off-campus counseling, mental health, victim advocacy, legal assistance, or other services for victims;
- Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement
- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sexual assault, or stalking including a clear statement that:
 - Such proceedings shall provide a prompt, fair, and impartial resolution;
 - Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
 - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
 - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged domestic violence, dating violence, sexual assault, or stalking, the procedures for the accused and victim to appeal the results of the disciplinary proceeding, of any changes to the results that occurs prior to the time that such results become final, and when such results become final. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged sex offense and any sanction that is imposed against the accused.
- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or nonforcible sex offenses, domestic violence, dating violence, or stalking.

Education and Prevention Information



The Superintendent/President or designee shall:

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

Also see **BP 3540 Sexual and Other Assaults on Campus, BP/AP 3410 Nondiscrimination, BP/AP 3430 Prohibition of Harassment, and AP 3435 Discrimination and Harassment Complaints and Investigations.**

Approved: 11/7/05
Revised: 1/8/07
Revised: 5/9/16
Revised: 11/12/19



BP 3560 Alcoholic Beverages

References:

Business and Professions Code Section 25608;
34 [CFR Code of Federal Regulations Part 668.46 subdivision \(b\)](#)

The Superintendent/President is authorized to enact procedures as appropriate and permitted by law regarding serving alcoholic beverages on campus or at fund-raising events held to benefit non-profit corporations. Alcoholic beverages shall not be served on campus except in accordance with these procedures.

~~See Administrative Procedure #3560~~ Also see AP 3560 Alcoholic Beverages, BP/AP 3550 Drug-Free Environment and Drug Prevention Program, and AP 6950 Drug and Alcohol Testing (U.S. Department of Transportation).

Adopted: 11/7/05
Revised: 4/9/07
Revised: 11/14/11
Reviewed: 12/12/16
Revised: 1/13/20



AP 3560 Alcoholic Beverages

References:

Business and Professions Code Sections 24045.4, 24045.6, 25608, and 25658;
34 **CFR Code of Federal Regulations Part 668.46 subdivision (b)**

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

Alcoholic beverages on campus are permitted if:

- The alcoholic beverage is beer and/or wine for use in connection with a course of instruction, **sponsored dinner**, or meal demonstration. ~~given as part of a culinary arts program at a community college campus, and the instructor or individual has been authorized to acquire, possess, use, sell, or consume it by the Vice President of Academic Affairs.~~
- The alcoholic beverage is wine **or beer** produced by a bonded winery owned or **brewery.** ~~operated as part of an instructional program in viticulture and enology or brewing.~~
- The alcoholic beverage is for use during a non-college event at a performing arts facility built on District property and leased to a nonprofit public benefit corporation.
- The alcoholic beverage is possessed, consumed, or sold, pursuant to a license or permit obtained under this division for special events held at the facilities of **a public community Antelope Valley College** during the special event. "Special event"



means events that are held with the permission of the governing board of the ~~community~~ college district that are festivals, shows, private parties, concerts, theatrical productions, and other events held on the premises of the ~~public community~~ college and for which the principal attendees are members of the general public or invited guests and not students of the public community college.

- The alcoholic beverage is acquired, possessed, or used during an event sponsored by the district or the Antelope Valley College Foundation at a community college-owned facility. ~~in which any grade from kindergarten to grade 12, inclusive, is taught, if the event is held at a time when students in any grades from kindergarten to grade 12, inclusive, are not present at the facility.~~
- The alcoholic beverage is for use during a fundraiser held to benefit the Antelope Valley College Foundation that has obtained a license under the Business and Professions Code to do so provided that no alcoholic beverage can be acquired, possessed or used at a football game or other athletic contest sponsored by the District.
- The alcoholic beverage is acquired, possessed, or consumed pursuant to a license or permit obtained for special events held at facilities of ~~a community~~ the college district at a time when pupils are not on the grounds. “Facilities” includes, but are not limited to, office complexes, conference centers, or retreat facilities.

Also see BP 3560 Alcoholic Beverages, BP/AP 3550 Drug-Free Environment and Drug Prevention Program, and AP 6950 Drug and Alcohol Testing (U.S. Department of Transportation).

Approved: 11/7/05
Revised: 4/9/07
Revised: 9/10/07
Revised: 4/14/08
Revised: 5/14/12
Revised: 7/9/12
Revised: 4/11/16
Revised: 12/12/16
Revised: 1/13/20



BP 3570 No Smoking and Tobacco-Free Environment

References:

Education Code Sections 70902 and 76033 subdivision (e);
Government Code Sections 7596, 7597, 7597.1, and 7598;
Labor Code Section 6404.5;
Penal Code Sections 602 and 853.6;
Title 8 Section 5148

The District shall provide a safe learning and working environment for both students and employees. It is recognized that smoke from cigarettes, pipes, and/or cigars, vapor from e-cigarettes, and smokeless tobacco products are hazardous to health; therefore, the District prohibits smoking and the use of tobacco on all District property and all locations where District services are provided.

To enforce smoking and tobacco control regulations and procedures, the Superintendent/President is authorized to:

- Set enforcement standards for all District sites and campuses;
- Promote smoking and tobacco cessation treatment options.
- Direct that the District post signs stating its prohibition of smoking and tobacco use policy on District-owned and operated property.
- Inform employees and students of the tobacco use policy and enforcement measures.

Also, see AP 3570 No Smoking and Tobacco-Free Environment.

Adopted: 1/13/19



AP 3570 **No Smoking and Tobacco-Free Environment Use on Campus**

References:

Government Code Sections 7596, 7597, 7597.1, and 7598;
Labor Code Section 6404.5;
Health and Safety Code Section 104495;
Penal Code Sections 602 and 853.6;
Title 8 5, Section 5148

The Antelope Valley Community College District is a smoke and tobacco-free environment. Smoking, vaping, and the use of tobacco products is prohibited on all District property at all times. This administrative procedure applies to students, faculty, staff, administrators, visitors, and general members of the public.

This prohibition includes the use of all tobacco products, including but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, hookahs, and an electronic device that delivers nicotine or other vaporized liquids to a person inhaling from the device (e.g., e-cigarettes and vaporizers) may not be used on campus, or in a personal vehicle on campus, or in any college vehicle.

District property includes both indoor and outdoor areas of property that is owned, leased, or otherwise controlled by the District, including but not limited to: classrooms, offices, lobbies, lounges, waiting areas, stairwells, restrooms, walkways, sidewalks, lawns, athletic fields and viewing stands, parking lots, warehouses, storage yards, and District-owned or leased vehicles.

Signs stating “Smoke Free Campus” shall be posted on campus

Disciplinary measures to be taken against violators are listed here:

Enforcement of this procedure and the related policy will be the responsibility of Antelope Valley College Police Department personnel. All violators, including students, staff, faculty, and visitors, will be given a warning upon the first offense. A Field Investigation card will be completed with the violator’s contact information and filed for future reference. Students will be referred to the Vice President of Student Services’ office upon the second offense (please refer to AP 5520 for the discipline process). Upon the second offense for faculty and staff, refer to the appropriate collective bargaining agreement. Non-student, non-staff, non-faculty



visitors will be directed to leave the campus and not return upon the second offense.

Also see BP 3570 No Smoking and Tobacco-Free Environment.

Approved: 11/7/05
Revised: 9/10/07
Revised: 2/8/10
Revised: 9/10/12
Revised: 4/11/16
Revised: 12/11/17
Revised: 12/9/19



BP 3715 Intellectual Property

References:

- 17 ~~USC~~ U.S. Code Sections 101 et seq.;
- 35 ~~USC~~ U.S. Code Sections 101 et seq.; **and**
- 37 ~~CFR~~ Code of Federal Regulations Parts 1.1 et seq.

The rights, interests, protection, and transfer of intellectual property created by District employees are defined and determined through the collective bargaining process for faculty and classified staff. For other certificated, administrators, or students, the Superintendent/President ~~will~~ **shall** develop procedures that define the rights, interests, protection, **and transfer** of intellectual property **created by District employees not covered by collective bargaining agreements and students.**

~~See Administrative Procedure #3715~~ Also see AP 3715 Intellectual Property, BP/AP 3710 Securing of Copyright, AP 3750 Use of Copyrighted Material, and the most current versions of employee collective bargaining agreements.

Adopted: 11/7/05
Revised: 2/11/19
Revised: 12/9/19



AP 3715 Intellectual Property

References:

- 17 ~~USC~~ U.S. Code Sections 101 et seq.;
- 35 ~~USC~~ U.S. Code Sections 101 et seq.; and
- 37 ~~CFR~~ Code of Federal Regulations Parts 1.1 et seq.

The following intellectual property procedure shall be interpreted consistent with other District policies, including, but not limited to, the District's policy on academic freedom (BP 4030) and federal and state statutes/regulations. This procedure shall also be interpreted consistent with all collective bargaining agreements, specifically Article XIX of the AVCFT Collective Bargaining Agreement: "Intellectual Property Rights."

Definitions

For the purposes of this procedure, the following definitions apply to the following words or phrases:

"Administrative Activity" means the execution of the District's management or administrative functions such as preparing budgets, policies, contracts, personnel management, printing course materials and catalogues, maintenance of computer data, long range planning, and keeping inventories of equipment. Teaching and academic endeavors are not administrative activities.

"Author" or "Creator" means an individual who alone or as part of a group of other creators, invent, author, discover, or otherwise create intellectual property.

"District Resources" means all tangible resources including buildings, equipment, facilities, computers, software, personnel, and funding.

"Course Materials" means materials prepared for use in teaching, fixed or unfixed, in any form, including, but not limited to, digital, print, audio, visual, or any combination thereof. Course materials include, but are not limited to, lectures, lecture notes, and materials, syllabi, study guides, bibliographies, visual aids, images, diagrams, multimedia presentations, web-ready content, and educational software.

"Course Syllabus" means a document that includes information about the outline, standards for student evaluation, and additional information which reflects the academic work of the faculty member.

"Digital Encoded Work" means a work (on a bit-sequence) that can be stored on computer-readable media, manipulated by computers, and transmitted through data networks.



“Employee” means an individual employed by the District, and shall include full-time and part-time faculty, classified staff, student employees, appointed personnel, persons with "no salary" appointments, and academic professionals, who develop intellectual property using District resources, unless there is an agreement providing otherwise.

“Intellectual Property” means works, products, processes, tangible research property, copyrightable subject matter, works of art, trade secrets, know how, inventions and other creations the ownership which are recognized and protected from unauthorized exploitation by law. Examples of intellectual property include scholarly, artistic, and instructional materials.

“Student” means an individual who was or is enrolled in a class or program at the District at the time the intellectual property was created.

“Student Employee” means a student who is paid by the District, and may include students participating in a work study program or who receive stipends while they are acting within the scope of their employment at the District at the time the intellectual property was created.

“Substantial Use of District Resources” means use of District resources beyond the normal professional, technology, and technical support generally provided by the District and extended to an individual or individuals for development of a product, project or program. The use of District resources must be important and instrumental to the creation of the intellectual property. The following do not constitute substantial use of the District’s resources: (1) incidental use of District resources and/or (2) extensive use of District resources commonly available to District employees. A substantial use of the District’s resources may be implicated in situations where the creator spends such time and energy in the creation of a work that results in a great reduction of the creator’s teaching activity.

“Work” means an “original work of authorship fixed in a tangible medium” as used in the Copyright Act.

Ownership of Intellectual Property

The ownership rights to a creation at the District shall be determined generally as set forth below, unless ownership is modified by an agreement.

Employee Intellectual Property Rights

A District employee who is the creator of an academic work in his/her field of expertise owns the copyright in that work. Academic works include textbooks, lecture notes and other course materials, literary works, artistic works, musical works, architectural works and software produced with no more than nominal or incidental use of the District’s



resources. Academic works described in this paragraph are owned by the employee even though such works may have been developed within the employee's scope of employment.

Intellectual property unrelated to an individual's employment responsibilities at the District, and that is developed on an individual's own time and without the District's support or use of District facilities is the exclusive property of the creator and the District has no interest in any such property and holds no claim to any profits resulting from such intellectual property.

District Intellectual Property Rights

The District owns all other intellectual property, including but not limited to patentable inventions, such as computer software, created by its employees under the following circumstances:

- 1) If intellectual property is created through the District's administrative activities by an employee working within his/her scope of employment; or
- 2) If intellectual property is created by an employee executing a duty or specific assignment designated by the District; or
- 3) If intellectual property is created through the substantial use of District resources; or
- 4) If intellectual property is commissioned by the District pursuant to a signed contract; or
- 5) If intellectual property is produced within one of the nine categories of works considered works for hire under copyright law pursuant to a written contract, or
- 6) If intellectual property is produced from research specifically supported by state or federal funds or third party sponsorship.

Where circumstances give rise to District intellectual property rights, as described above, the creator of the potential intellectual property will promptly disclose the intellectual property to the District. The District and the creator may enter into a written agreement whereby the creator executes documents assigning intellectual property rights to the District.

The Superintendent/President may waive the District's interests in its intellectual property by executing a written waiver.

Student Intellectual Property Rights

District students who created a work are owners of and have intellectual property rights in that work. District students own the intellectual property rights in the following works created while they are students at the District:

- 1) intellectual property created to meet course requirements using college or District resources, and



- 2) intellectual property created using resources available to the public. Intellectual property works created by students while acting as District employees shall be governed under provisions for employees.

Modification of Ownership Rights

The general provisions for ownership of intellectual property rights set forth in Section II may be modified by the parties as follows:

Sabbatical Works

Generally, intellectual property created by District employees during a sabbatical is defined as an academic work. However, where a work to be created as part of an approved sabbatical plan requires resources beyond those normally provided to other employees during a sabbatical (substantial use District resources), the parties may enter into a written agreement to define the District and employee's intellectual property rights in the sabbatical work.

Assignment of Rights

When the conditions outlined in the sections on employee intellectual property rights or student intellectual property are met, ownership will reside with the employee or student responsible for creating the intellectual property. In these circumstances, the creator may pursue intellectual property protection, marketing, and licensing activities without involving the District. If such a decision is made, the creator is entitled to all revenues received.

Any person may agree to assign some or all of his/her intellectual property rights to the District. In the event the creator offers to share or assign intellectual property rights in the creation to the District, the District may support and finance application for intellectual property protection (trademark, patent, or copyright) or it may enter into an agreement for other exploitation of the work, including management, development and commercialization of the property under terms and conditions as may be agreeable to the parties. After evaluating the creator's offer, the District may or may not decide to become involved in a joint investment agreement. A negative response from the District will be communicated in writing to the creator. An affirmative response from the District will be summarized as an offer to enter into a written contract. If the creator accepts the District's proposed contract, any revenues received from commercialization of the intellectual property will be distributed as defined in the contract.

Sponsorship Agreements

A sponsored work is a work first produced by or through the District in the performance of a written agreement between the District and a sponsor. Sponsored works generally include interim and final technical reports, software, and other works first created in the performance of a sponsored agreement. Sponsored works do not include journal articles, lectures, books or other



copyrighted works created through independent academic effort and based on the findings of the sponsored project, unless the sponsored agreement states otherwise. Ownership of copyrights to sponsored works shall be with the District unless the sponsored agreement states otherwise. Where a sponsorship agreement does not define ownership of the intellectual property, ownership shall be determined under applicable law. Any sponsorship agreement that provides for ownership of the work by one other than the District generally shall provide the District with a nonexclusive, world-wide license to use and reproduce the copyrighted work for education and research purposes.

Collaboration/Partnership Agreements

The District may participate in projects with persons/organizations that result in the creation of intellectual property. Ownership rights of such intellectual property will be defined by the collaboration/partnership agreement, or shall be determined under applicable law.

Special Commissions

Intellectual property rights to a work specially ordered or commissioned by the District from a faculty member, professional staff member, other District employee, or other individual or entity, and identified by the District, as a specially commissioned work at the time the work was commissioned, shall belong to the District. The District and the employee shall enter into a written agreement for creation of the specially commissioned work.

Use of Substantial District Resources

In the event the District provides substantial resources to an employee for creation of a work and the work was not created under an agreement (such as a sponsorship agreement, individual agreement, or special commission) the District and the creator shall own the intellectual property rights jointly in proportion to the respective contributions made.

Encoded Works/Software for Administrative Activities

The District may hire an individual or entity to develop software or other encoded works, to be used in the District's administrative activities. The District shall maintain ownership of the intellectual property rights in such encoded works. Similarly, the District shall have ownership of the intellectual property rights in encoded works created by an employee, even where the work was created out of the employee's own initiative, if the work is related to the employee's job responsibilities. For example, if an employee in the student records office creates a software program, on his/her own initiative, that will organize student records, such work is related to the employee's job duties and will belong to the District. Where an employee creates a program that does not relate to his/her job duties,



and that program was created on the employee's own time, the work belongs to the employee.

Collective Bargaining Agreement

In the event the provisions of these procedures and the provisions of any operative collective bargaining agreement conflict, the collective bargaining agreement shall take precedence.

Jointly Created Works

Ownership of jointly created works shall be determined by separately assessing which of the above categories applies to each creator, respectively. Rights between joint owners of a copyright shall be determined pursuant to copyright law.

Work Acquired by Assignment or Will

The District may acquire copyrights by assignment or will pursuant to the terms of a written agreement or testament. The terms of such agreements should be consistent with District policies and these procedures.

Materials Implicating Third Party Rights

District employees and students must comply with District policies and state and federal laws, including copyright and privacy laws, in creating works. District employees and students must obtain all required licenses, consents, and releases necessary to avoid infringing the rights of third parties. District employees and students with questions or concerns regarding third party rights should direct all inquiries to Superintendent/President.

Intellectual Property Coordinator

The Assistant Superintendent/Vice President, Academic Affairs shall be the District's Intellectual Property Coordinator. The coordinator shall administer this procedure and will implement the District's Intellectual Property Policy. The Intellectual Property Coordinator will also monitor the development and use of the District's intellectual property. Any questions relating to the applicability of the District Intellectual Property or this procedure may be directed and answered by the Intellectual Property Coordinator.

Preservation of Intellectual Property Right

Protection of Rights

The District shall undertake such efforts, as it deems necessary to preserve its rights in original works for which the District is the sole or joint owner of intellectual property rights. The District may apply for a patent, for trademark registration, for copyright



registration, or for other protection available by law on any new work in which it maintains intellectual property rights.

Payment of Costs

The District may pay some or all costs required for obtaining a patent, trademark, copyright, or other classification on original works for which it exclusively owns intellectual property rights. If the District has intellectual property rights in a jointly owned work, the District may enter into an agreement with the joint owners concerning payment of such costs.

Commercialization of Intellectual Property

Right of Commercialization

The District may commercialize its Intellectual Property using its resources or it may enter into agreements with others to commercialize the work as authorized by law.

Distribution of Proceeds

An employee who creates a work and retains an intellectual property interest in such work in which the District maintains intellectual property rights is entitled to share in royalties, licenses, and any other payments from commercialization of the work in accordance with applicable agreements and applicable laws. All expenses incurred by the District in protecting and promoting the work including costs incurred in seeking patent or copyright protection and reasonable costs of marketing the work, shall be deducted and reimbursed to the District before the creator is entitled to share in the proceeds.

Intellectual Property Account

The District shall deposit all net proceeds from commercialization of intellectual property in its own general intellectual property account. The Superintendent/President or designee may use the account to reimburse expenses related to creating or preserving the District's intellectual property rights or for any other purpose authorized by law and District policy including the development of intellectual property.

Notification

The Intellectual Property Coordinator shall provide a copy of these Intellectual Property Procedures to persons upon request. The District shall arrange training on a periodic basis for faculty, staff and/or other persons who are covered by this Intellectual Property Procedure.

The same procedures apply to certificated administrators, managers and students as apply to faculty. Intellectual property rights of faculty are defined and determined in accord with ARTICLE XIX, "Intellectual Property Rights," in the Faculty Collective Bargaining Agreement.



Also see BP 3715 Intellectual Property, BP/AP 3710 Securing of Copyright, and AP 3750 Use of Copyrighted Material.

Approved: 11/7/05
Revised: 2/11/19
Revised: 12/9/19



BP 6100 Delegation of Authority, Business and Fiscal Affairs

References:

Education Code Sections 70902 **subdivision** (d), 81655, **and** 81656

The Board **of Trustees** delegates to the Superintendent/President the authority to supervise the general business procedures of the District to assure the proper administration of property and contracts; the budget, audit and accounting of funds; the acquisition of supplies, equipment and property; and the protection of assets and persons. All transactions shall comply with applicable laws and regulations, and with the California Community Colleges Budget and Accounting Manual.

No contract shall constitute an enforceable obligation against the District until it has been approved or ratified by the Board **of Trustees**. (See **Board PolicyBP 6340 Bids and Contracts**).

The Superintendent/President shall make appropriate periodic reports to the Board **of Trustees** and shall keep the Board **of Trustees** fully advised regarding the financial status of the District.

Also see AP 6100 Delegation of Authority, Business and Fiscal Affairs.

Adopted: 5/8/06

Revised: **11/12/19**



AP 6100 Delegation of Authority, Business and Fiscal Affairs

References:

Education Code Sections 70902 subdivision (d), 81644, 81655, and 81656;
Public Contract Code Sections 20651, 20658, and 20659

The Chief Business Officer is delegated authority from the Superintendent/President to supervise budget preparation and management; oversee fiscal management of the District; and contract for, purchase, sell, lease, or license real and personal property, in accordance with board policy and law. Responsibility for the development of internal policies and procedures consistent with the provision of this regulation remains with the Chief Business Officer. This delegated authority is subject to the condition that certain of these transactions be submitted to the Superintendent/President for review and approval from time to time as determined by the Superintendent/President.

When transactions do not exceed the dollar limits established in the Public Contract Code, the Education Code or other laws pertaining to the taking of competitive bids, the Chief Business Officer may contract for goods, services, equipment and rental of facilities so long as the transactions comply with law and any limitations or requirements set forth therein. Furthermore, the Chief Business Officer may amend the terms and conditions of any contractual arrangement so long as the total expenditure of funds and period of contract do not exceed the limitations set forth in applicable law or regulation.

Approved: 8/13/20



BP 6150 Designation of Authorized Signatures

References:

Education Code Sections 85232 and 85233

Authority to sign orders and other transactions on behalf of the Board of Trustees is delegated to the Superintendent/President and other officers appointed by the Superintendent/President.

~~The authorized signatures shall be filed with the Los Angeles County Office of Education.~~

~~See Administrative Procedure #6150~~ Also see AP 6150 Designation of Authorized Signatures.

Adopted: 5/8/06
Revised: 12/9/19



AP 6150 Designation of Authorized Signatures

References:

Education Code Sections 85232 and 85233

The ~~Vice President of Business Services~~ District Disbursing Officer is hereby designated as the District officer authorized to sign warrants on behalf of the District.

~~Proper documentation regarding signing District warrants shall be filed with the county superintendent of schools.~~

The ~~Vice President of Business Services~~ District Disbursing Officer will withhold approval of District warrants when:

- Disbursement of the funds will result in the total amounts expended in any major account classification to exceed the amount budgeted.
- Established procedures have not been followed to permit verification of authenticity of the expenditure.

Approved: 5/8/06
Revised: 12/9/19



BP 6200 Budget Preparation

References:

Education Code Section 70902 **subdivision** (b)(5);
Title 5 **Sections** 58300 et seq.
Accreditation Standard III.D

Each year, the Superintendent/President shall present to the Board of **Trustees** a budget, **developed with the Chief Business Officer, and** prepared in accordance with Title 5 and the California Community Colleges Budget and Accounting Manual. The schedule for presentation and review of budget proposals shall comply with state law and regulations, and provide adequate time for Board study.

Budget development shall meet the following criteria:

- The annual budget shall support the District's master and educational plans.
- Assumptions upon which the budget is based are presented to the Board of **Trustees** for review.
- A schedule is provided to the Board of **Trustees** each year that includes dates for presentation of the tentative budget, required public hearing(s), Board study session(s), and approval of the final budget. At the public hearings, interested persons may appear and address the Board of **Trustees** regarding the proposed budget or any item in the proposed budget.
- The Board of Trustees adopted minimum requirement is **8-12%** for the unrestricted reserve.
- Changes in the assumptions upon which the budget was based shall be reported to the Board of **Trustees** in a timely manner.
- Budget projections address long-term goals and commitments.

~~See Administrative Procedure #6200~~ Also see AP 6200 Budget Preparation, BP/AP 3250 Budget Management, BP/AP 6300 Fiscal Management, AP 6305 Reserves, AP 6310 Accounting, and AP 6315 Warrants.

Adopted: 5/8/06
Revised: 12/14/15
Revised: 12/9/19



AP 6200 Budget Preparation

References:

Education Code Section 70902 **subdivision** (b)(5);
Title 5 Sections 58300 et seq;
ACCJC Accreditation Standard III.D

The budget process will include consultation with appropriate groups and will link resource allocations to institutional planning.

The District will have a goal to maintain a **fifteen percent (12-15%)** reserve in any current budget year to pay obligations, or **sixty (60)** days of cash on hand in the unrestricted fund, whichever is greater.

A budget calendar that includes presentation of the tentative and final budgets will be distributed with the annual budget call. The tentative budget shall be presented no later than July 1 [Title 5 Section 58305 **subdivision** (a)], and the final budget no later than September 15 [Title 5 Section 58305 **subdivision** (c)]. A public hearing on the budget shall be held on or before September 15 [Title 5 Section 58301].

Two **(2)** copies of the adopted budget to be submitted to the California Community College Chancellor's Office on or before September 30 [Title 5 Section 58305 **subdivision** (d)].

Submission of appropriate financial reports to include upcoming budgets will be submitted to the California Community College Chancellor's Office via the CCFS311 Report.

Also see BP 6200 Budget Preparation, BP/AP 6250 Budget Management, BP/AP 6300 Fiscal Management, AP 6305 Reserves, AP 6310 Accounting, and AP 6315 Warrants.

Approved: 5/8/06
Revised: 8/13/16
Revised: 4/8/19
Revised: 12/9/19



BP 6300 Fiscal Management

References:

Education Code Section 84040 **subdivision** (c);

Title 5 Section 58311;

ACGJC Accreditation Standard III.D

2 Code of Federal Regulations Parts 200.302 subdivision (b)(6)-(7), 200.305, and 200.400 et seq.

The Superintendent/President shall establish procedures to assure that the District's fiscal management is in accordance with the principles contained in Title 5 Section 58311, including:

- Adequate internal controls exist.
- Fiscal objectives, procedures, and constraints are communicated to the Board of **Trustees** and employees.
- Adjustments to the budget are made in a timely manner, when necessary.
- The management information system provides timely, accurate, and reliable fiscal information.
- Responsibility and accountability for fiscal management are clearly delineated.

The Superintendent/President shall also establish procedures that satisfy the U.S. Education Department General Administrative Regulations (EDGAR) Second Edition for any federal funds received by the District.

The books and records of the District shall be maintained pursuant to the California Community Colleges Budget and Accounting Manual.

As required by law, the Board of **Trustees** shall be presented with a quarterly report showing the financial and budgetary conditions of the District.

As required by the California Community Colleges Budget and Accounting Manual, expenditures shall be recognized in the accounting period in which the liability is incurred, and shall be limited to the amount budgeted for each major classification of accounts and to the total amount of the budget for each fund.

Also see BP/AP 6200 Budget Preparation, BP/AP 6250 Budget Management, AP 6300 Fiscal Management, AP 6305 Reserves, AP 6310 Accounting, and AP 6315 Warrants.

Adopted: 5/8/06

Revised: 12/14/15



Revised: 12/9/19



AP 6300 Fiscal Management

References:

Education Code Section 84040 **subdivision** (c);
Title 5 Section 58311;
ACCJC Accreditation Standard III.D.9 (~~formerly III.D.2~~)

The **D**istrict uses the following minimum standards as principles for sound fiscal management in Title 5, to ensure that procedures comply with requirements. In addition, the **D**istrict shall use commonly accepted auditing standards as criteria for fiscal management procedures.

- Provide for responsible stewardship of available resources.
- Provide for safeguarding and managing District assets to ensure ongoing effective operations; maintenance of adequate cash reserves; implementation and maintenance of effective internal controls; determination of sources of revenues prior to making short- term and long-term commitments; establishment of a plan for the repair and replacement of equipment and facilities.
- Provide for an organizational structure that incorporates a clear delineation of fiscal responsibilities and staff accountability.
- Provide that appropriate administrators keep the Board **of Trustees** current on the fiscal condition of the District as an integral part of policy and decision-making.
- Provide for development and communication of fiscal policies, objectives and constraints to the **B**oard **of Trustees**, staff, and students.
- Provide for an adequate management information system that gives timely, accurate and reliable fiscal information for planning, decision making and budgetary control.
- Provide for appropriate fiscal policies and procedures and adequate controls to ensure that established fiscal objectives are met.
- Provide a process to evaluate significant changes in the fiscal environment and make necessary, timely, financial and educational adjustments.
- Provide both short term and long-term goals and objectives, and broad-based input coordinated with District educational planning.
- **Provide an annual review of the California Community College Sound Fiscal**



Management Self-assessment Checklist.

The California Community College’s Budget and Accounting Manual shall be used by the District as the official accounting manual.

Also see BP/AP 6200 Budget Preparation, BP/AP 6250 Budget Management, BP 6300 Fiscal Management, AP 6305 Reserves, AP 6310 Accounting, and AP 6315 Warrants.

- Adopted:** 5/8/06
- Revised:** 11/9/15
- Revised:** 12/9/19



AP 6305 Reserves

Reference:

Budget and Accounting Manual, Chapter 5; Appendix A

The District shall have as a high budget priority the appropriation in the final budget of an uncommitted reserve in the unrestricted general fund. The Board of Trustees recognizes the need for cash-flow management and the necessity of considering financial uncertainties in the development of the District budget. To this end, the following reserve accounts shall be included in the final budget:

General Reserves

The final budget shall include an unappropriated reserve to ensure that the District will be in a positive cash position at the end of the fiscal year. This reserve shall be (at a minimum) fifteen percent (15%) of unrestricted general fund revenues and beginning fund balance and shall not be available for appropriations during the fiscal year.

Reserve for Emergencies

The District budget shall also include an appropriation for reserve for economic uncertainties to cover:

1. unanticipated emergencies;
2. unanticipated declines in property tax revenues or other sources of funds;
3. additional program development activities not considered prior to budget adoption. This reserve shall be (at a minimum) three percent (3%) of total unrestricted general fund revenues and beginning fund balance.

The Superintendent/President is authorized to utilize funds from the emergency fund for urgent situation upon verbal notification to the President of the Board of Trustees or, if he/she cannot be reached, any other member of the Board. Any such use of the reserve shall be reported to the Board of Trustees in the next regularly scheduled open session.

Approved: 12/9/19



AP 6307 Debt Issuance and Management

References:

Government Code Section 8855;
Title 4 Sections 6000 et seq.

No later than thirty (30) days prior to the sale of any debt issue, the District shall submit a report of the proposed issuance to the California Debt and Investment Advisory Commission through the Commission's online submittal system. The report of the proposed debt issuance shall include a certification by the District that it has adopted local debt policies concerning the use of debt and that the contemplated debt issuance is consistent with those local debt policies.

No later than twenty-one (21) days after the sale of the debt, the District shall submit a report of final sale to the California Debt and Investment Advisory Commission through the Commission's online submittal system. A copy of the final official statement for the issue shall accompany the report of final sale. If there is no official statement, the District shall provide each of the following documents, if they exist, along with the report of final sale:

- Other disclosure document.
- Indenture.
- Installment sales agreement.
- Loan agreement.
- Promissory note.
- Bond purchase contract.
- Resolution authorizing the issue.
- Bond specimen.

The District shall submit an annual report for any issue of debt for which it has submitted a report of final sale on or after January 21, 2017. The annual report shall cover a reporting period from July 1 to June 30, inclusive, and shall be submitted no later than seven months after the end of the reporting period. The annual report shall consist of the following information:

- Debt authorized during the reporting period, which shall include the following: (1) Debt authorized at the beginning of the reporting period; (2) Debt authorized and issued during the reporting period; (3) Debt authorized but not issued at the end of the reporting period; and (4) Debt authority that has lapsed during the reporting period.



- Debt outstanding during the reporting period, which shall include the following: (1) Principal balance at the beginning of the reporting period; (2) Principal paid during the reporting period; and (3) Principal outstanding at the end of the reporting period.

The use of proceeds of issued debt during the reporting period, which shall include the following: (1) Debt proceeds available at the beginning of the reporting period; (2) Proceeds spent during the reporting period and the purposes for which is was spent; and (3) Debt proceeds remaining at the end of the reporting period.

~~The Executive Director of Business Services, Chief Business Official, Chief Business Officer (CBO) shall establish procedures to ensure District is professionally managing its debt and fulfills its annual debt issuance reporting requirements to the California Debt and Investment Advisory Commission.~~

Article I Purpose and Goals

~~This Policy procedure provides a framework for debt management and capital planning by the District. This Policy procedure has been developed to meet the following goals:~~

- ~~1. Identifying the purposes for which the debt proceeds may be used.~~
- ~~2. Identifying the types of debt that may be issued.~~
- ~~3. Describing the relationship of the debt to, and integration with, the District's capital improvement program.~~
- ~~4. Establishing policy goals related to the District's planning goals and objectives.~~
- ~~5. Implementing internal control procedures to ensure that the proceeds of the proposed debt issuance will be directed to the intended use upon completion of the issuance.~~

Article II Purposes for Which Debt Proceeds May be Used

Section 2.01. Authority and Purposes of the Issuance of Debt

~~The laws of the State of California (the "State") authorize the District to incur debt to make lease payments, contract debt, borrow money, and issue bonds for school improvement projects. The District is authorized to contract debt to acquire, construct, reconstruct, rehabilitate, replace, improve, extend, enlarge, and equip such projects; to refund existing debt; or to provide for cash flow needs.~~

Section 2.02. State Law

~~Section 18 of Article XVI of the State Constitution contains the "debt limitation" formula~~



applicable to the District.

~~There are a number of State laws that govern the issuance of general obligation bonds (“GO Bonds”) by community college districts. Sections 1(b)(2) (Proposition 46) and 1(b)(3) of Article XIII A (Proposition 39) of the State Constitution allow the District to issue GO Bonds. The statutory authority for issuing GO Bonds is contained in Education Code Section 15000 et seq. Additional provisions applicable only to Proposition 39 GO Bonds are contained in Education Code Sections 15264 et seq. An alternative procedure for issuing GO Bonds is also available in Government Code Sections 53506 et seq.~~

~~The statutory authority for issuing Tax and Revenue Anticipation Notes (“TRANS”) is contained in Government Code Sections 53850 et seq. Authority for lease financings is found in Education Code Sections 17455 et seq. and additional authority is contained in Education Code Sections 17400 et seq., 17430 et seq. and 17450 et seq. The District may also issue Mello-Roos bonds pursuant to Government Code Sections 53311 et seq.~~

Section 2.03. Debt Issued to Finance Operating Costs

~~The District may deem it necessary to finance cash flow requirements under certain conditions. Such cash flow borrowing must be payable from taxes, income, revenue, cash receipts and other moneys attributable to the fiscal year in which the debt is issued.~~

~~General operating costs include, but are not limited to, those items normally funded in the District’s annual operating budget.~~

~~The District’s Superintendent/President, or CBO Executive Director of Business Services, Chief Business Official (“CBO”), will review potential financing methods to determine which method is most prudent for the District. Potential financing sources include tax and revenue anticipation notes, temporary borrowing from the Los Angeles County Treasurer and Tax Collector, and internal temporary interfund borrowing.~~

Article III Types of Debt That May be Issued

Section 3.01. Types of Debt Authorized to be Issued

- A. **Short-Term:** ~~The District may issue fixed-rate and/or variable rate short-term debt, which may include TRANS, when such instruments allow the District to meet its cash flow requirements. The District may also issue bond anticipation notes (“BANs”) to provide interim financing for bond projects that will ultimately be paid from GO Bonds.~~

- B. **Long-Term:** ~~Debt issues may be used to finance essential capital facilities, projects and certain equipment where it is appropriate to spread the cost of the projects over more than one budget year. Long term debt should not be used to fund District~~



operations.

~~Long term debt in the form of GO Bonds may be issued under Article XIII A of the State Constitution, either under Proposition 46, which requires approval by at least a two-thirds (66.67%) majority of voters, or Proposition 39, which requires approval by at least 55% of voters, subject to certain accountability requirements and additional restrictions.~~

~~The District may also enter into long term leases and/or COPs for public facilities, property, and equipment.~~

- ~~C. **Lease Financing:** Lease purchase obligations are a routine and appropriate means of financing capital equipment and certain capital facilities. However, lease obligations may impact on budget flexibility.~~
- ~~D. **Use of General Obligation Bonds:** A significant portion of the District's capital projects are projected to be funded by GO Bond proceeds. Projects financed by the GO Bonds will be determined by the constraints of applicable law and the project list approved by voters.~~

~~Article IV Relationship of Debt to and Integration with District's Capital Improvement Program or Budget~~

~~Section 4.01. Impact on Operating Budget and District Debt Burden~~

~~In evaluating financing options for capital projects, both short and long term debt amortization will be evaluated when considering a debt issuance, along with the potential impact of debt service, and additional costs associated with new projects on the operating budget of the District. The cost of debt issued for major capital repairs or replacements may be judged against the potential cost of delaying such repairs.~~

~~Section 4.02. Capital Improvement Program~~

~~The CBO and the facilities staff have responsibility for the planning and management of the District's capital improvement program subject to review and approval by the Board of Trustees. Staff will, as appropriate, supplement and revise any applicable Facilities Master Plan in keeping with the District's current needs for the acquisition, development and/or improvement of District's real estate and facilities. Such plans may include a summary of the estimated cost of each project, schedules for the projects, the expected quarterly cash requirements, and annual appropriations, in order for the projects to be completed.~~

~~Section 4.03. Refunding and Restructuring Policy~~



A. Considerations for Refunding.

1. ~~**District's Best Interest.** Whenever deemed to be in the best interest of the District, the District shall consider refunding or restructuring outstanding debt if it will be financially advantageous or beneficial for debt repayment and/or structuring flexibility.~~
2. ~~**Net Present Value Analysis.** The CBO shall review a net present value analysis of any proposed refunding in order to make a determination regarding the cost-effectiveness of the proposed refunding.~~
3. ~~**Maximization of Expected Net Savings.** Another consideration in deciding which debt to refinance and the timing of the refinancing shall be maximization of the District's expected net savings over the life of the bonds.~~
4. ~~**Comply with Existing Legal Requirements.** The refunding of any existing debt shall comply with all applicable State and Federal laws governing such issuance.~~

~~**Article V Policy Goals Related to District's Planning Goals and Objectives**~~

~~In following this Policy procedure and the related policy (BP 6307 Debt Issuance and Management), the District shall pursue the following goals:~~

1. ~~The District shall strive to fund capital improvements from voter-approved GO Bond issues to preserve the availability of its General Fund for District operating purposes and other purposes that cannot be funded by such bond issues.~~
2. ~~The District shall endeavor to attain the best possible credit rating for each debt issue in order to reduce interest costs, within the context of preserving financial flexibility and meeting capital funding requirements.~~
3. ~~The District shall take all practical precautions and proactive measures to avoid any financial decision that will negatively impact current credit ratings on existing or future debt issues.~~
4. ~~The District shall, with respect to GO Bonds, remain mindful of its statutory debt limit in relation to assessed value growth within the school district and the tax burden needed to meet long-term capital requirements.~~
5. ~~The District shall consider market conditions and District cash flows when timing the issuance of debt.~~



- ~~6. The District shall determine the amortization (maturity) schedule which will fit best within the overall debt structure of the District at the time the new debt is issued.~~
- ~~7. The District shall match the term of the issue to the useful lives of assets funded by that issue whenever practicable and economic, while considering repair and replacement costs of those assets to be incurred in future.~~
- ~~8. The District shall, when planning for the issuance of new debt, consider the impact of such new debt on overlapping debt of local, state and other governments that overlap with the District.~~
- ~~9. The District shall, when issuing debt, assess financial alternatives to include new and innovative financing approaches, including whenever feasible, categorical grants, revolving loans or other State/federal aid, so as to minimize the encroachment on the District's General Fund.~~
- ~~10. The District shall, when planning for the sizing and timing of debt issuance, consider its ability to expend the funds obtained in a timely, efficient and economical manner.~~

~~**Article VI**~~
~~**Internal Control Procedures for Issuance of Debt**~~
~~**to Ensure Intended Use of Proceeds**~~

~~**Section 6.01. Structure of Debt Issues**~~

~~A. **Maturity of Debt:** The duration of a debt issue shall be consistent, to the extent possible, with the economic or useful life of the improvement or asset that the issue is financing. Accordingly, the average life of the financing shall not exceed one hundred twenty percent (120%) of the average life of the assets being financed. In addition, the District shall consider the overall impact of the current and future debt burden of the financing when determining the duration of the debt issue.~~

~~**B. Debt Structure:**~~

~~**1. GO Bonds:**~~

~~a. **New Money Bond Issuances:** For new money bond issuances, the District shall size the bond issuance consistent with the "spend-down" requirements of the Internal Revenue Code and within any limits approved by the District's voters. To the extent possible, the District will also consider credit issues, market factors (e.g. bank qualification) and tax law when sizing the District's bond issuance.~~

~~b. **Refunding Bond Issuances:** The sizing of refunding bonds will be determined by the amount of money that will be required to cover the principal of, accrued interest~~



~~(if any) on, and redemption premium for the bonds to be defeased on the call date and to cover appropriate financing costs.~~

~~e. **Maximum Maturity:** All bonds issued by the District shall mature within the limits set forth in applicable provisions of the Education Code or the Government Code. The final maturity of bonds will also be limited to the average useful life of the assets financed or as otherwise required by tax law.~~

~~2. **Lease-Purchase Obligations:** The final maturity of equipment or real property lease obligations will be limited to the useful life of the assets to be financed.~~

~~C. **Debt Service Structure:** The District shall design the financing schedule and repayment of debt so as to take best advantage of market conditions, provide flexibility, and, as practical, to recapture or maximize its debt capacity for future use.~~

Section 6.02. Use of Proceeds

~~The District shall be vigilant in using bond proceeds in accordance with the stated purposes at the time such debt was incurred. In furtherance of the policy this procedure, and in connection with the issuance of all GO Bonds:~~

- ~~1. As required by Government Code Section 53410, the District shall only use GO Bond proceeds for the purposes approved by the District's voters; and~~
- ~~2. The CBO shall have the responsibility, no less often than annually, to provide to the District's Board of Trustees a written report which shall contain at least the following information:~~
 - ~~i. The amount of the debt proceeds received and expended during the applicable reporting period; and~~
 - ~~ii. The status of the acquisition, construction, or financing of the school facility projects, as identified in any applicable bond measure, with the proceeds of the debt.~~

~~These reports may be combined with other periodic reports which include the same information, including but not limited to, periodic reports made to the California Debt and Investment Advisory Commission, or continuing disclosure reports or other reports made in connection with the debt. These requirements shall apply only until the earliest of the following: (i) all the debt is redeemed or defeased, but if the debt is refunded, such provisions shall apply until all such refunding bonds are redeemed or defeased, or (ii) all proceeds of the debt, or any investment earnings thereon, are fully expended.~~

- ~~3. The District shall post on the District website the Annual Report of the District's~~



~~Independent Bond Oversight Committee which has been given the responsibility to review the expenditure of GO Bond proceeds to assure the community that all GO Bond funds have been used for the construction, renovation, repair, furnishing and equipping of school facilities, and not used for teacher or administrator salaries or other operating expenses.~~

- ~~4. The District shall hire an independent auditor to perform an annual independent financial and performance audit of the expenditure of GO Bond proceeds, and to post such audits on the District website.~~

Adopted **Approved:** 7/10/17
Revised: 1/13/20



AP 6310 Accounting

Reference:

Budget and Accounting Manual, Chapters 3 and 4

The Budget and Accounting Manual (**BAM**) published by **the** California Community Colleges **Chancellor's Office** shall be used by the **D**istrict as the official accounting manual.

Approved: 5/8/06
Reviewed: 8/13/18
Revised: 12/9/19



AP 6322 Employee Indemnity Bonds

Reference:

Title 5 Section 58318

Each employee of the District whose duty it is to handle District funds shall be bonded under a suitable bond indemnifying the District against loss.

At the discretion of the Chief Business Official, employees of the District whose duty it is to handle district property may be required to be bonded to indemnify the District against loss.

Approved: 12/9/19



AP 6330 Purchasing

References:

Education Code Sections 81656, et seq.;
Public Contracts Code Sections 20650, et seq.

The objective of the Purchasing Department is to obtain the maximum, cost-effective value in procuring goods and services, which supports the District's educational mission and goals. Purchasing activities shall be performed within the limitations prescribed by California law and in accordance with ~~Board Policy~~ BP 6330 Purchasing. To accomplish this result, the decisions on purchases shall be based on:

- Specifications which stress good quality within limitations of the budget;
- The lowest cost within adherence to the specifications;
- Consideration for the quality of service and track record of the vendor/supplier; and
- Promptness of delivery.

Every transaction between a buyer or seller and the District shall be by purchase order or formal contract signed by the Superintendent/President, ~~Executive Director of Business Services~~ Chief Business Officer, or his/her designee. When deemed advisable to obtain the best pricing or when required by law, the District shall adhere to competitive, well-advertised, and well noticed purchasing processes to ensure that the District receives advantageous pricing for proper and necessary goods and services. The ~~Executive Director of Business Services~~ Chief Business Officer or Purchasing Director or designee shall establish administrative procedures for purchasing, and contract awards and management.

The District shall not conduct business (including purchasing from, or selling to) with any District employee or Board member. (see AP 2710 ~~titled~~ Conflict of Interest and AP 2712 ~~titled~~ Conflict of Interest Code)

The Chief Business Officer shall approve all purchase orders which are prepared within the line- staff organization of the College, or District operations including reasonable expenditures of District funds to;

1. purchase food and beverages as refreshments for attendees at District sponsored events which further the legitimate purposes of the District,
2. purchase commemorative awards and gifts in recognition of service to the District by non- employees when the purpose is to promote services to the District; and
3. purchase awards for students, excluding gift cards. Gift cards are considered to be the equivalent of cash and therefore are not allowed to be used as awards or payments for goods or services.



Please contact the purchasing department for specific procedures relating to the following:

- Required Approvals
- Purchase Requisition and Purchase Orders
- Pre-Payment
- Reimbursements
- Unauthorized Purchases
- Procurement Card Program
- District Credit Cards
- Department of Industrial Relations (DIR)
- Public Works
- Change Orders

Also see [BP 6330 Purchasing](#), [BP/AP 6340 Bids and Contracts](#), [AP 6345 Bids and Contracts Under the UPCCAA](#), [AP 6350 Contracts – Construction](#), [AP 6355 Contracts – Job Order Contracts](#), [AP 6360 Contracts – Electronic Systems and Materials](#), [AP 6365 Contracts – Accessibility of Information Technology](#), [AP 6370 Contracts – Personal Services](#), and [AP 6380 Vendors](#).

Approved: 5/8/06
Revised: 11/13/18
Revised: 12/9/19



BP 6340 Bids and Contracts

References:

Education Code Sections 81641, et seq.;
Public Contracts Code Sections 20650, et seq.;
Government Code Section 53060;
Accreditation Standard III.D.16;
2 Code of Federal Regulations Part 200.318

The Board of Trustees delegates to the Superintendent/President the authority to enter into contracts on behalf of the District and to establish administrative procedures for contract awards and management, subject to the following:

- Contracts are not enforceable obligations until they are ratified by the Board of Trustees.
- Contracts for work to be done, services to be performed or for goods, equipment, or supplies to be furnished or sold to the District that exceed the amounts specified in Public Contracts Code Section 20651 shall require prior approval by the Board of Trustees.
- When bids are required according to Public Contracts Code Section 20651, the Board of Trustees shall award each such contract to the lowest responsible bidder who meets the specifications published by the District and who shall give such security as the Board of Trustees requires, or reject all bids.
- When the District determines that, according to Public Contract Code Section 20651.7, it can expect long-term savings through the use of life-cycle cost methodology, the use of more sustainable goods and materials, and reduced administrative costs, the District may select and award the contract based on best value in accordance with AP 6340 Bids and Contracts. The bidder shall give such security as the Board requires and may reject all bids.

If the Superintendent/President concludes that the best interests of the District will be served by pre-qualification of bidders in accordance with Public Contracts Code Section 20651.5, pre-qualification may be conducted in accordance with procedures that provide for a uniform system of rating on the basis of a questionnaire and financial statements.

If the best interests of the District will be served by a contract, lease, requisition or purchase order through any other public corporation or agency in accordance with Public Contracts Code Section 20652, the Superintendent/President is authorized to proceed with a contract.



See Administrative Procedures #6340 Also see AP 6340 Bids and Contracts.

Adopted: 5/8/06
Revised: 1/13/20



AP 6340 Bids and Contracts

References:

Education Code Sections 81641 et seq.;

Public Contracts Code Sections 20103.7, 20112, and 20650 et seq., and 22000 et seq.;

Labor Code Sections 1770 et seq.;

Government Code Section 53060;

ACCJC Accreditation Standard III.D.16.;

2 Code of Federal Regulations Part 200.318

Contracts or purchase orders that exceed the Public Contracts Code bid limits will not be issued without required competitive bids and notifications unless an emergency, as defined in Public Contract Code Section 20654 exists.

When bids are required according to Public Contracts Code Section 20651, the Board shall award contracts to the lowest responsible bidder who meets the specifications published by the District and who shall give such security as the Board of Trustees requires, or the District shall reject all bids.

The Superintendent/President or his/her designees are empowered to execute and file a "Notice of Completion and Acceptance of Work" on behalf of the District. Such notices shall be approved in advance by the Board of Trustees.

When utilizing a "Piggyback" or Cooperative Contract per PCC Public Contract Code Section 20652, the District shall communicate via Consent Item to the Board of Trustees when the dollar amount is between \$25,000 and the bid limit. The District shall communicate via Formal Action when the dollar amount is over the bid limit.

Limits

Bids or quotations shall be secured as may be necessary to obtain the lowest possible prices as follows:

- Purchase of goods or services up to the limits set by the Board of Governors as required by the Public Contracts Code will require documented quotes as noted on the District's Purchasing Website (located from the Business Services link). <https://www.avc.edu/administration/busserv/Purchasing>
- Purchase of goods or services in excess of the limits set by the Board of Governors as required by the Public Contracts Code will require formal advertised bids.

In securing bids or quotations, the District will avoid acquisition of unnecessary or duplicative items. Contracts involving expenditures that require competitive bidding require approval by



the Board of Trustees prior to award.

Note: The bid minimums are subject to adjustment each year by the Board of Governors as required by Public Contracts Code Section 20651 subdivision (d); The current bid minimum can be found with the California Department of Education website. at <http://www.cde.ca.gov/gf/ac/co/>. (~~<https://www.cde.ca.gov/gf/ac/co/bidthreshold2019.asp>~~)

Bid Specifications

Bid specifications shall include a definite, complete statement of what is required and, insofar as practical, shall include pertinent details of size, composition, construction, and/or texture of what is specified, and minimum standards of efficiency, durability, and/or utility required of what is specified.

Notice Calling for Formal Advertised Bids

The District shall publish at least once a week for two weeks in a newspaper of general circulation published within the District or if there is no such paper, then in some newspaper of general circulation, circulated in the county, and may post on the District's web site or through an electronic portal, a notice calling for bids or proposals, stating the work to be done or materials or supplies to be furnished and the time and place when bids will be opened. The District may accept a bid that was submitted either electronically or on paper.

Bid and contract forms shall be prepared and maintained by the Purchasing and Contract Services. All applicable statutory provisions and board policies shall be observed in preparation of the forms.

The Chief Business Official shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.

All bid notices for work to be done shall contain an affirmative statement requiring compliance with Labor Code Sections 1775 and 1776 governing payment of prevailing wages and Labor Code Section 1777.5 governing employment of apprentices. All bid submissions shall contain all documents necessary to assure compliance with these California Labor Code Sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

When required or determined to be appropriate, bids shall be accompanied by a certified or cashier's check, or bid bond, in the amount specified in the bid form, as a guarantee that the bidder will enter into contract and furnish the required contract bonds. When no longer required for the protection of the District, any certified or cashier's check received shall be returned to the respective bidder.

~~The~~ Purchasing and Contract Services shall make available to the prospective bidders bid forms with sets of specifications and drawings and shall provide a convenient place where bidders, subcontractors, and materiel personnel may examine the specifications and drawings.



The Purchasing and Contract Services shall provide an electronic copy of the plans and specifications and other contract documents to a contractor plan room service at no charge upon request from that contractor plan room.

When permitted, a deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.

Awarding of Bids and Contracts

The awarding of bids and contracts shall be subject to the following conditions:

- Any and all bids and contract proposals may be rejected by the District.
- All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.
- Bid and contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.
- Selection and Award to Lowest Responsible Bidder:
 - Bid and contract awards shall be made to the lowest responsible bidder substantially meeting the requirements of the specifications.
- Selection and Award Based on Best Value:
 - For the purposes of bid evaluation and selection when the District determines that it can expect long-term savings through the use of life-cycle cost methodology, the use of more sustainable goods and materials, and reduced administrative costs, the District may provide for the selection of the lowest responsible bidder on the basis of best value.
 - "Best value" means the most advantageous balance of price, quality, service, performance, and other elements, as defined by the Board, achieved through methods in accordance with this section and determined by objective performance criteria that may include price, features, long-term functionality, life-cycle costs, overall sustainability, and required services.
 - The District will consider all of the following in a best value selection and award:
 - Price and service level proposals that reduce the District's overall operating costs, including end-of-life expenditures and impact.
 - Equipment, services, supplies, and materials standards that support the District's strategic acquisition and management program direction.
 - A procedure for protest and resolution in the request for proposal.
 - The District may also consider any of the following in a best value selection and award:



- The total cost to of its purchase, use, and consumption of equipment, supplies, and materials.
- The operational cost or benefit incurred by the District.
- The added value to the District, as defined in the request for proposal, of vendor-added services.
- The quality and effectiveness of equipment, supplies, materials, and services.
- The reliability of delivery and installation schedules.
- The terms and conditions of product warranties and vendor guarantees.
- The financial stability of the vendor.
- The vendor's quality assurance program.
- The vendor's experience with the provisions of equipment, supplies, materials, and services within the institutional marketplace.
- The consistency of the vendor's proposed equipment, supplies, materials, and services with the District's overall supplies and materials procurement program.
- The economic benefits to the local community, including, but not limited to, job creation and retention.
- The environmental benefits to the local community.
- The District will award a contract to the lowest responsible bidder, whose proposal offers the best value to the District based solely on the criterial set forth in the request for proposal. The District shall document its determination in writing.
- The District shall issue a written notice of intent to award supporting its contract award and stating in detail the basis of the award. The notice of the intent to award and the contract file must be sufficient to satisfy an external audit.
- The District shall publicly announce its award, identifying the bidder to which the award is made, the price proposal of the contractor awarded the contract, and the overall combined rating on the request for proposal evaluation factors. The announcement shall also include the ranking of the contractor awarded the contract in relation to all other responsive bidders and their respective price proposals and summary of the rationale for the contract award.
- The District shall ensure that all businesses have a fair and equitable opportunity to compete for, and participate in, district contracts and shall also ensure that discrimination on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, does not occur in the award and performance of contracts.



Purchase without Advertising for Bids

The Chief Business Official is authorized to make purchases from firms holding public agency contracts without calling for bids where it appears advantageous to do so.

The Chief Business Official may, without advertising for bids within the same district, purchase or lease from other public agencies materials or services by authorization of contract or purchase order.

The Chief Business Official may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services.

The Chief Business Official is authorized to make purchases with a value between \$5,000 and \$250,000 from a certified small business, microbusiness, or disabled veteran business enterprise.

Duration of Continuing Contracts for Services and Supplies

Continuing contracts for work or services furnished to the District are not to exceed five years. Contracts for materials and supplies are not to exceed three years.

Emergency Repair Contracts without Bid

When emergency repairs or alterations are necessary to continue existing classes or to avoid danger of life or property, the Superintendent/President or designee may make a contract in behalf of the District for labor, materials and supplies without advertising for or inviting bids, subject to ratification by the Board.

Unlawful to Split Bids

It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the Public Contract Code requiring work to be done by contract after competitive bidding.

Record Retention

The District will retain records sufficient to detail the history of procurement. These records include: rationale for the method of procurement, selection of contract type, contractor selection and rejection, and the basis for the contract price.

- Industrial Relations or any successor agency that is responsible for the oversight of employee wage and work hour laws.

Information on the following items may be found at on the District's Purchasing Webpage under the Business Services link:
<https://www.avc.edu/administration/busserv/purchasing>:

- Bid Specifications
- Notice Calling for Formal Advertised Bids Awarding of Bids and Contracts Awards



Purchase without Advertising for Bids

- Continuing contracts for work or services furnished to the District are not to exceed five (5) years. Contracts for materials and supplies are not to exceed three (3) years.

Emergency Repair Contracts without Bid

Unlawful to Split Bids

Also see BP/AP 6330 Purchasing, AP 6345 Bids and Contracts Under the UPCCAA, AP 6350 Contracts – Construction, AP 6355 Contracts – Job Order Contracts, AP 6360 Contracts – Electronic Systems and Materials, AP 6365 Contracts – Accessibility of Information Technology, AP 6370 Contracts – Personal Services, and AP 6380 Vendors.

Approved: 5/8/06
Revised: 1/8/07
Revised: 9/10/07
Revised: 11/13/18
Revised: 1/13/20



BP 4400 Community Services Programs

References:

Education Code Section 78300;
Title 5, Section 55002

The District shall maintain a community services program that offers classes that contribute to the personal, physical, mental, ethical, economic, or civic development of community individuals or groups.

The community services program shall be designed to contribute to the physical, mental, ethical, personal, economic, or civic development of the individuals or groups enrolled in it.

Community services programs shall be open for admission of adults and of minors who can benefit from the offerings.

No General Fund monies may be expended to establish or maintain community services offerings. Students involved in community services classes shall be charged a fee not to exceed the cost of maintaining the offerings. Community Service offerings may also be offered for remuneration by contract or with contributions or donations of individuals or groups.

~~See Administrative Procedure #4400~~ Also see AP 4400 Community Services Programs.

Adopted: 2/6/06
Revised: 3/10/08
Revised: 12/9/19



AP 4400 Community Services Programs

References:

Education Code Sections 78300 et seq;
Title 5, Sections 55002, and 55160 subdivision (b)

Community Services offerings originate from community needs and interests and are developed in consultation with the Community Services Office.

Community Services offerings are:

- designed to provide instruction that contributes to the personal, physical, mental, ethical, economic, or civic development of the individuals or groups enrolled in them.
- open for the admission of adults and of those minors who, in the judgment of the governing ~~b~~Board of Trustees, may profit.

General fund moneys are not expended to establish and maintain community service offerings.

Students enrolled in community service offerings may be charged a fee not to exceed the cost of maintaining community service offerings, or offerings may be provided for remuneration by contract, or with contributions or donations of individuals or groups.

The **AVC Academic Policies and Procedures (AP&P)** Committee must approve Community Services offerings.

Also see **AP 4022 Course Approval**.

Approved: 2/6/06
Revised: 3/10/08
Revised: 12/9/19