AGENDA

Facilitator: Joan Smith
Recorder: Graciela Molina

1. Introduction of New Members – Joan Smith

2. Approval of Minutes of the Meeting of August 24, 2016 – Joan Smith

3. Human Resources Update – Gina Leguria
   a. EEO
   b. Job fairs
   c. Title IX training

4. Public Affairs – Coni Chavez
   a. Board Policy – 1st Reading
      1. 3050: Institutional Code of Ethics
      2. 3100: Organizational Structure
      3. 3200: Accreditation
      4. 3250: Institutional Planning
      5. 3280: Grants
      6. 3300: Public Records
      7. 3310: Records Retention and Destruction
      8. 3410: Nondiscrimination
      9. 3440: Service Animals
      10. 3500: Campus Safety/Security
      11. 3516: Registered Sex Offender Information
      12. 3520: Local Law Enforcement
      13. 3550: Drug Free Workplace
      14. 3600: Auxiliary Organizations
      15. 3810: Claims Against the District
      16. 3-8001: Public Communications
      17. 3-8028: Fees for Duplication of Material

5. Representative Reports

6. Other Business

7. Next Meeting: November 16, 2016 – Gene Bianchi Community Center, Oakdale

* Attachments
Yosemite Community College District
District Council Meeting Minutes
Gene Bianchi Community Center, Conference Room 1
August 24, 2016

Members Present: Michelle Christopherson, Angela Fairchilds, Wendy Griffiths-Bender, Wendy Long, Curtis Martin, Debbi Partridge, Jim Sahlman, Jill Stearns, Joan Smith

Members Absent: Siegfried Guentensperger, Klaus Tenbergen

Other's Present: Al Alt, John Black, Dan Duffy, Gina Leguria, Teresa Scott, Brenda Thames, James Todd, Gary Whitfield, Coni Chavez (recorder)

Meeting called to order at 3:02 p.m. in Oakdale at the Gene Bianchi Community Center, Conference Room 1.

1. Introduction of New Members
Chancellor Smith acknowledged two new members to the District Council, Wendy Long and Siegfried Guentensperger. All members provided self-introductions.

2. Approval of Minutes of the Meeting of April 27, 2016 – Joan Smith
A motion to approve the minutes of the meeting of April 27, 2016, was made by Wendy Griffiths-Bender and seconded by Michelle Christopherson. District Council members approved the minutes with a vote of all in favor.
Ayes: (9) Michelle Christopherson, Angela Fairchilds, Wendy Griffiths-Bender, Wendy Long, Curtis Martin, Debbi Partridge, Jim Sahlman, Jill Stearns, Joan Smith
Nayes: (0)

3. Approval of Minutes of the Special Meeting of June 22, 2016 – Joan Smith
A motion to approve the minutes of the meeting of June 22, 2016, was made by Wendy Griffiths-Bender and seconded by Angela Fairchilds. District Council members approved the minutes with a vote of all in favor.
Ayes: (9) Michelle Christopherson, Angela Fairchilds, Wendy Griffiths-Bender, Wendy Long, Curtis Martin, Debbi Partridge, Jim Sahlman, Jill Stearns, Joan Smith
Nayes: (0)

4. Approval of Minutes of the Special Meeting of July 20, 2016 – Joan Smith
A motion to approve the minutes of the meeting of June 22, 2016, was made by Michelle Christopherson and seconded by Jill Stearns. District Council members approved the minutes with a vote of all in favor.
Ayes: (9) Michelle Christopherson, Angela Fairchilds, Wendy Griffiths-Bender, Wendy Long, Curtis Martin, Debbi Partridge, Jim Sahlman, Jill Stearns, Joan Smith
Nayes: (0)

5. Meeting Cancellation: September 28, 2016 – Joan Smith
Chancellor Joan Smith announced that the September 28, 2016, meeting of the District Council will be cancelled due to a scheduling conflict with the Chancellor Search Committee.
6. Accreditation Update – Angie Fairchilds & Jill Stearns
Columbia College – President Angie Fairchilds reported that work continued over the summer. Committees are expected to meet in the next couple of weeks and map out writing of the report.

Modesto Junior College – President Jill Stearns reported that four standards drafts are complete and being prepared to be viewed by others. She also noted that multiple programs, including the baccalaureate degree program, are prepared to submit substantive change proposals. And, that the ACCJC now requires submission 6 weeks prior to the meeting in which such requests are considered. From the College perspective, the timing is not the best fit with the dollars coming in for Career Technical Education and meeting employer needs.

Chancellor Smith noted that the California Community College’s CEO group had a conversation last spring with regard to the issues surrounding the ACCJC. Presently, there has not been definitive support from the group one way or the other in terms of alternative accrediting bodies. Thus, the colleges are well-advised to continue to work toward ACCJC standards, as it remains the accrediting body for the immediate future.

7. Other Business
A. Budget – Executive Vice Chancellor Teresa Scott distributed handouts related to the 2016-2017 budget. She highlighted a number of points in reviewing each handout. Among them, she noted that the final budget will be recommended for consideration by the Board in September and augmentations and adjustments could be made throughout the year, if needed. EVC Scott shared that the requisition deadline date can be backed-up at the colleges so as to allow for additional leeway for planning; COLA growth is available, but the assumption is that YCCD will not access it; carryover funds will be allocated to sites; one-time mandate reimbursement will be allocated to colleges for IELM (Instructional Equipment Library Materials); scheduled maintenance block grant dollars are going to the colleges’ capital projects; and, regarding the increase to STRS/PERS, the Board had approved transfer of costs to cover increases, this trust in place so that continued encroachment on the general fund is not necessary.

i. Presidents Fairchilds and Stearns provided an FTES update related to each college, respectively. It was reported that enrollments at each college are generally flat as compared to last year and the colleges are working hard to align resources and offerings with student demand.

B. New State Chancellor – It was announced that Eloy Oakley will take office in December.

C. Information Technology – Chancellor Smith introduced Dan Duffy, a consultant with Ferrilli who will serve in an interim capacity as a new Associate Vice Chancellor of IT is hired by the new Chancellor. It was reported that Mr. Duffy has been tasked with two major projects, Central Services Building move and CROA conversion. The Central Services Building is scheduled in segments beginning in October. The colleague database migration from Oracle to SQL is anticipated in mid-October and requires down time Friday to Monday, 10/15-16. Classes hosted in learning management system shouldn’t be impacted. Student enrollment information should
be passed through, as needed, before the system is migrated. Ferrilli personnel and other resources are lined up for conversion weekend to provide additional assistance, if needed. Mr. Duffy thanked personnel in advance for their patience and collegial support as expected hiccups are addressed.

D. Parking on West Campus – Solar covered parking is currently being used for students. As the Central Services Building comes online and as other lots currently under construction are completed and re-opened to students, parking will be transitioned to staff. The long term plan for parking is to take down the old Central Services Buildings and repurpose the area to parking, with the goal to have solar panels in those areas as well.

E. MJC Assessment and Program Review needs to be done – MJC Vice President of Student Services, James Todd, urged personnel to complete program review in their area(s). Discussion was held with the theme that program reviews be used in a meaningful way to inform planning and institutional decision-making.

F. Title IX Board Policies – Chancellor Smith informed the District Council that Title IX related Board policies would be considered in a second reading on Friday, August 26, 2016. She indicated she had previously informed YFA leadership of this date. Additionally, Chancellor Smith shared that new legislation (AB 1778) requiring California Community Colleges to conduct annual training is being considered and that this area of law continues to progress undergo and new developments.

8. Next Meeting
   The next meeting of the District Council is scheduled for October 26, 2016 – 3 p.m. at Gene Bianchi Community Center, Oakdale.

The District Council special meeting adjourned at 4:30 p.m.
Yosemite Community College District • Policies and Administrative Procedures

Policy Change ☐ Procedure Change ☐ Subject Matter Area Review ☒
New Policy ☒ Constituency Group Review ☒
New Procedure ☒ District Council ☒

Board 1st Reading ☐
Board 2nd Reading ☐

Comments:
This BP/AP is not legally required or advised and a BP/AP may not be necessary. But, Accred Standards require ethics code(s) and violation consequences; thus, it should be considered in advance of the 2017 visit.

Edited:
9/21/16

Policy

3050 Institutional Code of Ethics

The Yosemite Community College District upholds written codes of professional ethics for all of its personnel.

References:
Collective Bargaining Agreements and Leadership Team Handbook

Adopted:

Last Reviewed:
Administrative Procedure

3050 Institutional Code of Ethics

Note: The Accreditation Standard requires districts to uphold a written code of professional ethics for all of its personnel, including consequences for violation. Local practice may be inserted here.

The YCCD Leadership Team fully supports the Association of California Community College Administrators (ACCCA) Statement of Ethics as provided in the Leadership Team Handbook.

The Yosemite Faculty Association (YFA) adheres to the Statement of Professional Ethics as provided in the YCCD/YFA Faculty Contract. The statement was modified from the Statement on Professional Ethics adopted by the American Association of University Professors.

The California School Employees Association (CSEA) Chapter 420 upholds the Membership Code of Ethics as provided for by the statewide California School Employees Association.

References:
ACCJC Accreditation Standard III.A.13 (formerly III.A.1.d); Collective Bargaining Agreements and Leadership Team Handbook

Procedure Last Revised:
Last Reviewed:
Policy Change ☒ Subject Matter Area Review ☒
Procedure Change ☐ Constituency Group Review ☒
New Policy ☐ District Council ☒
New Procedure ☐ Board 1st Reading ☐
                              Board 2nd Reading ☐
Committed to:
AP is not legally required and not necessary per subject matter area leaders.

KEY:
BOLD = new language
strikethrough = delete language

Comments:

Edited:
9/21/16

Yosemite Community College District • Policies and Administrative Procedures

3100 Organizational Structure

The Chancellor shall establish organizational charts structures that delineate the lines of responsibility and fix the general duties of employees within the District.

References:
Education Code Section 72400

Adopted: June 28, 2004
Last Reviewed:
Policy Change ☒
Procedure Change ☐
New Policy ☐
New Procedure ☒

Comments:
Local practice for the AP was modelled after Ohlone College and Peralta’s Administrative Procedure 3200 which was updated with new standards information/cycle.

KEY:
BOLD= new language
strikethrough= delete language

3200 Accreditation

The Chancellor shall ensure the District complies with the accreditation process and standards of the Accrediting Commission for Community and Junior Colleges and of other accrediting bodies with jurisdiction over specific academic and other programs within the District programs that seek special accreditation.

The Chancellor shall keep the Board informed of approved accrediting organizations and the status of regional and program specific accreditations.

The Chancellor shall ensure that the Board is involved in any accreditation process in which Board participation is required.

The Chancellor shall provide the Board with a summary of any accreditation report and any actions taken or to be taken in response to recommendations in an accreditation report.

References:
Title 5 Section 51016; ACCJC Accreditation Eligibility Requirement 20, 21; ACCJC Accreditation Standards I.C.12 and 13 (formerly Standard IV.B.1.i)

Adopted: June 28, 2004
Last Reviewed:
Note: This procedure is legally required. Insert local practice here regarding procedures related to accreditation self-study processes and accreditation standards. The procedures may reference or incorporate portions of the Accrediting Commission for Community and Junior Colleges (ACCJC) Guide to Self-Study.

I. The Accrediting Commission

The colleges of the Yosemite Community College District are reviewed and accredited by the Accrediting Commission for Community and Junior Colleges (ACCJC) of the Western Association of Schools and Colleges (WASC).

II. Self-Study and other Reports

In accordance with the standards of the ACCJC, the colleges shall conduct a comprehensive self-study every seven years and host a visit by an accreditation team. Mandatory midterm reports shall be prepared and submitted to the ACCJC in accordance with their requirements. Other additional reports shall be submitted as required by the Commission.

Under processes established by ACCJC, Columbia College and Modesto Junior College each undergoes a cycle of periodic evaluation through institutional self-study and external peer review. The heart of this cycle is conducting a comprehensive and rigorous Self-Study, during which each College appraises itself against the ACCJC’s framework of Eligibility Requirements, Commission Policies and Accreditation Standards. The 2014 Standards are as follows:

Standard I: Mission, Academic Quality and Institutional Effectiveness, and Integrity
   A. Mission;
   B. Assuring Academic Quality and Institutional Effectiveness;
   C. Institutional Integrity

Standard II: Student Learning Programs and Support Services
   A. Instructional Programs;
   B. Library and Learning Support Services;
   C. Student Support Services

Standard III: Resources
   A. Human Resources;
   B. Physical Resources;
   C. Technology Resources;
   D. Financial Resources

Standard IV: Leadership and Governance
   A. Decision-Making Roles and Processes;
   B. Chief Executive Officer;
   C. Governing Board;
   D. Multi-College Districts or Systems
III. Responsibilities of the College Presidents

Each college president shall ensure that the process for producing the written Self-Study document includes:

1. The appointment of a Self-Study Chairperson or Co-Chairs
2. The appointment of an Accreditation Liaison Officer
3. Active, campus-wide involvement of managers, faculty, staff, and students
4. Submission of required reports in time for Board of Trustees approval prior to Commission deadlines.

IV. District Office Coordination

The Chancellor is delegated the responsibility to assist the colleges in the preparation of a coordinated response regarding District office matters if needed.

References:
Title 5 Section 51016; ACCJC Accreditation Eligibility Requirement 21; ACCJC Accreditation Standards I.C.12 and 13 (formerly IV.B.1.i)
Policy Change ☒
Procedure Change ☐
New Policy ☐
New Procedure ☒

Subject Matter Area Review ☒
Constituency Group Review ☒
District Council ☒
Board 1st Reading ☐
Board 2nd Reading ☐

Comments:
The AP is legally required.
Subject matter area leaders advised using broad, general language in AP.

The Chancellor shall ensure that the District and colleges have a broad-based comprehensive, systematic, and integrated system method of planning that involves appropriate segments of the college community and is supported by institutional effectiveness research.

The planning system shall include plans required by law, including, but not limited to:

- Long Range Educational or Academic Master Plan, which shall be updated periodically as deemed necessary by the Governing Board regularly, and completed prior to the accreditation self-study.
- Facilities Plan
- Faculty and staff diversity Equal Employment Opportunity Plan
- Student Equity Plan
- Student Success and Support Program Plan Matriculation
- Transfer Center Plan
- Cooperative Work Experience Plan
- EOPS Plan

The Chancellor shall submit those plans to the Board, for which Board approval is required by Title 5 to the Board.

The Chancellor shall inform the Board about the status of planning and the various plans.

The Chancellor shall ensure the Board has an opportunity to assist in developing the general institutional mission and goals for the comprehensive plans.

References:
Title 5 Sections 51008, 51010, 51027, 53003, 53200, 54220, 55080, 55190, 55250, 55510, and 56270 et
Adopted: June 28, 2004
Revision Adopted: October 14, 2009
Last Reviewed:
3250 Institutional Planning

Note: This procedure is legally required. Procedures related to planning may be locally developed after appropriate consultation with the proper constituent representatives in the local decision making process. It is suggested that those procedures include or address criteria in the Accreditation Standard, including but not limited to:

Institutional planning processes at the District and the colleges include:

- Processes for developing, reviewing, updating, and implementing plans
- Involvement by committees and personnel appropriate to their responsibilities and charges
  - Where there is committee participation, shared governance structures will be honored
- Required consideration and/or approvals by relevant bodies
- Integration of various planning efforts
- Use of institutional effectiveness research
- Submission to the California Community Colleges Chancellor’s Office, when required.

References:
Title 5 Sections 51008, 51010, 51027, 53003, 54220, 55080, 55190, 55510, and 56270 et seq.; ACCJC Accreditation Standards I.B.9, III.B.4, III.C.2, III.D.2, IV.B.3, and IV.D.5 (formerly I.B)
Policy Change ☒
Procedure Change ☐
New Policy ☐
New Procedure ☐

Comments:
The AP is not classified as legally required or legally advised. Therefore, not necessary—subject matter area leader reviewed.

The Board will be informed about all grant applications made and grants received by the District. The Chancellor shall establish procedures to assure timely application and processing of grant applications and funds, and that the grants that are applied for to directly support the purposes of the District.

Cross References (see also):
YCCD Policy 6-8015 – Grant Accounting
YCCD Policy 6-8064 – Special Purpose Grant Applications

References:
Education Code Section 70902;

Cross Reference:
Policies 8015 and 8064

Adopted: June 28, 2004
Revision Adopted: October 14, 2009
Last Reviewed:
The Chancellor shall establish procedures for records management, including access by the public, that comply with the requirements of the California Public Records Act.

References:
Government Code Sections 6250, et seq.

Adopted: June 28, 2004
Revision Adopted: February 11, 2009, April 10, 2013
Last Reviewed:
I. Public Records Requests

A. Members of the public may request to inspect or copy public records. A request by a member of the public may be delivered by mail or in person to the District Office of the Chancellor. Any request shall identify with reasonable specificity the records that are sought. If additional information is needed, the Chancellor’s Office may require the request to be provided in writing.

B. Any request to inspect records shall be made sufficiently in advance of the date of inspection to allow staff members time to assemble the records and identify any records that may be exempt from disclosure. Records that are exempt from disclosure under the Public Records Act or any other provision of law may not be inspected or copied by members of the public. Social security numbers must be redacted from records before they are disclosed to the public.

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

D. Within 10 days, the Chancellor’s Office will determine whether or not the records can be produced and will communicate the determination to the member of the public requesting the record(s).

E. The most common exemptions of public records requests for community colleges include:

1. Student records (Education Code Section 76243)

2. Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding the records clearly outweighs the public interest in disclosure. (Government Code Section 6254(a))

3. Records pertaining to pending litigation...or to claims...until the pending litigation or claim has been finally adjudicated or otherwise settled. (Government Code Section 6254(b))

4. Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy, (Government Code Section 6254(c))

5. Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination [except for standardized tests provided for by Education Code Sections 99150 et seq.]. (Government Code Section 6254(g))

6. The contents of real estate appraisals or engineering or feasibility estimates and evaluations...relative to the acquisition of property, or to prospective public supply and...
construction contracts, until all of the property has been acquired or all of the contract agreement obtained. (Government Code Section 6254(h)).

7. Internet posting of home address or telephone numbers of local elected officials, (Government Code Section 6254.21).

8. Home addresses and home telephone number of employees of a school District or county office of education (other than to an agent or family member of the employee, to an officer of another school District when necessary, to an employee organization, or to an agency or employee of a health benefit plan). (Government Code Section 6254.3).

9. Records regarding alternative investments (i.e. an investment in a private equity fund, venture fund, hedge fund, or absolute return fund; limited partnership, limited liability company or similar legal structure) involving public investment funds, unless already publicly released by the keeper of the information.

10. Information security records, if disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, the District’s information technology system.

II. The following Procedures are applicable to all requests made under the California Public Records Act.

A. All requests for records should be made in writing and addressed or faxed to the District Office of the Chancellor.

B. The District will provide a response to all requests within 10 days. If disclosable public records exist, the response will indicate the nature, volume and copying cost of the records.

C. Copies of records will be available for review or purchased at the District’s Office of Public Affairs, located at 2201 Blue Gum Avenue, Modesto, CA 95358. Payment in the form of a money order or personal check made out to the District in the correct total amount must be included with all requests for copies. If the documents are to be mailed, the payment should include the amount of postage estimated by the District.

D. Copies generally will be made within three (3) business days after payment is received. The use of outside copy services may be required in certain circumstances.

E. Requests and prepayment for audio and video tapes or DVD/CDs of Board of Trustees meetings ($5 each) may be made directly to the District’s Office of Public Affairs. Reproduction of audio or video materials may require two weeks or more.

F. Copies will be available for pick-up at the Office of Public Affairs or mailed, if so requested.

G. In some instances, requests may be referred by the District to legal counsel. Such requests will be responded to by mail within the applicable time period. The remaining procedures shall apply to these requests.

III. Fee Schedule for Copying District Documents
<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Photocopying (per page)</td>
<td>$0.10</td>
</tr>
<tr>
<td>Audiotape duplication (per tape)</td>
<td>$5.00</td>
</tr>
<tr>
<td>CD/DVD/Videotape duplication (per disc/tape)</td>
<td>$5.00</td>
</tr>
</tbody>
</table>

A. Applicable postage fees will be added to each request.

B. Payment shall be by check or money order, payable to Yosemite Community College District, and must be received by the District prior to release of any duplicated materials. Cash payments will not be accepted.

C. Fees may change and/or be waived, without notice, with approval from the Chancellor’s Office.

References:
Government Code Sections 6250 et seq.


Last Reviewed:
The Chancellor shall establish administrative procedures to assure the retention and destruction of all District records – including electronically stored information as defined by the Federal Rules of Civil Procedure – in compliance with Title 5. Such records shall include, but not be limited to student records, employment records and financial records.

References:
Title 5, Sections 59020 et seq.; Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37 and 45.
I. “Records” means all records, maps, books, papers, data processing output, and documents of the District, required by Title 5 to be retained, including but not limited to records created originally by computer and “electronically stored information” (“ESI”), as that term is defined by the Federal Rules of Civil Procedure.

II. The Chancellor’s Office shall supervise the classification and destruction of records and ESI. The Board of Trustees may delegate the authority to the Chancellor or designee to classify and retain or destroy “records” of the District in accordance with applicable code sections and implementing District policy/administrative procedure. The District must preserve ESI that is relevant to actual or potential litigation pursuant to the Federal Rules of Civil Procedure. The District shall comply with the Federal Rules of Civil Procedure and produce relevant ESI in the form in which it is ordinarily maintained or readily usable. An annual report shall be made to the Board of Trustees regarding the classification and destruction of records.

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

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

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

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

VII. Under the direction of the Chancellor, the Assistant Vice Chancellor Information Technology will establish electronic data backup and tape storage for each enterprise system in support of record retention and destruction. Those scheduled backups are established to protect data integrity and are designed for the purpose of restoring the original data in case of accidental deletion, hardware failure, data corruption or disaster recovery. These backups are not to serve as the official means for data retention. The current schedule is as follows:

| Administrative Procedure |  
|--------------------------|--
| **Authentication servers** | 30 days |
| **CC, MJC and District Main Web servers** | 90 days |
| **Telephone Communication Manager** | 90 days |
| **Internal data extraction and reporting systems, and related systems** | 365 days |
| **Computer Lab Servers (CC and MJC)** | 365 days |
| **Student Information Systems (i.e., academic history) and Enterprise Resources Planning System (financial, human resources, and payroll)** | 365 days |
All backups will take place between the hours of 5:00 p.m. and 7:00 a.m. If operations is aware that the backup schedule in some way interferes with a crucial work process, then a specific alternate schedule will be implemented. Incremental backups (all files changed since the last full backup) will be performed daily, Monday through Thursday and twice over each weekend. These tapes will be stored onsite after the incremental backup cycle. A full backup will be performed once each weekend (Friday, Saturday or Sunday depending upon the system schedule). These tapes will be stored offsite at an appropriate facility. The schedule in the table above refers to the weekly full backup for the retention schedule.

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

Procedure Last Revised: March 13, 2013, April 10, 2013
Last Reviewed:
Policy

3410  Nondiscrimination

Note: This policy is legally required.

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/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 Chancellor 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/she is perceived to have one or more of the foregoing characteristics, or because of his/her association with a person or group with one or more of these actual or perceived characteristics.

It is the policy of Yosemite Community College District to provide an environment free of unlawful discrimination. Discrimination on the basis of ethnic group identification religion, age, sex or gender, sexual orientation, color, or physical or mental disability in the District’s programs, activities and work environment is unlawful and will not be tolerated by the District.
The District strongly forbids any form of discrimination and has enacted complaint resolution procedures to recognize and eliminate unlawful discrimination.

 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 Sections 12926.1 and 12940 et seq.; ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements (formerly Accreditation Standard II.B.2.c)

 Adopted: June 28, 2004
 Revision Adopted: October 14, 2009
 Last Reviewed:
Administrative Procedure

3410 Nondiscrimination

Note: This procedure is legally required. Local practice may be inserted, but should comply with these minimum requirements.

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, or because he/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. [NOTE: Districts may add additional protected categories.]

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 all 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.

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 military and veteran status. [NOTE: Districts may add additional protected categories.]

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.

References:
Education Code Sections 66250 et seq., 200 et seq., and 72010 et seq.; Penal Code Sections 422.55 et seq.; Title 5 Sections 59300 et seq.; ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements (formerly II.B.2.c)

Procedure Last Revised:
Last Reviewed:
Policy

3440 Service Animals

In order to prevent discrimination on the basis of disability, the District will allow an individual with a disability to use a service animal or miniature horse in District facilities and on District campuses in compliance with state and federal law.

References:

Adopted: January 9, 2013
Revision Adopted: November 12, 2014
Last Reviewed:
3440 Service Animals

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

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

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

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

Service Animal Defined

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

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

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

Additional clarification on service animal definitions are found in the U.S. Department of Justice, Civil Rights Division, Disability Rights Section of ADA requirements as revised.

Exceptions

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

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

If a service animal is excluded under one of these exceptions, the District will give the individual with a disability the opportunity to obtain goods, services, and accommodations or to participate in the service, program, or activity without having the service animal on the premises.

Assessment Factors for Miniature Horses

The District shall consider the following factors:

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

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

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

Inquiries by the District
The District may make two inquiries to determine whether an animal qualifies as a service animal:
• Whether the animal is required because of a disability; and
• What work or task the animal has been trained to perform.

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

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

The handler shall be responsible for ensuring the animal’s vaccinations and inoculations are current.

No Surcharge
The District will not ask or require an individual with a disability service animal to pay a surcharge, even
if people accompanied by pets are required to pay fees, or to comply with other requirements generally
not applicable to people without pets. If the District normally charges individuals for damages caused
by pets, an individual with a disability, however, he/she may be charged for damages caused by his or her
service animal.

References:
Civil Code Sections 54 et seq.; Penal Code Section 365.5; The Americans with Disabilities Act of 1990 -- 42
Regulations Part 36; 34 Code of Federal Regulations Part 104.44(b)

Procedure Last Revised: January 9, 2013, November 12, 2014
Last Reviewed:
The Board is committed to a safe and secure District work and learning environment. To that end, the Chancellor shall establish a campus safety plan and ensure that it is posted or otherwise made available to students. The campus safety plan shall include availability and location of security personnel, methods for summoning assistance of security personnel, any special safeguards that have been established, any actions taken in the preceding 18 months to increase safety, and any changes in safety precautions to be made during the next 24 months.

It is the policy of the Yosemite Community College District that descriptions of policies related to campus security and statistics concerning specific types of crimes shall be distributed to all current students and employees and applicants for enrollment or employment on an annual basis through appropriate publications or mailings.

Reporting shall be consistent with the Student Right To Know and Campus Security Act of 1990 C Title II - Crime Awareness and Campus Security.

This policy will be implemented through appropriate administrative procedures.

**Campus Safety/Security Officers**

The District shall employ campus safety/security officers, who shall provide services as security guards, or patrol persons on or about the campuses owned or operated by the District. Their duties include, but are not limited to protecting persons or property, preventing the theft of district property, and reporting any unlawful activity to the District and local law enforcement.

The Chancellor or designee shall establish procedures necessary for administration of campus security. In addition, the Chancellor or designee shall enter into an agreement with local law enforcement, which includes that campus safety/security officers shall cooperate with local law enforcement in performing their duties.

Every campus safety/security officer who works more than twenty hours per week shall complete a course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer
Affairs as required by Education Code Section 72330.5 (b). If an officer is required to carry a firearm, he or she shall also satisfy the training requirements of Section 832 of the Penal Code.

Every campus safety/security officer shall meet other requirements set out in Education Code Section 72330.5.

References:
Education Code Sections 67380(a)(4), 72330.5, 72330.5(b); Penal code Section 832

Adopted: June 28, 2004
Last Reviewed: 
A campus safety plan shall be developed and provided to students. It is incorporated into the annual security report and can be found on each college’s Campus Safety and Security website - Modesto Junior College: www.yosemite.edu/safety or Columbia College: www.gocolumbia.edu/safety/default.php. A copy can also be obtained by contacting Campus Safety and Security by phone: Modesto Junior College – (209) 575-6351, Columbia College – (209) 588-5167, or in person at the respective college Campus Safety and Security office. Campus Safety and Security prepares and annually updates a report of all occurrences reported to campus security personnel of, and arrests for, crimes that are committed on campus and that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication, and of all occurrences of noncriminal acts of hate violence reported to campus authorities. A written report will be submitted to the Board.

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

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

For purposes of reporting under the Clery Act, “hate crimes” include domestic violence, dating violence, and stalking.

I. Background

In November, 1990, the Student Right to Know and Campus Security Act was signed into law. The Act requires each institution to prepare and distribute an annual report which sets forth its policies on crime prevention issues and gives statistics on the number of specific crimes (murder, sex offence, robbery, aggravated assault, burglary, and motor vehicle theft) which have occurred on campus and the number of arrests on campus for liquor law violations, drug use violations, and weapons possession.

In addition to its requirements relating to publication of an annual security report, the Act requires colleges and universities to provide timely warnings to the campus community of certain crimes (murder, sex offence, robbery, aggravated assault, burglary, and motor vehicle theft) reported to campus safety/security or local law enforcement which may be considered a threat to other students and employees.

II. Annual Security Report
The following is the minimum information to be included in the annual report.

A. Policy Information

1. A statement as to how students and staff are to report criminal activity and other emergencies, and

2. A statement concerning access and security of District facilities, and policy regarding possession, use and sale of alcoholic beverages and illegal drugs. (These may be derived from Administrative Procedure 5500).

3. A statement that Campus Safety/Security is limited to “citizen’s arrest” authority and has direction to cooperate with and report crimes to the local law enforcement agency.

4. A statement encouraging prompt and accurate reporting of all crimes to Campus Safety/Security and appropriate law enforcement agencies.

5. A description of the method and frequency that students and staff are informed about Campus Safety/Security procedures and practices and are encouraged to be responsible for their own security and the security of others.

6. A description of programs designed to inform students and employees about crime prevention.

7. A statement regarding campus sexual assault programs aimed at prevention of sex offenses and the procedures to follow once a sex offense has occurred. These shall address:

   a) Education programs to promote the awareness of rape, acquaintance rape, and other sex offenses.

   b) Possible sanctions to be imposed following the final determination of an on-campus disciplinary procedure regarding rape, acquaintance rape, or other sex offenses, forcible or non-forcible.

   c) Procedures students should follow if a sex offense occurs, including who should be contacted, the importance of preserving evidence as may be necessary to the proof of criminal sexual assault, and to whom the alleged offense should be reported.

   d) Procedures for on-campus disciplinary action in cases of alleged sexual assault, which shall include a clear statement that:

      i) the accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding; and

      ii) both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault.
e) Informing students of their options to notify proper law enforcement authorities, and the option to be assisted by campus administration in notifying such authorities, if the student so chooses.

f) Notification of students of existing counseling, mental health, or student services for victims of sexual assault, both on campus and in the community.

g) Notification of students of options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available.

B. Crime Statistics

1. The following campus crimes occurring during the most recent year and the two preceding years for which data are available. (See paragraph V.)

   a) murder
   b) sex offense, forcible or non-forcible
   c) aggravated assault
   d) robbery
   e) burglary
   f) motor vehicle theft

2. The number of arrests for the following campus crimes occurring during the most recent school year.

   a) liquor law violations
   b) drug abuse violations
   c) weapons possession

III. Ad Hoc Reports

A. Crimes listed under paragraph II.B.1., which are considered a threat to students and staff, shall be reported to the campus community in a timely manner to aid in the prevention of repeated occurrences.

IV. Reporting Responsibilities

A. Campus Safety/Security
Campus Safety/Security will provide all statistics described in paragraph II.B. to the College Vice President for Student Services and Columbia College Chief Operations Officer by September 1, annually.

1. Campus Safety/Security in coordination with the College Vice President for Student Services and Columbia College Chief Operations will formulate the annual security report and disseminate as follows:

   a) A report to students and employees will be provided by October 1 by one or more of the following means:

      i) posting of materials on college website

      ii) publishing in campus newspaper and bulletins

      iii) e-mail notices

      iv) electronic message boards

   b) A statement shall be made in the class schedule each semester that the annual security report is available to prospective students on request.

   c) A copy of the report will be provided to the Chancellor and the Vice Chancellor of Human Resources by October 1st.

2. Chancellor

   The Chancellor will include the Modesto Junior College and Columbia College reports in a Chancellor’s Bulletin to be disseminated by November 1.

3. Vice Chancellor of Human Resources

   The Vice Chancellor of Human Resources will provide a statement in job announcements that the annual security report is available to prospective employees upon request.

V. Effective Date Provision

The statistics required by subparagraph II.B.1. of this procedure shall:

A. Include statistics concerning the occurrence on campus of offenses during the three (3) calendar years preceding the year in which the report is made.

Campus Safety/Security Officers

I. The campus safety/security officers shall cooperate with local law enforcement in accordance with an agreement to be entered into in accordance with the requirements of Education Code Section 67381. The agreement shall address, but not be limited to, the following:

   A. Operational responsibilities for investigations of the following violent crimes:
I. Willful homicide, forcible rape, robbery, and aggravated assault.

II. Geographical Boundaries of the Operational Responsibilities

A. Mutual aid procedures

1. Every campus safety/security officer employed or continuing in employment shall meet the requirements set out in Education Code Section 72330.5, including but not limited to:
   a) submission of one copy of his or her fingerprints which shall be forwarded to the Federal Bureau of Investigation;
   b) a determination that the employee is not a person prohibited from employment by a California community college district, and,
   c) if the employee is required to carry a firearm, is not a person prohibited from possessing a firearm.

B. Members of campus safety/security shall be employed as members of the classified service of the District.

C. In conjunction with the CSEA bargaining agreement, the Vice Chancellor of Human Resources or designee shall issue such other procedures as may be necessary for the administration of the campus safety/security officers, which may include:

1. Schedules and shifts
2. Call-back procedures
3. Use of vehicles
4. Weapons practices, especially drawing weapons
5. Pursuit practices
6. Discipline procedures
7. Training
8. Responsibilities to coordinate with local law enforcement

D. A campus safety plan shall be developed, and is provided to students (identify the process or materials provided to students, such as a handbook or brochure).
E. The Director of Campus Safety/Security prepares and annually updates a report of all occurrences reported to the Chancellor, College Presidents, and Vice Chancellor of Human Resource of and arrests for crimes that are committed on campus and that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication, and of all occurrences of noncriminal acts of hate violence reported to campus authorities. A written report will be submitted to the Board.

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

References:
Educations Code Sections 212, 67380, and 87014; Penal Code Section 245; 20 U.S. Code Sections 1092(f) and 1232g; 34 Code of Federal Regulations 668.46; 34 Code of Federal Regulations 99.31(a)(13), (14); Campus Security Act of 1990 Education Code Section 72330

Procedure Last Revised: June 13, 2007
Last Reviewed:
3516 Registered Sex Offender Information

The Chancellor shall ensure the District complies with the law as it pertains to registered sex offender information and enact procedures as appropriate and permitted by law.

References:

Adopted:
Last Reviewed:

Edited:
10/19/16
Administrative Procedure

3516 Registered Sex Offender Information

Note: This procedure is legally required. Local practice may be inserted. The following is an illustrative example.

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

Sex offenders are required to register with the police in the jurisdiction in which they reside and at institutions of higher learning if they are students there or if they work there as employees, contractors, or volunteers. A sex offender who is an employee or volunteer in the District must disclose his/her status as a registrant upon his/her application or acceptance of the position if he/she:

1. would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children or
2. would be working directly and in an accompanied setting with minor children and his/her work would require touching minor children on more than an incidental basis.

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

Sex offenders who may be required to register should do so at the following locations:

For Modesto Junior College

Campus Safety and Security, (209) 575-6351, West Campus, John Muir Building, Room 151, 2201 Blue Gum Avenue Modesto, CA 95358 and Modesto Police Department, (209) 572-9500, 600 10th Street Modesto, CA 95354.

For Columbia College

Campus Safety and Security, (209) 588-5167, Public Safety Building, 11600 Columbia College Drive Sonora, CA 95370 and Tuolumne County Sheriff’s Department, (209) 533-5855, 28 N. Lower Sunset Drive Sonora, CA 95370.

Information concerning registered sex offenders can be obtained from the Modesto Police Department for Modesto Junior College and the Tuolumne County Sheriff’s Department for Columbia College.

References:
Penal Code Sections 290, 290.01, and 290.95; 34 Code of Federal Regulations Part 668; 42 U.S. Code Section 14071j; 20 U.S. Code Sections 1092(f)(1)(I) and 1232g(b)(7)(A) (Campus Sex Crimes Prevention Act)

Procedure Last Revised:
Last Reviewed:
Policy Change ☐ Procedure Change ☐ Subject Matter Area Review ☒ Constituency Group Review ☒
New Policy ☒ New Procedure ☒ District Council ☒ Board 1st Reading ☐ Board 2nd Reading ☐

Comments:
CCLC Spring 2016 Update

KEY:
BOLD = new language
strike through = delete language

No. 3520

Yosemite Community College District Policies and Administrative Procedures

Policy Change

3520 Local Law Enforcement

Note: This policy is legally required and is applicable whether or not the District includes a police department as part of its structure.

Note: Once a Board adopts a rule requiring each of its campuses to update the written agreement with local law enforcement agencies, the former language should be replaced with the following, which adds sexual assault and hate crimes to the list of crimes covered by the agreement.

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 at the District Office of the Chancellor. Written agreements shall be reviewed and updated if necessary every five years.

The District encourages accurate and prompt reporting of all crimes to Campus Safety and Security and the appropriate police agencies. The Chancellor 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.

References:
Education Code Sections 67381 and 67381.1; 34 Code of Federal Regulations Section 668.46(b)(4)
Administrative Procedure

3520 Local Law Enforcement

Note: This procedure is legally required and should be in place whether or not the District includes a police department as part of its structure. Because the Board of Governors has not enacted regulations, it is recommended that the procedures simply restate the Board Policy, and also incorporate any local practices that have been developed and agreed upon with local law enforcement agencies.

Note: Once a Board adopts a rule requiring each of its campuses to update the written agreement with local law enforcement agencies, the former language should be replaced with the following, which adds sexual assault and hate crimes to the list of crimes covered by the agreement.

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 Chancellor’s Office. Written agreements shall be reviewed and updated if necessary every five years.

Note: This procedural language is legally required by The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 United States Code Section 1092(f)).

The Campus Safety and Security Departments at Modesto Junior College and Columbia College maintain a close working relationship with the Modesto Police Department (Modesto Junior College) and the Tuolumne County Sheriff’s Department (Columbia College). Meetings may be held between the leaders of these agencies on both a formal and informal basis. Campus Safety and Security and these law enforcement agencies communicate 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, Campus Safety and Security will work closely with Modesto Police Department or the Tuolumne County Sheriff’s Department. There is written memorandum of understanding between the Campus Safety and Security and the Modesto Police Department and Tuolumne County Sheriff’s Department.

In response to a call, Campus Safety and Security will take the required action, dispatching an officer or asking the victim to file an incident report. All incident reports involving student conduct violations received by Campus Safety and Security are forwarded to the Chief Student Services Officer for review.
and potential action. Campus Safety and Security may investigate a report when it is deemed appropriate.

Crimes should be reported to Campus Safety and Security 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 Campus Safety and Security in a timely manner. To report a crime, a non-emergency security or public safety related matter, or a non-life-threatening emergency, call Campus Safety and Security at Modesto Junior College: (209) 575-6351, and at Columbia College: (209) 588-5167. In the case of a life-threatening emergency call 911 and then Campus Safety and Security when safe to do so.

Note: *For institutions with other responsible security officials, the following language is legally required.*

Security officers have the authority to ask persons for identification and to determine whether individuals have lawful business at the District, at the colleges and on other District property. Safety and Security officers do not possess peace officer arrest power. Criminal incidents are referred to the local law enforcement officers who have jurisdiction on the campus. The District maintains a highly professional working relationship with the Modesto Police Department and the Tuolumne County Sheriff’s Department. All crime victims and witnesses are strongly encouraged to immediately report the crime to the Campus Safety and Security Office and the appropriate law enforcement agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

Note: *For Districts with confidential reporting procedures, the following language is legally required.*

Campus “Pastoral Counselors” and Campus “Professional Counselors,” when acting as such, are not considered to be 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 is an employee of a 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.

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

Procedure Last Revised:  
Last Reviewed:
The District shall be free from all drugs and from the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees.

In accordance with the Drug-free Workplace Act of 1988, the District shall maintain a drug-free workplace and provide appropriate notification to staff.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, as defined by the Controlled Substance Act, is prohibited in all facilities under the control and use of the any District workplace or facility. Violation of this prohibition by any employee may result in disciplinary action up to and including termination and/or requiring the employee to satisfactorily participate in an approved drug abuse assistance or rehabilitation program.

Any student or employee who violates this policy is subject to disciplinary action (consistent with local, state, or federal law), which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion or dismissal.

The Chancellor shall assure that the District makes available annually to each student and employee the information required by the Drug-Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act.

Furthermore, as a condition of employment, staff employed under a federal contract or grant shall abide by the terms of this policy and notify the District of any criminal drug statute conviction (including a plea of nolo contendere) no later than five business days after such conviction for a violation occurring in the workplace.

References:
Drug Free Schools and Communities Act Amendment, 1989; 20 U.S. Code Section 1145(g); and 34 Code of Federal Regulations Sections C.F.R. 86.1 et seq.; Federal Drug-Free Workplace Act, of 1988, 41 U.S. Code Section 702.
Adopted: June 28, 2004
Revision Adopted: April 8, 2009
Last Reviewed:
3550 Drug Free Environment and Drug Prevention Program Drug-Free Workplace

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

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

Violation of this prohibition will result in appropriate action up to and including termination of employment, expulsion, and referral for prosecution, or, as permitted by law, may require satisfactory participation in an alcohol or drug abuse assistance or rehabilitation program.

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

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

Procedure Last Revised: June 13, 2007, January 12, 2011
Last Reviewed:
3600 Auxiliary Organizations

The Board may recognize and approve auxiliary organizations established for the purpose of providing to the District any and all supportive services, specialized programs and functions identified in Title 5. An example of an auxiliary organization is a college foundation.

The Chancellor shall establish the administrative procedures necessary to fully comply with California law relating to auxiliary organizations, and to submit this policy and those procedures to the California Community Colleges Chancellor’s Office as required by law. At a minimum, the procedures shall address the subjects required by Title 5.

Recognition and establishment of auxiliary organizations shall include a public hearing on the recommendation to recognize or establish an auxiliary organization; Board approval of the auxiliary organization; and approval of a written agreement between the District and the auxiliary organization describing the services, programs or functions to be performed. All such written agreements shall comply fully with the requirements of Title 5 Section 59257(j).

Any auxiliary organization recognized by the Board shall conduct its business in accordance with the administrative procedures adopted by the Chancellor pursuant to this policy. Notwithstanding anything contained in the administrative procedures, any auxiliary organization recognized by the Board shall comply with Education Code provisions regarding:

- the composition of a board of directors and the way in which it conducts its meetings;
- conducting an annual audit;
- employing its work force;
- expending and appropriating its funds, and keeping its records.

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

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

Adopted: June 28, 2004
Revision Adopted: June 28, 2004 February 11, 2009
Last Reviewed: 
I. Definitions

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

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

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

D. Chancellor.
   The term Chancellor as used herein means the Chancellor or designee of the District or designee.

E. District.
   The term District as used herein means the Yosemite Community College District.

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

II. Recognition and Establishment of Auxiliary Organizations

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

1. The purpose(s) for which the auxiliary organization is to be established;

2. Whether the proposed auxiliary organization will primarily serve the District or a particular District;

3. The functions which the auxiliary organization is intended to perform;

4. The proposed bylaws and articles of incorporation for the auxiliary organization, including the size and composition of the board of directors; and
5. The proposed written agreement between the auxiliary organization and the District, as required in Title 5, Sec. Section 59259.

B. The process of recognition shall be as follows:

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

2. The Board of Trustees shall hold a public hearing on each recommendation concerning the establishment of an auxiliary organization.

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

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

III. Recognized Services, Programs and Functions

A. Auxiliary organizations may be recognized and established by the Board of Trustees to perform services, programs and functions which are an integral part of the community college educational programs. The following supportive services, and specified programs and functions have been determined to be appropriate:

1. Student association or organization activities;

2. Bookstores;

3. Food and campus services;

4. Student union programs;

5. Facilities and equipment, including parking;

6. Loans, scholarships, grants-in-aid;

7. Workshops, conferences, institutes and federal and specially funded projects;

8. Alumni activities;

9. Supplementary health services;

10. Gifts, bequests, devises, endowments and trusts; and

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

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

IV. Authority and Responsibility of Auxiliary Organizations

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

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

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

2. To eliminate the undue difficulty that would otherwise arise under the usual governmental budgetary, purchasing and other fiscal controls except as expressly prohibited by the Education Code or Title 5, or the District’s procedures; or

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

V. Composition of Boards of Directors

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

1. Student Associations or Organizations.

   The board of directors shall consist primarily of students. The designee may attend and participate in meetings of the board of directors in order to advise on policy and to provide for the control and regulation required by Education Code Section 76060.

2. Other Auxiliary Organizations.

   Any other District approved auxiliary organization that is established pursuant to Sections 72670 et seq. of the Education Code shall have a board of directors appointed in accordance with the organization’s articles of incorporation or bylaws and consisting of voting membership from one or more of the following categories: administration; staff; members of the community; students.
B. The size of the board of directors of an auxiliary organization shall be at least large enough to accommodate the one or more categories from which board members are selected.

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

VI. Conduct of Boards of Directors

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

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

1. The fact of such financial interest is disclosed or known to the board of directors and noted in the minutes, and the board thereafter authorizes, approves, or ratifies the contract or transaction in good faith by a vote sufficient for the purpose without counting the vote or votes of such financially interested member or members.

2. The contract or transaction is just and reasonable as to the auxiliary organization at the time it is authorized or approved.

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

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

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

3. The contract or transaction is between an auxiliary organization and a corporation in which any member of the board of directors of that auxiliary organization is the owner or holder, directly or indirectly, of five percent or more of the outstanding common stock.

4. A member of the board of directors of an auxiliary organization is interested in a contract or transaction within the meaning of Education Code Section 72677 and without first disclosing such interest to the governing board at a public meeting of the board, influences or attempts to influence another member or members of the board to enter into the contract or transaction.
D. It is unlawful for any person to utilize any information, not a matter of public record, which is received by the person by reason of his/her membership on the board of directors of an auxiliary organization, for personal pecuniary gain, regardless of whether he or she is or is not a member of the board at the time such gain is realized.

VII. Bylaws

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

1. The number of members of the board of directors, the categories from which members shall be selected and the method by which they shall be selected.

2. The size of the board of directors.

3. That at least one public business meeting will be held each quarter.

4. The time table for the preparation and adoption of its program and annual budget and the submission of both for review to the Chancellor.

5. That an attorney admitted to practice in this state and a licensed certified public accountant shall be selected to provide advice and counsel to the board of directors. Each shall have experience appropriate to the responsibility and shall have no financial interest in any contract or other transaction entered into by the board which he/she serves. Neither the attorney nor the certified public accountant needs to be a member of the board of directors.

6. The procedures for approving expenditures.

7. The procedures for accepting gifts, donations, bequests, trusts and specially funded grants and other income.

VIII. Master Agreement between District and Auxiliary Organizations

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

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

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

D. The agreement shall include, but is not limited to, the following provisions:
1. The services, programs, or functions the auxiliary organization is to manage, operate or administer.

2. A statement of the reasons for administration of the functions by the auxiliary organization instead of by the District under usual District procedures.

3. The areas of authority and responsibility of the auxiliary organization and the District or College.

4. The facilities and services to be made available by the District to permit the auxiliary organization to perform the services, programs or functions specified in the written agreement.

5. The charge or rental to be paid to the District by the auxiliary organization for the facilities used or services provided in connection with the performance of its function. The charge or rental specified shall be identified in sufficient time before it is incurred so that the organization may determine to what extent it is liable.

6. Full reimbursement to the District for services performed by the District or by District employees in support of the auxiliary organization. **No more than 50% of the reimbursement may be made in the form of non-monetary benefits that the auxiliary organization provides to the District, such as increased community awareness or other such benefits that are agreed upon by authorized District officials and the auxiliary organization. The District shall assign a good-faith reimbursement value to such non-monetary benefits.** Student body auxiliary organizations may be exempt from reimbursing all or any portion of the costs for such services. Methods of proration where services are performed by District employees for the organization shall be as mutually determined.

7. A mutually agreed upon method of determining in advance to what extent the organization shall be liable for indirect costs relating to specially funded programs (including federally sponsored programs).)

8. The responsibility for maintenance and payment of operating expenses.

9. Proposed expenditures for public relations or other purposes which would serve to augment District appropriations for operation of the District. With respect to these expenditures, the auxiliary organization may expend funds in such amount and for such purposes as are approved by the board of directors of the auxiliary organization. The board of directors shall file with the Chancellor a statement of such policy on accumulation and use of public relations funds. The statement shall include the policy and procedure on solicitation of funds, source of funds, amounts, and purpose for which the funds will be used, allowable expenditures, and procedures of control.

10. The disposition to be made of net earnings derived from the operation of the auxiliary organization, including earnings derived from facilities owned or leased by the auxiliary organization, and provisions for reserves.

11. The disposition to be made of net assets and liabilities on dissolution of the auxiliary organization or cessation of the operations under the agreement.
12. The covenant of the auxiliary organization to maintain its organization and to operate in accordance with Education Code Sections 72670 through 72682 of the Education Code and with the regulations contained in Title 5, Sections 59250 et seq., as well as District Board Policy.

13. The understanding that the auxiliary organization shall obtain the services and counsel of an attorney admitted to practice in the State of California whenever the need arises.

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

IX. Personnel

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

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

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

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

1. Educational Administrators or other Management Employees may be granted a personal leave of absence for two semesters, which may be extended to a maximum of ten consecutive semesters.

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

3. Academic (faculty) employees may be granted personal leave of absence for two semesters. The leave may be extended for not more than six consecutive semesters.
4. Classified employees may be granted a personal leave of absence for up to one year. This leave may not be extended beyond one year without the employee first having returned to active duty.

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

1. An employee employed for a specific research project, workshop, institute or other special project funded by any grant, contract or gift; or

2. An employee whose contract of employment is for a fixed term not exceeding three years.

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

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

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

X. Accounting and Reporting for Auxiliary Organizations

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

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

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

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

E. Funds derived from indirect cost payments shall only be appropriated with the specific approval of the Chancellor (CEO). All uses of such funds shall be regularly reported to the District governing board.
F. Should the Chancellor determine that any program or appropriation planned by an auxiliary organization is not consistent with District policy, the program or appropriation shall not be implemented. Further, should a program or appropriation which has received approval, upon review, be determined by the Chancellor to be operating outside the acceptable policy of the Board of Governors or the District, then that program or appropriation shall be discontinued by direction of the Chancellor until further review is accomplished and an appropriate adjustment is made.

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

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

1. Include in its bylaws an audit committee appointed by the board of directors. The audit committee may include persons who are not members of the board of directors, but the member or members of the audit committee shall not include any members of the staff, including the president or chief executive officer and the treasurer or chief financial officer. If the auxiliary committee has a finance committee, it must be separate from the audit committee. Members of the audit committee shall not receive any compensation from the corporation in excess of the compensation, if any, received by members of the board of directors for service on the board and shall not have a material financial interest in any entity doing business with the corporation. Subject to the supervision of the board of directors, the audit committee shall be responsible for recommending to the board of directors the retention and termination of the independent auditor and may negotiate the independent auditor’s compensation, on behalf of the board of directors.

2. The audited financial statements shall be available for inspection by the Attorney General and shall be made available to members of the public.

3. The board of directors, or an authorized committee of the board, shall review and approve the compensation, including benefits, of the President or Chief Executive Officer and the Treasurer or Chief Financial Officer to assure that it is just and reasonable. This review and approval shall occur initially upon the hiring of the officer, whenever the term of employment, if any, of the officer is renewed or extended, and whenever the officer’s compensation is modified. Separate review and approval shall not be required if a modification of compensation extends to substantially all employees.

XI. Records and Annual Report of Auxiliary Organizations

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

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

C. An annual report shall be submitted to the Board of directors of the auxiliary organization and to the Chancellor by September 15. The report shall include, but is not limited to:
1. All financial statements required to be filed with the state California Community Colleges Chancellor’s Office

2. A comparison of budgeted and actual expenditures

3. A description of major accomplishments of the organization

4. A description of improvements proposed for operation of the organization.

D. Records maintained by an auxiliary organization shall be available to the public to inspect or copy at all times during the office hours of the auxiliary organization, pursuant to and with the exceptions provided in Education Code Sections 72690 et seq.

XII. Annual Audit

A. Each auxiliary organization shall have an annual fiscal audit of any and all funds. The audit shall be performed by a certified public accountant in accordance with procedures prescribed by the Board of Governors, as contained in the California Community College Auxiliary Organization Accounting and Reporting System as update and amended from time to time. Copies of the annual report shall be submitted to the Board of Trustees and to the state California Community Colleges Chancellor’s Office within 30 days after it is received by the auxiliary organization. Thereafter, it shall be a public record, except as otherwise provided by law. Such audits may be conducted as part of a fiscal audit of the District itself.

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

1. Publishing the audited financial statement in a campus newspaper; or

2. Publishing a notice in a campus newspaper indicating the on-campus location where copies of the financial statement may be obtained or reviewed; or

3. Publishing or noticing the audited statement in a campus bulletin or other appropriate medium if a campus newspaper is unavailable.

XIII. Insurance

A. An auxiliary organization shall secure and maintain insurance adequate to protect its operations from catastrophic losses and as required by law, including but not limited to, the following:

1. Comprehensive liability;

2. Property and extended coverage, when applicable;

3. All risks, money and securities;

4. Fidelity and performance bonds covering its chief fiscal officer;
5. Automotive liability when applicable; and

6. Workers’ Compensation

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

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

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

XIV. Auxiliary Organizations: Use of Facilities

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

1. The auxiliary organization may occupy, operate and use such District facilities as are mutually identified as appropriate for the functions and/or activities that have been undertaken by the auxiliary organization.

2. The auxiliary organization shall pay to the District a charge or rental for the District facilities to be used by it in connection with the performance of its function or functions.

3. The charge or rental to be paid by the auxiliary organization shall not require involved methods of computation, and shall be identified by the District and the auxiliary organization in sufficient time before it is incurred so that the auxiliary organization may determine to what extent it shall be liable.

4. The charge or rental to be incurred by an auxiliary organization for use of District facilities in excess of five days shall be incorporated into the agreement between the parties.

5. An auxiliary organization shall provide full reimbursement to the District for any services performed by District employees under the direction of the auxiliary organization. Methods of proration where services are performed by District employees for the auxiliary organization shall be simple and equitable.

XV. List of Auxiliary Organizations in Good Standing

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

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

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

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

1. Use the name of the District;
2. Have as a director any official in the District acting in his/her official capacity;
3. Operate a commercial service for the benefit of the District or any of its Colleges; and
4. Receive gifts, property or funds to be used for the benefit of the District or any of its Colleges.

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

XVI. Limitation on Transfer of Funds to Auxiliary Organizations

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

XVII. Compliance Review by Chancellor

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

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

C. If the Chancellor’s designee considers the proposed corrective actions to be acceptable, the
auxiliary organization shall be so informed. A second compliance review shall be held at the end
of the time agreed to and the results communicated in writing to the Chancellor and to the board of directors.

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

XVIII. Revision of Rules and Procedures and Reports to the California Community Colleges Chancellor's Office

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

B. Any such revisions shall be submitted to the state System California Community Colleges Chancellor's Office for approval.

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

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

Procedure Last Revised: January 14, 2009
Last Reviewed:
Any claims against the District for money or damages, which are not governed by any other statutes or regulations expressly relating thereto, shall be presented and acted upon in accordance with Title 1, Division 3.6, Part 3, Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of the California Government Code.

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

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

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

The designated place for service of claims, lawsuits or other types of legal process upon the District is:

Yosemite Community College District
Chancellor’s Office
P.O. Box 4065
Modesto, CA 95352

Yosemite Community College District
Chancellor’s Office
2201 Blue Gum Avenue
Modesto, CA 95358

References:
Education Code Section 72502; Government Code Sections 900 et seq. and 910
Adopted: June 28, 2004

Last Reviewed:
Administrative Procedure

3810 Claims Against the District

A claim must be filed by mail or in person as prescribed by Government Code § 911.2, which states: “A claim relating to a cause or action for death, or for injury to person or to personal property or growing crops shall be presented as provided in Article 2 (commencing with § 915) of this chapter not later than six (6) months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented as provided in Article 2 (commencing with § 915) of this chapter not later than one (1) year after the accrual of the cause of action.”

Any claim shall be submitted on the form provided by Yosemite Community College District as required by Government Code § 910. Claim forms can be obtained by contacting the Risk Management Office or the Executive Vice Chancellor’s Office at the Yosemite Community College District or from the Yosemite Community College District Risk Management website.

Claims should be served by mail or in person to the Chancellor’s Office: 2201 Blue Gum Avenue (P.O. Box 4065), Modesto, CA 95352.

Yosemite Community College District
Chancellor’s Office
P.O. Box 4065
Modesto, CA 95352

Yosemite Community College District
Chancellor’s Office
2201 Blue Gum Avenue
Modesto, CA 95358

An Agenda Item will be prepared to go on the next Board Agenda following service of a claim.

The District has 45 days from the date of service to respond to the claim. If the Board makes no action, the claim is deemed rejected. (Gov. Government Code § 912.4) If the notice of rejection is sent within the 45 day period, the claimant has 6 months to prepare their case. If a notice of rejection is not sent within 45 days, the claimant has 2 years to prepare their case. (Gov. Government Code § 945.6(a)(2))

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

Procedure Last Revised: March 12, 2008, February 8, 2012
Last Reviewed:
3-8001 Public Communications

The Chancellor is responsible for implementing the Board’s policy of communication with the public. Public communication shall be accurate, timely and open.

Adopted: June 28, 2004

Last Reviewed:
Administrative Procedure

3-8001 Public Communications

Public Information
The public information functions at the Yosemite Community College District are performed by the following three offices: Yosemite Community College District Chancellor’s Office, Modesto Junior College President’s Office, and Columbia College President’s Office.

Individual College Responsibility
The individual colleges of the District will release news of events, coming events, accomplishments of students and staff and other matters of interest concerning their respective colleges, sending copies of all press releases to the District Director of Public Affairs.

District Responsibility
The Yosemite Community College District Director of Public Affairs will release information on District policies, Board actions and other matters involving the District as a whole, sending copies of all press releases to the Modesto Junior College President’s Office and to the Columbia College President’s Office for their information.

District Procedures
The District will encourage access to public information on all its activities. Periodically, the District and colleges will issue general publications about the District and its colleges for distribution to the news media and to the general public.

Questions from the media shall be directed to the District Director of Public Affairs, or to the Modesto Junior College President’s Office or the Columbia College President’s Office, depending on the topic.

Release of Information to the Public
All action taken by the Board of Trustees in open session shall be considered public information and made available to the media, staff, students and the community.

District employees who are contacted by the media regarding District or college information are not required to respond to media inquiries, however they are encouraged to refer media representatives to the District Director of Public Affairs and/or the appropriate college President’s office. This request is intended to ensure that both the employee and the media are accurately informed about any topic of community interest.

District employees are encouraged to answer questions from the public or media concerning their areas of knowledge and responsibility and also inform the appropriate college President’s office of such inquiries.

Spokespersons
When the news media seek information relating to an official position of the District on a given matter, such inquiries shall be referred to the Chancellor or to the District Director of Public Affairs.
The Chancellor and the District Director of Public Affairs are to issue official statements to the media on behalf of the District, and the appropriate college President on behalf of their respective college.

This in no way curtails the right of District employees to speak as individuals on any matter, however their comments should be clearly identified as an expression of their own personal viewpoints and not represented as official positions of the District, unless authorized by the Chancellor or appropriate college President.

**Publications**

All publications produced for distribution to the general public, or to students, must comply with relevant laws and regulations and shall be reviewed for legal, grammatical and programmatic accuracy by the responsible administrator. All publications must clearly identify the college and/or District, in compliance with adopted graphic standards.

Publications subject to review include, but are not limited to, newsletters, recruitment/marketing materials, programs, flyers, announcements, and reports.

In accordance with regulations of the Fair Political Practices Commission, publications that are distributed to the general public may not highlight Board members, including photos, messages, names or signatures.

All publications containing information related to employee rights, responsibilities or other aspects of employment must be authorized by the Office of Human Resources.

All advertising and recruitment materials must be approved by the appropriate public information office as noted above, with the exception of personnel ads and legal notices.

**Public Records Requests**

Refer to YCCD Policy and Procedure 3300 regarding Requests for Public Records.

**Student Records and Privacy**

Privacy rights of students are protected by the California Education Code. Refer to YCCD Policy and Procedure 5040 regarding the release of student records.
Policy Change ☒  Subject Matter Area Review ☒  
Procedure Change ☒  Constituency Group Review ☒  
New Policy ☐  District Council ☒  
New Procedure ☐  Board 1st Reading ☐  
Board 2nd Reading ☐  

Comments: 
Recommend for deletion. All necessary information in 3300.

KEY:
BOLD= new language
strikethrough= delete language

Edited: 9/21/16

Yosemite Community College District Policies and Administrative Procedures

No. 3-8028

Policy

3-8028 Fees for Duplication of Material

The Yosemite Community College District shall charge a fee sufficient to recover actual costs for duplication.

Reference:
Government Code Section 6253(b).

Adopted: June 28, 2004
I. The following procedures are applicable to all requests made under the California Public Records Act.

A. All requests for records should be made in writing and addressed or faxed to the District Office of the Chancellor.

B. The District will provide a response to all requests within 10 days. If disclosable public records exist, the response will indicate the nature, volume and copying cost of the records.

C. Copies of records will be available for review or purchase at the District’s Office of External Affairs, located at 2201 Blue Gum Avenue, Modesto, CA 95358. Payment in the form of a money order or personal check made out to the District in the correct total amount must be included with all requests for copies. If the documents are to be mailed, the payment should include the amount of postage estimated by the District.

D. Copies generally will be made within three (3) business days after payment is received. The use of outside copy services may be required in certain circumstances.

E. Requests and prepayment for audio and videotapes of Board of Trustees meetings ($5 each) may be made directly to the District Office of External Affairs. Reproduction of audio or video materials may require two weeks or more.

F. Copies will be available for pick-up at the Office of External Affairs or mailed, if so requested.

G. In some instances, requests may be referred by the District to legal counsel. Such requests will be responded to by mail within the applicable time period. The remaining procedures shall apply to these requests.

H. Fee Schedule for Copying District Documents:

   a) Photocopying (per page) $0.10
   b) Audio tape/cd duplication (per tape) $5.00
   c) Video tape/dvd duplication (per tape) $5.00

1. Applicable postage fees will be added to each request.

2. Payment shall be by check or money order, payable to the Yosemite Community College District, and must be received by the District prior to release of any duplicated materials. Cash payments will not be accepted.

3. Fees may change and/or be waived, without notice, with approval from the Chancellor’s Office.
Reference:
California Government Code 6253(b)

Procedure Last Revised: April 11, 2007